

**DEPARTMENT OF JUSTICE****Antitrust Division****United States v. Microsoft Corporation;  
Public Comments**

Pursuant to section 16(b) of the Antitrust Procedures and Penalty Act ("Tunney Act"), 15 U.S.C. 16(b)-(h), the United States hereby publishes the Tunney Act public comments it received on the Revised Proposed Final Judgment in *United States v. Microsoft Corp.*, Civil Action No. 98-1232, pending in the United States District Court for the District of Columbia. The United States has previously published in the **Federal Register** a complete list of the names (as provided in the comment) of all individuals or entities submitting public comments; the number of pages of each comment; a unique tracking number assigned to each comment so that each comment may be located on the Department of Justice's website; and an index to the comments organized by six categories based primarily on the level of detail of the comment. The United States has also previously published its response to the comments and a description of the process by which interested individuals and entities may access or obtain copies of the comments is being published concurrently with this list.

In addition to the publication in the **Federal Register** of the comments, the list of names of individuals submitting comments, the index and the United States' response to the comments, electronic copies of all comments are available on the Department of Justice's website at [www.usdoj.gov/atr/cases/ms-comments.htm](http://www.usdoj.gov/atr/cases/ms-comments.htm). Interested persons may also request a copy of the one or more CD-ROMs containing the full text of the comments by contacting the Department of Justice in Washington, DC at Antitrust Documents Group, 325 7th Street NW., Ste. 215 North, Washington, DC 20530, Telephone: (202) 514-2481, Fax: (202) 514-3763. The United States will provide free of charge one copy of this CD-ROM or set of CD-ROMs to each individual person and five copies to each library or other institution that requests it. The United States will provide, at cost, additional copies above these limits to individuals or institutions upon request. The United States has filed the comments on CD-ROM with the Clerk of the United States District Court for the District of Columbia.

**MTC-00000001**

From: Bud  
To: Microsoft ATR  
Date: 11/16/01 11:15am

Subject: Microsoft settlement

Dear Sir or Madam:  
The DOJ has sold the public down the river by not breaking up Microsoft. Breaking the company up would not have lessened its assets only its MONOPOLY POWER. The DOJ has partnered with George W. Bush to repay Bill Gates for his generous campaign contributions to him and the GOP party. There is nowhere the public can turn anymore now that our Justice Department has sold out to politics. There is no other explanation the public will believe.

You've made your bed with Bill, now sleep in it. A monetary fine means nothing to the world's richest man—losing his power over the industry does. As you attempt to settle with him, he is already targeting LINUX for the Internet market—he has learned nothing, except whom to contribute to for favors. You people can spin it anyway you like, we, the public, see it for what it really is. There is no longer equality under the law, there is no longer equal enforcement of the law, the law is Dubya.

Harold VanSickle  
Lewisburg, PA

MTC-i

**MTC-00000002**

From: Jordan, Bill  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 11:20am  
Subject: Microsoft

I very much support the overturn of Judge Jackson's ill-advised court ruling and the softening of the government's approach to Microsoft. Gates and his company have built without question the premier operating system and peripherals in the world. Would any of us want to depend on other products? I wouldn't and suspect that most people would line up on my side. Why do we try to penalize successful companies who pay more and more taxes as they become more successful?

Believe me, if any of Microsoft's competitors had built the same so-called monopoly, they would be screaming like banshees if the government or anyone else tried to break them into pieces. We operate by the golden rule; whoever has the gold rules. That would be Microsoft. Leave them alone and let them continue to make great products, make lots of money, and pay lots of taxes so the Department of Justice, among others, can exist.

Thanks for the opportunity to give my opinion. I love America and our capitalistic system. There will always be big guys and little guys, and no amount of governmental intervention will ever make things even. I want to be president of my company, but maybe I don't have what it takes to get to the top. Microsoft has what it takes and has proved it in the marketplace. Why hasn't Netscape, Linux, etc., etc. been able to do the same? Because they're not as good.

Thanks,

MTC-2

**MTC-00000003**

From: David Reid  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 11:24am  
Subject: against

I have reviewed the available details of the proposed settlement with Microsoft and find, in my opinion, that it does little to serve the public interest. What it does is serve Bill Gates and company with a vaguely worded settlement that delivers a light tap on the wrist, complete with a side wink. It appears to me to be just one more case of Republicans serving their corporate support base at the expense of those who actually VOTE.

David W Reid  
Intelligent Business Automation, Inc.  
847-921-8521 fax 630-214-3723  
david@reid-iba.com

MTC-3

**MTC-00000004**

From: Kenneth Jarvis  
To: Microsoft Case—Comments  
Date: 11/16/01 11:26am  
Subject: Windows WITHOUT Internet Explorer—Make they give us a CHOICE.  
Currently, MSoft has access to EVERY computer in the world because they FORCE us to have Internet Explorer on our computers. With this access their Monopoly will ONLY GET STRONGER.

I am a candidate for the Nevada Assembly District 18 and am going to introduce a bill that will require Any Software Company that sells software IN NEVADA to have Support IN NEVADA. Microsoft's claim that they HAVE to hook Internet Explorer onto Windows is FALSE. If they were forced to provide 2 versions of windows one WITH IE and one WITHOUT IE we would have a choice.

As it is ALL computers that run Windows are FORCED to have IE available, taking up valuable Disk space if we choose to run another browser.

Thank you for your consideration.  
Ken Jarvis  
6420 E. Tropicana, #105  
Las Vegas, NV 89122-75 16  
EMail—lvken7@peoplepc.com  
Phone—702-454-0509  
CC: Kevin Clarke

MTC-4

**MTC-00000005**

From: Bill McGaw  
To: Microsoft ATR  
Date: 11/16/01 11:26am  
Subject: Microsoft

As a consumer, the settlement is a sell out to big money. I hope the judge sees this and listens to the states that disagree with the Feds. Bill McGaw

MTC-5

**MTC-00000006**

From: Don Williston  
To: Microsoft ATR  
Date: 11/16/01 11:27am  
Subject: settlement

My comments about the Microsoft settlement:

1. Unlike Standard Oil and American Tobacco, whose products were static in design, Microsoft's product is dynamic, constantly striving to be adequate.

2. The error in the action against Microsoft is not that Microsoft was innocent, it is that the laws protecting Microsoft's product(s) are not proper for the intellectual property

markets, and the appropriate remedies must come from the Congress and not the Courts and not the Justice Department.

3. What Microsoft owns is not property at Common Law; instead is property and property rights created by Congress. Article 1 Section 8 provides Congress with the power: To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

4. The key work in the Constitution is LIMITED.

5. Secondly, the monopoly laws are to protect consumers, not competitors. Congress should be encouraged to clarify the property rights of copyright holders and patent holders, limiting their authority to license through OEM's to consumers, and requiring that the consumers have rights directly to the manufacturer. OUTLAW the term re-seller. Require Microsoft to support its products free for a period, perhaps no more than 3 years, but the three years runs from the time of the final sale of the product (i.e. Windows 95 was last sold as a new computer install when?, certainly more recently than 1999), not the time of original marketing. Tort laws have held companies liable for products manufactured many, many years ago.

MTC-6

**MTC-00000007**

From: Ben Ross  
To: Microsoft ATR  
Date: 11/16/01 11:27am  
Subject: Bad Settlement

I wanted to buy the pared down version of Windows since day one. This is an obvious case of bundling forced upon the consumer. Buying Windows is buying much more than an operating system—it's buying a way of life (any Microsoft president jumping around on a stage will tell you that too.) I don't want a religion, a culture, a virtual reality, or a new way of thinking, looking, or dealing with the world. Thank you. I like to control that on my own. Just give me the choice to buy the OS alone.

MTC-7

**MTC-00000008**

From: Harry Huff  
To: Microsoft ATR  
Date: 11/16/01 11:30am  
Subject: Proposed settlement

To whom it may concern:

It is my strong feeling that this proposed settlement makes a travesty of the very notion of anti-trust law. It completely ignores the evidentiary foundation of the case and does absolutely nothing to impede Microsoft's continued stifling of innovation in the software industry. There's nothing more to say; this proposed settlement should be laughed out of court as the travesty of justice that it represents. It responds to the finding that Microsoft is both a monopoly and has seriously abused its monopoly status with meaningless "remedies" that do nothing to alter the fundamental practices by which Microsoft makes a laughingstock of the notion of "free markets".

Sincerely,  
Harry A. Huff

MTC-8

**MTC-00000009**

From: geraux  
To: Microsoft ATR  
Date: 11/16/01 11:30am  
Subject: MS settlement

Why do I continue to have the nagging thought that MicroSoft will survive the antitrust suit in stronger, healthier condition than before it was filed? Might it be the sympathetic treatment it has received by the Bush administration? What folly for naught!

MTC-9

**MTC-00000010**

From: Will Page  
To: Microsoft ATR  
Date: 11/16/01 11:30am  
Subject: the focus is off on why MS is a monopoly

Hi

From what Joe Public can tell about this case is that the big cause for alarm is that microsoft bundles application software with the sale of its OS. I do not believe that this should be the sole focus of why MS business violates anti-trust law. Have you ever tried to buy a PC with intel architecture without buying MS's operating system? Do not bother, it is impossible for consumers (businesses may do this when they buy machines en mass). I cannot buy a new machine to install another OS on it without buying Windows with it. If I already own windows and my hardware becomes outdated, I cannot decommission my dinosaur and install the OS I already own onto my new hardware. This is not a fair marketplace. Other superior operating systems have come and gone because of this practice and it really pisses me off. It is a shame, because microsoft actually makes some fine, high quality products. They do not have to practice business this way to remain profitable.

Cheers  
William Page  
Principal IT technical Analyst  
703.227.7360

MTC-10

**MTC-00000011**

From: N5IUF@aol.com@inetgw  
To: ASKDOJ  
Date: 11/16/01 11:37am  
Subject: Mr. Ashcroft

Dear Mr. Ashcroft:

I am writing to you as a very concerned citizen. I appreciated the job you have done, and think you have done well. This is in reference to the Microsoft case.

I am not a concerned citizen, and I have no personal or financial interest in this case whatsoever.

I want you to know that I am TOTALLY ASHAMED OF THE UNTIED STATES GOVERNMENT for continuing the prosecution of Microsoft. Microsoft has worked hard to develop an operating system and software that is reasonably priced, and has changed all of our lives. They should NOT be punished for innovation.

The government SHOULD NOT be wasting taxpayer dollars on this case! I URGE you to stop this from continuing.

I will make sure that I vote AGAINST anyone in office that continues this

prosecution of Microsoft. We have far worse problems that we should be spending money on, that are not even be addressed.

Please feel free to contact me regarding this,

Kindest regards,  
Chris Hudgins  
Dallas, Texas  
CC: Microsoft  
ATR,antitrust@usdoj.gov@inetgw

MTC-11

**MTC-00000012**

From: Carolyn Martin  
To: Microsoft ATR  
Date: 11/16/01 11:38am  
Subject: Antitrust case

Dear Sir or Madam:

I am writing in response to the antitrust case against Microsoft. I've used computers regularly for nearly 20 years now, and been exposed to numerous software programs in this time. Microsoft by far, manufactures superior products, and offers great user-friendly tutorials to clients to ensure peak performance. No other company can claim their product operates better than Microsoft's line of OS products. And recently, I did buy a new computer with the new XP software. When I loaded the CD burning software, Roxio, into my computer to copy some music, it failed repeatedly, even tho I selected it as my default software. Finally, frustrated with Roxio, and the lack of instructions to overcome problems with the software, I removed the program, and used the Microsoft XP CD burning software. No problems whatsoever, and it has some great enhancements that I never even could've imagined.

As a former DJ, I was extremely impressed. Once again, the reason why Microsoft has the undisputable market lead is because they make superior products, and people want them. They should be commended for such efforts & not reprimanded because they are "too big." They are a model for many American companies to emulate!

Sincerely,  
Carolyn O. Martin  
carolynandtom@mediaone.net

MTC-12

**MTC-00000013**

From: Tony Anton  
To: Microsoft ATR  
Date: 11/16/01 11:40am  
Subject: Microsoft "settlement"

An even casual study of the Findings of Fact after the finish of the trial indicates that a differentiation must be made between a computer operating system and applications which run on that system. The crux of Microsoft's anti-competitive actions lies in the intermingling of applications and the operating system. In lieu of breaking up Microsoft, the company must be restricted to selling the operating system separately from its applications. This, with the provisions of the settlement opening the API's to developers, would generate competition and greatly benefit the consumer. Other operating systems would now also be able to complete, affording still more choices to the consumer.

Anthony D. Anton  
2223-B East Santa Clara

Santa Ana, CA 92705  
714-972-1729

MTC-13

**MTC-0000014**

From: Mark W Noakes  
To: Microsoft ATR  
Date: 11/16/01 11:42am  
Subject: microsoft decision

To whom it may concern,  
I understand that you are looking for commentary on the recent Microsoft decision.

Frankly, I believe that the planned decision does not go far enough to constrain Microsoft. Microsoft has already proven that they have ignored previous oversight/probation initiatives and that they will continue their previous practices. Why should the govt trust them? Their new operating system, Windows XP, which further degrades customer choices, proves MS's continued intent to ignore any restrictions. I assume that you are aware that Microsoft is now threatening patent violation action against companies that work to provide software interoperability with Microsoft products. The best most recent example is Windows Media.

I would challenge the argument that we should let Microsoft off the hook because it's the best thing out there. I use Microsoft Office because I have to, not because I think it's great. The sole reason is for the sake of compatibility with so many of the people that we communicate with across the country. I find Office in general and MS Word in particular to be a bloated poorly performing package that I spend way too much time trying to undo what it thinks I want it to do instead of what I want it to do. That's the general spirit of MS; they try to tell you what you want instead of letting you decide what you want and then force it on the end user.

Please continue to pursue Microsoft in the spirit of the original antitrust suit.

Sincerely,

Mark W. Noakes

Mark W Noakes

Oak Ridge National Laboratory  
Engineering Science and Technology

Division

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MTC-14

**MTC-0000015**

From: Patrick Brewer  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 11:42am  
Subject: Totally inadequate

The agreement isn't nearly strong enough. Looking at Microsoft actions and past settlements over the last decade, an the current settlement is clearly not enough to keep Microsoft from abusing its position in the industry. Its hard for the consumer to see how they are harmed, but its much like the break of Ma' Bell. After the end of the phone monopoly you start to see much more innovation in the telecom sector. The same would be true with Microsoft.

Patrick

MTC-15

**MTC-0000016**

From: eXWorld Internet News  
To: Microsoft ATR  
Date: 11/16/01 11:42am  
Subject: microsoft is getting off easy. . .

I don't know what happened, but the DOJ has sold us all out. Once this settlement passes, we are all screwed. Microsoft is simply too big, too powerful and has no problem with continuing to abuse its monopoly over others. Unless you break up the company, no punishment will be effective enough.

Microsoft is too big ... it can get into any industry at any time. No one can stop them because they have funds to absorb years of losses if necessary, in order to kill or take over competition. Xbox is a classic example of this. Only Microsoft would have the balls to enter the video game market at such a late stage, and take on power house companies like Sony and Nintendo. Why do you think Sega left the market? They had no chance knowing Microsoft was coming. Something needs to be done about this company.

MTC-16

**MTC-0000017**

From: Gary Sparks  
To: Microsoft ATR  
Date: 11/16/01 11:44am  
Subject: Anti trust

Sir or Madam

I have watched the proceedings against Microsoft with wonder and disbelief. Punishing a company that has created one of the most innovative and beneficial products in the history of man for protecting and promoting its product is amazing to me.

This is not a case of "ma bell" having all of the land facilities locked up forcing the consumer to use their services and products but of a company in a new industry that has a significant head start. They have every right to protect their market share as well as keeping the "formula" safe and intact for their operating system. There are truly other alternatives for consumers who wish not to use their products but the consumer has made the overwhelming choice to use the superior product.

This case reeks of special interest and of politicians again looking for the handout at election time. Internet and word processing technology is a gold mine that many would like to reap the benefits of but at the expense of a company that has done the due diligence and brought forward a product that appeals to consumers, businesses and yes even Governments. Don't punish a company for protecting and promoting a product that thru time has proven to be a valuable component of daily life throughout the world and dig a little deeper into your "soul" and do what is right. Free trade and enterprise is based upon the "right" of a company to grow and flourish.

This industry has more than enough room for someone to come up with a better widget but until that time don't hamstring someone for protecting their own. I wish someone in this instance would tell their opponents that they need to quit crying and make that next

earth shattering step into the 21st century but don't snip at the heels of those who were brave enough to try.

Thank you very much

Gary Sparks

MTC-17

**MTC-0000018**

From: Joe Maranzano  
To: Microsoft ATR  
Date: 11/16/01 11:44am  
Subject: Consumer Comment

I am a user of Microsoft operating systems and applications in my small business. I believe the proposed settlement is inadequate to protect consumers and will not help much needed competition, especially in the application space. I have selected many non-Microsoft applications because of their features and reliability. But I have found it increasingly more difficult to stay with these applications as I have upgraded to new Operating Systems. They are often not available at the same time as the OS nor do they take advantage of the new OS features. I would strongly recommend that you reconsider your agreement decision. I would favor a ruling that forced Microsoft to make the OS sources available publicly so all vendors have an equal opportunity to use the capabilities. I worked in the early days of UNIX and in that experience consumers got the very best applications at the time because of the open source to the OS.

Joseph F. Maranzano

SPMT, Inc.

CC: Joe Maranzano, Gwynedd Maranzano, Tim Theiler

MTC-18

**MTC-0000019**

From: John.Ziebell@walgreens.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 11:45am  
Subject: Comments on Microsoft Case

The Declaration of Independence proclaims that the government's fundamental purpose is to protect the rights of the individual, and that each individual has an inalienable right to the pursuit of happiness. Throughout America's history, this noble idea has protected the individual's right to pursue his own happiness by applying his energy to productive work, trading the products of his effort on a free market and rising as far as his abilities carry him.

Over the past century, however, this freedom has been under attack, and one notorious avenue of this attack has been the antitrust laws. Under the guise of "protecting the public," these laws have allowed envious competitors and power-hungry officials to attack successful businessmen for the crime of being successful. It has led to the ugly spectacle of the creative geniuses of the business world—the men who have made this country great—being branded as oppressive tyrants, whose hard-won business empires must be broken to pieces and subjected to the control of government regulators.

The Justice Department's current suit against Microsoft is the latest example of this trend. It is based on envy for the productive ability of Microsoft and its founder, Bill Gates. The result of this suit, if successful,

will be to deprive Mr. Gates of his right to control his own company, and to deprive the company of its ownership and control of its own products.

The Justice Department's case—and indeed the entire edifice of antitrust law—is based on the bizarrely inverted notion that the productive actions of individuals in the free market can somehow constitute “force,” while the coercive actions of government regulators can somehow secure “freedom.”

The truth is that the only kind of “monopoly” that can form in a free market is one based on offering better products at lower prices, since under a free market even monopolies must obey the law of supply and demand. Harmful, coercive monopolies are the result, not of the operation of the free market, but of government regulations, subsidies, and privileges which close off entry to competitors. No business can outlaw its competitors—only the government can.

I hold that Microsoft has a right to its own property; that it has the authority, therefore, to bundle its properties—including Windows 95 and Internet Explorer—in whatever combination it chooses, not by anyone's permission, but by absolute right. I hold that to abridge this right is to attack every innovator's right to the products of his effort, and to overthrow the foundations of a free market and of a free society.

I do not want to live in a country where achievement is resented and attacked, where every innovator and entrepreneur has to fear persecution from dictatorial regulators and judges, enforcing undefined laws at the bidding of jealous competitors. I realize that our lives and well-being depend on the existence of a free market, in which innovators and entrepreneurs are free to rise as far as their ability can carry them, without being held down by arbitrary and unjust government regulations. As a concerned citizen, I ask that the Justice Department's case against Microsoft be dismissed. I call for a national debate over the arbitrary and unjust provisions of the antitrust laws and for an end to the practice of persecuting businessmen for their success.

John Ziebell  
73 Braemar Drive  
Elk Grove Village, IL 60007

MTC-19

**MTC-00000020**

From: Alexander P. Whitehouse  
To: Microsoft ATR  
Date: 11/16/01 11:46am  
Subject: Microsoft settlement—feedback

I am a long time individual computer software consumer. I am very concerned about your settlement with Microsoft and especially fearful that it will be meaningless in practice. I oppose your current settlement terms. Microsoft's clear track record would suggest they always act in bad faith. I would expect Microsoft to continue to find loopholes in laws and agreements. Microsoft's marketing and public relations releases are clearly “big lies”. They will find ways to circumvent any agreement to continue their monopoly business practices which stifle competition. That company has more money behind them than really good or innovative products. Much more severe penalties are in order.

Alexander P. Whitehouse  
Everett, Washington 98203  
MTC-20

**MTC-00000021**

From: Daniel J. Yurcovic  
To: Microsoft ATR  
Date: 11/16/01 11:46am  
Subject: Settlement Comments  
To Whom It May Concern:

I applaud the efforts of both Microsoft and the DOJ. Breaking up MS would have stifled innovation. This shows that the American economy does work, protects companies and mostly important the consumer.

Way to go!  
Dan Yurcovic  
Daniel J. Yurcovic  
Project Engineer—Information Systems  
Ferris, Baker Watts, Inc.  
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Baltimore, MD 21201  
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MTC-21

**MTC-00000022**

From: Chris McGrew  
To: Microsoft ATR  
Date: 11/16/01 11:47am  
Subject: Settlement thoughts

I feel that the Dept. of Justice has let the common people down. Microsoft's punishment is nothing more than a light slap on the wrist. This will not help any business that is trying to compete with MS. With MS's history of giving away a competing product for nothing until a smaller competitor is out of business. This then allows them to charge any price and the consumer will have no where else to turn.

Microsoft is a monopoly (only good result of this case so far), and the bundling practice is bad for everyone except Microsoft. I don't blame them and I honestly believe that any company in their position would have done the same thing, but they are the company in that position and the Department of Justice has the responsibility to protect smaller businesses and the consumer by placing fair restrictions on this type of practice. Even if those curbs are temporary and reviewed based on competition in the future by independent parties.

Chris McGrew

MTC-22

**MTC-00000023**

From: Cris Hanna  
To: Microsoft ATR  
Date: 11/16/01 11:47am  
Subject: Microsoft Anti-Trust Suit Remedies

I strongly disagree with the actions you (the US Government and the Justice Dept) are taking in this matter. I am IT professional with over 20 years of experience and your suit appears to be all about choice. Well guess what, there are lots of choices. If I don't care to run Microsoft Windows with Internet Explorer, I don't have to. And if I do and want to use some other browser, nothing prevents that either. I can choose Linux, Unix, Sun Micrographics, Apple/MacIntosh, and several others both on the workstations and the Servers.

Microsoft and Windows are popular because they create good products which have made it easier today than ever for everyone from 1st and 2nd graders to senior citizens to use and own a computer. You don't have to know how to configure a TCP/IP interface on your home computer and what choices to make when you need an internet browser if you are a consumer when you choose Microsoft's various consumer level products. They have integrated it specifically to make it easier.

But if I'm running Windows on my computer and I want to install Netscape and use it, I can. If I want to use AOLs “integrated browser” I can do that. My choices are limitless, whether Microsoft chooses to offer an integrate product, or a stripped down version.

Why are you wasting my valuable tax money pursuing this action. Bill Gates is the richest man in the world because the American public (and the rest of the world) tried it and liked it, not because there isn't any other choice as you try to infer. Bill Gates through his foundation is doing more than anyone else in the world with regard to charitable contributions in a variety of areas and all around the world. And because of his wealth, he pays more taxes, which goes to pay your salaries, so why not pursue something important. You want to talk about Monopolies and Anti-Trust... what about AOL/Time Warner

Cris Hanna  
Belleville, IL

MTC-23

**MTC-00000024**

From: I am the only Glare  
To: Microsoft ATR  
Date: 11/16/01 11:48am  
Subject: Thoughts

I think that the antitrust settlement is very sufficient and enough resources have been wasted on this case.

I, as a consumer, do not feel hampered by Microsoft at all. Many companies have chances to enter markets or come up with competing operating systems or browsers and beat Microsoft at their own war.

They haven't. This settlement will allow the government to settle their needs and prove they didn't waste valuable taxpayer money and it will remind Microsoft that they are still the best and why everyone wants to take them down.

Stephen “You're only going to live this life once, so live it the way you want” Get more from the Web.

FREE MSN Explorer download : <http://explorer.msn.com>

MTC-24

**MTC-00000025**

From: BDeshann@Newport.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 11:48am  
Subject: Anti-trust suit against Microsoft

I feel that this whole action against Microsoft is not only an assault against Microsoft, but it is an assault on the free market economy, the capitalism of this country that has made this one of the most prosperous countries in the world.

Microsoft is good, they have a good product that people want and other

companies want to be associated with it. In a competitive business environment there will always be winners and losers, it's the nature of the beast, and there are far too many whiney people in this country today who seem to feel that their wants are more important than anyone else's; 'I want so you have to gimme.' These are simply spoiled brats, bullies whining because somebody else has a better product (or toy) than theirs. That's life in the big city! To sue a company because they have a preferred product is a waste of everyone's time and money. I have an invention, and those who know about it want it, and there is nothing else on the market like it. If I was forced to give it up or give my secrets away because some whiney cry baby didn't think of it first I would feel this whole country had gone to hell in a hand basket, and it would be time for me to leave it.

Barbara De Shann  
Aliso Viejo, CA  
Every day is a new adventure....  
CC: ibdashnn@home.com@inetgw

MTC-25

**MTC-0000026**

From: jakep@prodigy.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 11:49am  
Subject: penalties and process

(1) Please help me understand what penalty is being applied to Microsoft for the illegal tactics they have used to put other companies out of business and achieve its monopoly status.

(2) The Microsoft pattern has been to deny wrong-doing in the face of overwhelming evidence and use the legal system to delay and diminish any consequences. If there is no clear process to expedite claims against Microsoft in the future while Microsoft is denying wrong-doing, then how is the settlement going to be effective?

MTC-26

**MTC-0000027**

From: Chuck Pfeiffer  
To: Microsoft ATR  
Date: 11/16/01 11:49am  
Subject: Unfair trade practices

The settlement is a win-win for Microsoft, and a big lose-lose for consumers. Microsoft's illegal dominance and unfair practices are evident from the earliest days of its inception when it deceived IBM with the lack of an OS and scrambled to put one together after the fact.

It is further illustrated when the Hard Disk manufacturers devised a better method for the technical architecture of disk storage. Microsoft rejected their proposal keeping the hardware industry firmly in its' grasp. Then there was the use of unpublished code MS used to its advantage in developing proprietary software, while forcing the competition to program long subroutines around these discrepancies. MS continually disavowed this practice in public disclosure, until it was publicly documented by credible software experts.

Microsoft has continually advanced, and still does, the practice of marketing vaporware to stymie the competition and engender hesitation in corporate and end

user purchases. This had forced other companies to fold, sell out, or otherwise cancel their development plans as a result.

The debacle over Java, and legal battles with Sun, have caused an otherwise beneficial software platform for uniting all types of machines and code into a single working environment was the furthest thing that Microsoft wanted. It would have severely undermined their current dominance and future plans to continue with that strategy. So MS developed their own form of code and imposed it on the market. Sun has a much system, but it was a threat to MS and could not be allowed to stand in their way.

The entire computer industry, technology, and the many other side benefits of this new technology has revolutionized the world. However, it has suffered long periods of indecision and product development as a result of MS's desire and bullying to dominate the industry.

There are many examples of these facts along the highway of development littered with the corporate corpses of those who tried to offer better products and strategies. They were run over, bought out, silenced, and even worse threatened with protracted legal battles to which MS has a bottomless pit of funding for legal engagement and harassment.

The best strategy would have been to spit the company into two parts, but this will not happen unfortunately.

They will continue to dominate the world with it's poorly written, unsecured, and otherwise buggy Windows software systems and architecture. They have as yet been unable to develop code that is anywhere as secure as Novell. Novell is just one more example of a market that MS has targeted for domination. Sure Novell made some fatal mistakes, but they still have a much better networking structure that is more secure than MS could ever hope to achieve. Settling this case is giving Microsoft the green light to continue it's illicit and illegally gained monopoly and stranglehold of the industry.

Yours truly,  
Chuck Pfeiffer

MTC-27

**MTC-0000028**

From: EdWScott@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 11:50am  
Subject: proposed settlement

November 16, 2001

Dear Sir or Madam:

If this email address is open for the general public to offer opinions on the proposed settlement with Microsoft, I would like to add mine. I have worked in the computer industry since 1985. I remember the days when a disk formatted on one proprietary version of DOS did not run on another. I also remember when computers were too expensive and too cumbersome for the technology challenged.

This all changed as a result of Microsoft's vision. Computers are in almost every home and most people do not know what they would do without one. I shudder to think at what would happen if the penalty were to break up Microsoft or if the penalty was so severe that they would shut down their operation.

The proposed settlement is a good mix of punishment to ensure they do not engage in further predatory practices and ensuring that the volatile world of information technology does not take a giant step backwards.

Thank you,  
Edward W. Scott  
Computer Manger  
Madsen, Kneppers, and Associates  
303.745.9990 #8211; work phone

MTC-28

**MTC-0000029**

From: Lan Bragg  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 11:52am  
Subject: Microsoft

Really, really disappointed in the settlement Justice has made with Microsoft. The evidence was clear, the history of Microsoft disregarding any penalties imposed upon it is clear and the offending practices continue. Justice has sold out the American consumer. The only way to get Gates and his company to stop is to disengage the operating system from the applications software. You have not only abandoned that option you have reduced the penalties to meaningless self-monitoring. No one believes that after years of abusing and ignoring the Justice Department, the recent settlement will suddenly make Microsoft behave. Even less do we believe that the Justice Department will actually employ resources toward monitoring and controlling Microsoft, much less impose fines that will matter.

We trust the government to step in when a company has proved themselves to be untrustworthy, to have severely injured their customers and to have taken from the market any other option or choice in the form of a true competitor. Microsoft has done all these things. If you don't believe this it can only be because you do not use a personal computer. I have many Microsoft applications on my computers. None of them work together. Errors and crashes are constant. Explanations and support are rare. True support costs \$295 per incident. The most devastating viruses out today exploit the faults of Microsoft's software. Microsoft sells inferior products only because the government has allowed a monopoly to exist and grow out of control and now refuses to correct or even truly acknowledge the mistakes that have led us here.

Microsoft and it's leaders are arrogant, selfish entities that cannot be trusted to monitor or control themselves. The Justice Department was our last hope. You have abandoned us when the evidence was clear. We are greatly disappointed. You should be ashamed.

Loni Bragg  
CC: Lori Bragg.Dad—AOL (E-mail),Chris Pickett (E-mail...)

MTC-29

**MTC-0000030**

From: Leslie Label  
To: Microsoft ATR  
Date: 11/16/01 11:56am  
Subject: My comment  
Dear Sir or Madam:

Thank you for this opportunity to comment about the Microsoft settlement. The

settlement should address MS bundling of Internet Explorer with windows, MS preventing changes to windows to prefer it's own products (specifically problems of associating of .html to netscape communicator),sabotaging of 3rd party products like Real Player.

Sincerely,  
Leslie Lobel

MTC-30

**MTC-00000031**

From: Charles Akemann  
To: Microsoft ATR  
Date: 11/16/01 12:01pm  
Subject: Please get off Microsoft's back.  
Please get off Microsoft's back.  
Charles Akemann

MTC-31

**MTC-00000032**

From: Cranford, Stephen C CIV  
To: Microsoft ATR  
Date: 11/16/01 12:02pm  
Subject: Disappointed in compromise

I'm extremely disappointed in the compromise proposed by the Justice Department. Microsoft, even with the threat of the Justice department hanging over their heads, has continued, in the Microsoft XP product, to conduct illegal trading practices. Specifically, Microsoft is packaging free firewall software into it's OS. Like a drug dealer hooking the new unsuspecting junky, Microsoft has announced that it will provide the software free for a short period of time. The new junkies, I mean Users, will become accustomed to the firewall interface, software vendors will write software that can work with the product, and then Microsoft will start charging for its use. Why would a consumer go out and obtain a similar product when Microsoft is already giving it to them bundled in their OS, free? The answer is, they won't.

I was disappointed that the breakup of Microsoft was pushed off the list of penalties for the company. Their OS is substandard to almost every other OS on the market. It lacks administrative support for enterprise usage, and even after stealing innovations from all the other OS's (to many to name), it lacks ease of use and reliability. Just look at how users in your own office fix problems on their Personal Computers. I bet it is the new and improved Microsoft way, they reboot them. Before Microsoft, it was rarely necessary to reboot a machine, just to fix a problem. Downtime in the office was almost non-existent. Even with its proven track record of crashing unexpectedly, it is still forcing it's way in to our nations datacenters. I feel the only reason that it has managed to penetrate into every corner of the market place is due to their office products and the need to provide compatibility for them. Since their office products are so tied into their OS, a user is required to buy their OS to run their office products. Other people wanted to share documents and information, so they bought similar office software and now Microsoft is everywhere.

A truly open market would have Microsoft building their office products for all commercial OS's ( Solaris, Linux, HP-UX, MAC). The only way that can happen is if

Microsoft Office and the other Microsoft software is excised from the Microsoft OS and their profits are not tied together.

My perfect IT world is one where I have the choice to choose the best OS. The choice to add any software package that I want, and have that software compatible with all other similar software packages.

MTC-32

**MTC-00000033**

From: Kristian Rickert  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 12:04pm  
Subject: Please explain

Can you please tell me what the settlement contains and how it will prevent MS from it's unfair advantage?

Their code is billions of lines long, their projects are hundreds of thousands. How can 3 people going through the corporation really monitor what they are doing? It's impossible unless they move nearly the speed of light.

Besides, if they break the rules again, you just extend the penalty by 2 years?

I'm disappointed in our government and how they are handling the case. They are considered guilty, and the only punishment the government is imposing is not a punishment, but preventive measures that are not guaranteed to work Please consider the tech-heavy states' opinions. If competition is to thrive again, and help our economy it will be the tech-heavy states that will be the ones who bring it back.

We're in bad economical times now. You can help bring it back.

MTC-33

**MTC-00000034**

From: Terry Moore-Read  
To: Microsoft ATR  
Date: 11/16/01 12:07pm  
Subject: Microsoft Anti-Trust Settlement

This settlement is bad and will do nothing to alter microsofts behaviour and does nothing to make restitution for their previous unlawful conduct. The main problems as I see it are

1) the term is too short—given that most of the restrictions come into play at some future date (the release of windows xp service pack 1) the restrictions will likely only be in place for 3-4 years.

2) The document is riddled with vagueness and get out clauses. Where microsoft is required to describe the ways its software and communications protocols work it is also allowed to withhold any information which could compromise security. It is easy to argue that any knowledge of how a network protocol works could compromise security and sidestep this whole provision.

3) All previous illegal conduct is essentially excused as long as they stick to the terms of this agreement—this seems very wrong—essentially corporate probation with no real punishment at all.

4) Microsoft has a history of flagrant non-compliance with such consent decrees—this whole case started because of their refusal to comply with the previous settlement. The talk of the government seeking criminal penalties and civil fines should microsoft not comply with this agreement gives me little comfort—what criminal penalties where

imposed for breaking of previous agreements?

As a minimum any acceptable settlement must include an element of punishment of both the company and its board of directors for operating in an illegal manner.

Terry Moore-Read  
9812 E 4th Ave  
Spokane WA 99206

(these are my opinions not my employer's)  
This message and any attachments have been scanned for viruses during transmission from Lukins & Annis, PS.

MTC-34

**MTC-00000035**

From: Paul E Keane  
To: Microsoft ATR  
Date: 11/16/01 12:07pm  
Subject: Microsoft Settlement

Microsoft was found guilty by the trial judge.

The government settlement is less than a slap on the wrist.

The oversight panel is toothless.

Microsoft continues its anti competitive behavior

The proposed settlement fails to meet the seriousness of the crime(s).

Paul E Keane  
2253 Franklin  
San Francisco, CA 94109

MTC-35

**MTC-00000036**

From: Richard Molen  
To: Microsoft ATR  
Date: 11/16/01 12:08pm  
Subject: Microsoft sanctions  
Justice Dept.,

Nothing less than dividing Microsoft's operating system group from its applications group will ensure that they don't use tactics such as inventing non-standard standards (and not properly sharing them).

Their development tools division should probably become a third group (or at least in the application group). This is what has given them an unfair advantage over application software vendors. They will continue to have this advantage even with full-disclosure of their 'standard' interfaces due to the fact that they will have first knowledge of them. Furthermore, I do not believe that they will properly share all information needed for a competitor to properly interface to their software.

Current Microsoft practice continues to assert Microsoft 'standards' in place of existing ones, even while this case is in court! C# is one of the latest examples of this.

From the business side, one has to wonder what legal competitive advantage a non-disclosure agreement has to offer. Microsoft certainly abused this medium and should be summarily punished for it by preventing them from making any more such agreements.

While I admire Microsoft's business vision of selling flashy, mediocre software to the largest, if not most technically ignorant, population, I still have to wonder just how much Microsoft's success has set back the software industry. IBM's OS/2 and various unix operating systems as well as some well designed real-time operating systems still

offer greater robustness and easier operation and troubleshooting than MS Window's.

My fear is that Microsoft's flashy system and sleazy business practices will continue to obscure superior operating systems (like it obscured OS/2 Warp). Their applications will still be preferred over competitors, even if their competitors do actually get the correct interface information, if only because the Microsoft product will be perceived to work more seamlessly.

In the end, it is my hope that the Justice Department dispenses true justice, not just a slap on the hand of Microsoft that kicks all their competitors in the teeth and ruthlessly manipulates an unsavvy public.

Sincerely,  
Richard V. Molen  
Sr. Software Engineer  
rvmolen@yahoo.com  
Find the one for you at Yahoo! Personals  
<http://personals.yahoo.com>

MTC-36

**MTC-0000037**

From: Hugh Ross  
To: Microsoft ATR  
Date: 11/16/01 12:08pm  
Subject: Bitterly Disappointed with Proposed MS Settlement

I understand that this is the address to which I may address comments to the DOJ on the proposed settlement agreement.

I am very disappointed and strongly opposed to the proposed settlement. I firmly believe that the only way to ensure fair competition is to separate the applications and operating systems divisions of Microsoft. Any thing less will, I am convinced, not work, especially in light of Microsoft's past performance.

Additionally, I feel that Microsoft is not being appropriately penalized for it's past behavior.

As a consumer, I feel that I have been sold out by the DOJ. I am very disappointed.

Hugh Ross, JD, MD  
University of Michigan Health System  
Department of Anesthesiology

MTC-37

**MTC-0000038**

From: bbagley  
To: Microsoft ATR  
Date: 11/16/01 12:10pm  
Subject: Trust dept

what a waste of my tax dollars! how could someone so guilty be allowed to escape?

gates was even more guilty than oj simpson and you let him off. i hope your legal careers are destroyed by your disregard for the public, how big of a percentage does gates have to have to be a monopoly?  
sickening. b3

MTC-38

**MTC-0000039**

From: Rich Schaefer  
To: Microsoft ATR  
Date: 11/16/01 12:14pm  
Subject: The DOJ is wrong with in this case.

To whom it may concern:

I don't know where to begin. I am a republican. I work for a computer distribution company, voted for Bush, am all for capitalism and our way of life. However,

it is clear that this Department of Justice is just out of touch with the real issue of this case. This was not a case about web browsers. It is a case about a company that enjoys a monopoly status, has clearly abused it and as a result has eliminated any competition and innovation. This all has come at the expense of the American consumer and fair competition in an open market economy.

There is little doubt that Microsoft is a monopoly. Two courts have already rendered this in their opinions. If one visits a retail store and buys an IBM compatible computer, there is no choice regarding the operating system. You will buy a computer with a Microsoft operating system.

If I recall my college days as a political science major, the Sherman Anti-Trust Act was signed into law to prevent any one company from having an unfair advantage. Further, the core of this act was to ensure competition in the market place. The logic is competition benefits the consumer, establishes fair pricing and a market value for a product or service as well as the natural creation of new companies/industries and thus more jobs. The overriding goal is a diverse market place operating under a diverse economy while keeping America gainfully employed and spending back into the economy. Thus, all benefit. It appears the DOJ attorneys should crack open a Constitutional Law text and brush over the fine points of the Sherman Anti-Trust Act, it's impact upon commerce and it's application to the present, as this may have been forgotten.

How is this hurting competition and consumers? Microsoft as a monopoly is free to charge whatever they want for their operating systems and applications. And this they do. Microsoft distributes it's product three ways; by selling to name brand computer manufacturers, through "channel" distribution and finally in retail outlets. Name brand computer manufacturers (Dell, Compaq, IBM, Toshiba, etc) pay about one third less for operating systems and application software than a channel distributor, like Tech Data, Ingram Micro, ASI or D&H, even though name brand manufacturers and channel distributors are purchasing roughly the same number of operating systems and application software from Microsoft. This unfair and predatory pricing policy Microsoft maintains is unfairly exploiting the consumer by ultimately charging them substantially more. This pricing scheme is ultimately putting small distributors and independent businessmen and women out of business. Quite frankly, they cannot compete with name brand products because of the outrageous prices they are forced to pay for the same operating systems and applications, being purchased by channel distribution in the same volume as name brand companies.

If anyone has been paying attention, they would have realized that many independent computer resellers have had no choice but to close their doors this year because they cannot compete. Even in bid situations, where the federal and state governments, are supposed to show favor to the "small, minority owned, disadvantaged business,"

these very people cannot fairly compete because of the inflated prices they must pay for Microsoft operating systems and applications.

I say to you that these monopolistic behaviors on the part of Microsoft have a ripple effect through out the entire industry. As a result, the backbone of the American economy, the small businessman, is being destroyed. It is hard to fathom the DOT not opening their eyes and seeing reality.

I find it equally hard to understand that, under normal circumstances, when a company manufactures a product, they are in liable and responsible for it's support. However, Microsoft totally avoids this responsibility. Instead, they force the hardware manufacturer to do this for them. For example, if I own a computer (and I do) and have problems with the operating system, why is it I am forced to get support from my hardware vendor? My hardware vendor did not make the operating system. They are responsible for the hardware. In stead, if I must turn to Microsoft, who has the tenacity to call me a customer, for technical support they will promptly ask me for a credit card number before I can even speak to a technician. This is Microsoft's standard operating procedure. It is yet another example of them taking advantage of their monopoly status and the consumer being hurt by it. Microsoft is set up to collect money and little else.

On top of that, Microsoft's paranoid history is one of wreckage. Any company that ever developed a product that Microsoft saw as a real or imagined threat, that company was either swallowed or put out of business. Microsoft used their monopoly leverage and lack of competition in the operating environment arena to destroy the problem. Untold product innovations have been destroyed before they were even imagined. Untold fortunes were never realized and an untold number of high paying, rewarding jobs for the American economy were never realized. Consumers and technical innovation have again been compromised by monopolistic behavior.

This Department of Justice and John Ashcroft should be ashamed of themselves. The bottom line is this whole fiasco will return to federal court a few years down the road. It will make this administration look primitive and out of touch with today's business and legal climate. It is clear that this administration's DOJ is clearly in over it's head with respect to subject matter of information technology.

Respectfully,  
Rich Schaefer  
Brick, New Jersey

MTC-39

**MTC-0000040**

From: bradrichardson @mac.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 12:14pm  
Subject: Remedies inadequate

As a worker in the technology industry, I am disappointed in the proposed remedies in the Microsoft case. Microsoft will not cease it's anti-competitive behavior voluntarily, and is continuing to enter markets with inferior products, using it's dominant market

position to eliminate competition in those markets (see the current PDA wars). When Internet Explorer was introduced, it was very inferior to the current market leader (Netscape Navigator). Microsoft then proceeded to give their product away (Can anyone say "predatory pricing"?) with the sole goal of eliminating Netscape so they can dictate how the internet is used. If they end up owning 95% of the browser market, as they do the desktop market now, they can ignore internet standards and become a standard unto themselves (which is already happening). Also, the one competing consumer platform, the Apple Macintosh Operating System, is said to only survive due to Microsoft Office being developed for that platform. In short, Microsoft is no longer concerned about competing, nor just profit, but control. The company should be broken up into at least two separate companies, with Explorer being stripped out of the OS and put into the hands of the Applications group. Yes, Judge Jackson's ruling was a good remedy. If anything less punitive occurs, Microsoft will continue laughing all the way to the bank. What the Justice Department is trying to settle for is an inadequate and ignorant solution.

Brad Richardson  
Medford, Oregon

MTC-40

**MTC-0000041**

From: Patrick Williams  
To: Microsoft ATR  
Date: 11/16/01 12:15pm  
Subject: Monopoly settlement decision

Having read what was available about the settlement that has been suggested for the monopoly lawsuit against Microsoft I feel that this settlement is a highly inadequate solution and will prove to be ineffectual in it's stated aims, namely forcing Microsoft into a more level playing field with it's competitors and allowing consumers a broader range of options in the software market. I can only hope that the arrangement will be modified as a result of some of the states and the E.U. continuing to press for further restrictions and modifications to the Microsoft corporation's predatory business practices.

Thanks,  
Patrick Williams

MTC-41

**MTC-0000042**

From: Ken Wolfe  
To: Microsoft ATR  
Date: 11/16/01 12:17pm  
Subject: Microsoft Antitrust Settlement  
To Whomever This May Concern:

The settlement proposed by the Federal Government will not help protect consumers. The agreement is impotent, and it is not in the public's best interest. It contains nothing that will actually alter Microsoft's predatory practices, or improve the economy in any way. The only thing that will stop Microsoft from behaving the way it does is a breakup, or some de-valuing of the Windows operating system.

Best Regards,  
Ken Wolfe

MTC-42

**MTC-0000043**

From: John Carter  
To: Microsoft ATR  
Date: 11/16/01 12:17pm  
Subject: Microsoft settlement

The Justice Dep't caved in the Microsoft settlement. Microsoft will continue its anticompetitive behavior until future abuses force the matter to be addressed once again.

John Carter  
Nashville, Tenn.

MTC-43

**MTC-0000044**

From: Bryan Fazekas  
To: Microsoft ATR  
Date: 11/16/01 12:19pm  
Subject: settlement is a joke

After years of effort and millions of dollars expended, it's pretty clear that Bill Gates and Co finally figured out who to bribe. This "settlement" is a travesty of justice. I hope the remaining 9 states are able to push through a real penalty.

Bryan Fazekas  
—winemaker81@yahoo.com  
—http://home.nc.rr.com/winemaker81/

MTC-44

**MTC-0000045**

From: Jimmy Hilley  
To: Microsoft ATR  
Date: 11/16/01 12:26pm  
Subject: Public Comment

This settlement between the DOJ and Microsoft is a total sham. You will never get an ounce of respect from this consumer ever again. Since when does anyone get to negotiate after being found guilty? THE CONSUMER GOT SCREWED! Justice in America, what a joke!

MTC-45

**MTC-0000046**

From: Joe Gerkman  
To: Microsoft ATR  
Date: 11/16/01 12:29pm  
Subject: comment re: proposed microsoft settlement

Dear Sirs/Madams:  
Unfortunately, I would have to say as an IT professional with over 11 years of experience in the industry, that the results you've come up with really won't do anything to curb Microsoft's horrible and bullying business tactics and equally will do nothing to help us as consumers. They will continue to push their way through the Technology industry and leave unsuspecting consumers, and other software developers "in their wake". They care nothing for the consumer (except as far as their own pocketbook is concerned), and even less for other software developers, who incidently typically produce software of a higher quality and more stable, but who also typically get run-over by Microsoft either directly or indirectly (through their agreements with computer vendors). As it is, if I want to buy a personal computer from Dell or Gateway without Microsoft Windows on it and have something like Linux on it, I can't ... as a consumer, that makes me quite angry. And after a few minutes with the computer vendor on the phone, I find out that Microsoft gets money for each and every

system regardless of whether or not Windows/Office is on the machine, and that's why they can't ship it to me with Linux. That sort of situation is RIDICULOUS!!! I can't even get a computer with Windows 2000 and Office 2000 anymore ... I must buy Windows XP ... and I don't like it! Thanks for "helping" us out as consumers, and in the IT/Computer industry (please note the sarcasm).

I was hopeful that you would've come up with a settlement which could help avoid some of this, but unfortunately, it would appear that Microsoft has yet again gotten their way, and others are left to deal with the aftermath. If this was the result, you should've given up the case years ago and not wasted our valuable tax dollars on it.

Sincerely,  
Joseph M. Gerkman  
Seattle, WA  
206-935-2800 (home)

MTC-46

**MTC-0000047**

From: ed@alcpres.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 12:29pm  
Subject: Microsoft

You've let us down. We trusted you to act in the best interest of the American people and you, instead, act in the best interests of the criminals. You should be ashamed of yourselves.

Ed Sawicki

MTC-47

**MTC-0000048**

From: Doug Lewis  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 12:31pm  
Subject: Microsoft penalties

Thanks a lot for giving a convicted monopolist pretty much everything they wanted after you already won the case. If the Justice Department really thinks it's imposed penalties that will stop Microsoft's monopolistic behavior, then it needs to hire some people that are more in the know with the technology industry. If the Justice Department wanted to protect Microsoft, since it's such an "innovator", they should know better than to take advice from the marketing department of the company they're prosecuting. I'm very dissapointed at how poorly the Justice Department has handled this affair. As a consumer, and an American, I feel really cheated.

P.S. I am hoping that there was no political motivation behind the handling of penalties. Whether or not the anti trust laws are an appropriate blockade to Microsoft's activities is for a judge to decide. Anybody working for the prosecution in this case who deliberately chose to pursue weaker remedies because they felt "no business should be hassled by the government" ought to be fired for not doing their job.

MTC-48

**MTC-0000049**

From: William Clouse  
To: Microsoft ATR  
Date: 11/16/01 12:35pm  
Subject: microsoft settlement

The proposed settlement looks to me like nothing more than window dressing. The

whole problem with Microsoft is that the is no real alternative to using their operating system. They have a true monopoly on the operating system used by nearly all consumer PC's. The only alternatives have extremely limited software availability. The only solution I see to the problem is to force MS to make the Windows X86 code an open standard so other companies may begin making operating systems that will be able to run software written for Windows. Until that happens the entire computer industry, as well as the consumer, will continue to be held hostage by Microsoft.

MTC-49

**MTC-00000050**

From: Brian H. Jensen  
To: Microsoft ATR  
Date: 11/16/01 12:36pm  
Subject: Comment

Hello,  
Wow, I guess you still can buy government officials. Just out of curiosity how much did it cost Microsoft to buy you folks off?

Brian 'disgusted by the DOJ' Jensen  
MTC-50

**MTC-00000051**

From: Helga Kocurek  
To: Microsoft ATR  
Date: 11/16/01 4:18pm  
Subject: Microsoft Deal

I am very disappointed in the DOJ, it was bought by big money instead of pursuing the best for the consumer.

MTC-51

**MTC-00000052**

From: David Phan  
To: Microsoft ATR  
Date: 11/16/01 4:19pm  
Subject: Microsoft settlement

Dear Sir or Madam,  
This is hardly a slap on Microsoft's hand. It will not prevent Microsoft from illegally kill its competition by using its monopoly. In fact, it will encourage them to do it even more, knowing that they could get away with it.

I am extremely disappointed in the outcome of the case. It shows once again the people with money are treated differently in the court of law. We might as well take that blindfold off of the Justice symbol.

Your fellow citizen.

MTC-52

**MTC-00000053**

From: Helga Kocurek  
To: Microsoft ATR  
Date: 11/16/01 4:22pm  
Subject: Bad Idea

How could you?  
MTC-53

**MTC-00000054**

From: MoserRJ  
To: Microsoft ATR  
Date: 11/16/01 4:30pm  
Subject: Microsoft

This suit is not supported by 75-80% of computer users. The entire suit is being pushed by Microsoft's competitors and the State AGs where these competitors reside. The Judge should accept the settlement and

drop the remaining States suit. This would be a boon to our present economy. Any lengthening of the trial will only drag the Tech economy still lower. Let AOL, Novell, Sun, et al, fight the war with their products and not in the Courts.

MoserRJ  
MTC-54

**MTC-00000055**

From: C Pyrros  
To: Microsoft ATR  
Date: 11/16/01 4:31pm  
Subject: Microsoft settlement

Dear Justice Department,  
I am deeply concerned about the settlement being proposed with Microsoft in the anti-trust matter. I do not believe the current settlement is sufficient to ensure a healthy, open, competitive environment in the future. I have been working in the personal computer industry since 1985, and observed Microsoft's ruthless behavior first-hand.

In the late 80s and early 90s, there were several choices in desktop operating systems (DOS, OS/2, Windows, Macintosh), several choices in word processing software (WordStar, WordPerfect, Word), several choices in Internet Browsers (Mosaic, Navigator), and so on. As Microsoft gained market share, they unfairly used that influence to eliminate competition. Since Microsoft has so many revenue streams, they did, and still do, offer(ed) certain products at a total loss, for the sole purpose of eliminating their competition. There bullying tactics have sent chills through the entire IT industry, and still exert a profound effect.

What happened to the other word processors? What happened to the other desktop operating systems? What happened to the other Internet browsers? In each case, Microsoft had the inferior product, yet somehow prevailed: WordPerfect was the better word processor, OS/2 the better operating system, Navigator the better browser, Novell the better file server; yet a combination of good marketing (quite legal), behind-the-scenes bullying (illegal), and unfairly written contracts (also illegal) gave Microsoft the unfair advantage.

When the free-market system operates correctly, price/performance tends to drive the better and more economical products to the top. This clearly did not happen anywhere that Microsoft was involved. The Internet-WWW browser market is a key example. The WWW specification was specifically designed to be completely platform independent: any server operating system, any client operating system, and any browser software could be used, completely transparent to the end user. Due to Microsoft's bullying, this is no longer the case: Microsoft's products create web pages that only function properly with Microsoft's browser. Due to Microsoft's market share, and the dominance of the IE browser, it has now become very difficult for users of other browsers and operating systems (for example, Linux users) to complain to web site owners that the Microsoft-ified web site won't function with their Linux-based web browser. The (Linux, OS/2, Nextstep, etc) user then has no choice but to use the

Microsoft browser, on a Microsoft-supported operating system, if they want to use the Microsoft-ified web site.

Microsoft's rejection of the de-facto Sun Java standard leads to a new version of Microsoft's browser (Internet Explorer 6) that does not support Java, further compounding compatibility problems in the WWW space. Only a company as large as Microsoft can exert the weight necessary to incapacitate and open standard, and they appear to be succeeding.

I could also write pages on the billions of dollars in cost increases that the corporate world, and end users, have suffered due to incompetent Microsoft software. In thousands of cases, companies and individuals were forced to use the Microsoft product, despite its inferiority, due to unfair market practices. In the long run, these companies and users suffered a tremendous economic impact trying to use products that were not yet ready for public use.

As for the future, Microsoft is already behaving questionably in regard to the upcoming Tablet PC market. Articles on this matter can be found a [www.wired.com](http://www.wired.com) that express the problem.

In order to ensure a competitive environment in the future I would propose the following:

That Microsoft be separated into the following divisions:

- Operating Systems (Windows 98, ME, XP, 2000, etc)
- Internet Products (Internet Explorer, Windows Media Player, etc)
- Application Products (Office, Word, Excel, Access, etc)
- Infrastructure Products (SQL Server, Mail, Outlook, etc)

I would also propose that Microsoft be forced to open portions of the Microsoft operating systems specifications, so that other application developers could enjoy that benefits that Microsoft applications have had for over a decade. Further protections would be necessary to prevent collusion between the different formerly-Microsoft companies after the separation.

My knowledge of this problem is not unique by any means, but please permit me if may to humbly express my background: I have been working in the IT industry since 1985, consulting to small clients as well as Fortune 500 customers, on issues including network design, the Internet, security, infrastructure, servers, and personal computers. I have been certified under respective programs by IBM, Microsoft, and Novell. I appreciate your time and consideration in this matter. If I can be of any assistance, please do not hesitate to contact me.

Sincerely yours,  
C. Pyrros, CLSE, MCP 2000, MCSE 3.51,  
CNE 5.0, MCNE 5.0  
POB 14175  
Chicago IL 60614  
773 645-7475

MTC-55

**MTC-00000057**

From: Ken Dunn  
To: Microsoft ATR  
Date: 11/16/01 4:33pm

Subject: Settlement.

This settlement is still too much to impose on a private enterprise. This whole suit never should have been filed. Microsoft is not a monopoly. There are several alternatives including linux, OS/2, Solaris for X86, Dr.DOS (yes, it does still exist despite claims to the contrary by the prosecution), PC-DOS (I just bought the 2000 version from IBM last month). This suit wrongfully damaged the global economy to an extent that it may not recover for 5-8 years. As an independent software developer I (as well as most others in my field) rely and depend on various operating system features and functions to be available in a given version of an operating system. Microsoft has provided these functions and regularly upgrades them through service packs and Internet Browser upgrades (this is an important example of code reuse where commonly used routines are used by multiple applications and sometimes the OS itself, a point not understood by the so-called experts that testified in this kangaroo court proceeding). Almost all third party applications that use tcp-ip networking rely on pieces of the IE Browser and require a minimum version of that Browser in order to function correctly. I have many customers who use Netscape as their Browser of choice, but have realized performance and stability improvements by keeping the IE Browser up to date. If IE had not been "bundled" with the OS it would have cost most third party developers so much as to make continued support impractical and therefore truly reduce software competition and choice for consumers. Where was the DOJ when SUN controlled the workstation market so totally that even IBM didn't even try to compete? Where was DOJ when SUN was gouging the market for 4-10 times what a competitive product would have cost, especially when a huge number of these workstations were being paid for by the taxpayers for use by the government and government contractors? The only true justice would be if Microsoft was declared not to be a monopoly and those responsible for starting this whole antitrust action to be jailed for crimes against the United States and crimes against the global economy.

A very dissatisfied customer of the DOJ, which is a true monopoly.

MTC-57

**MTC-0000058**

From: MikeAfromTX@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 4:34pm  
Subject: (no subject)

Gentlemen:

I have been using PC's since 1977 and since the debut of the MS operating systems with the advent of the IBM PC MicroSoft has consistently tried to force (and has almost succeeded) all other operating systems out of business. They do this by incorporating packages into the OS (currently varying versions of "Windows") that are usually sold as stand-alone, by using their marketing power to force the authors of most software to write only for MS-based systems, and by forcing PC dealers to put only their (MS) products on PC's if they wish to continue

doing business with MS. restricting any changes to the product the dealers and/or customers might wish.

The MS products are over-hyped and have a history of failing when released, the most notable example being "Windows 95", which was usually not installable when first released, and required special downloads adding to the cost of the product. Additionally, they never really complete one product and eliminate the bugs in it, preferring instead to leave users with junk while they go on to the "new, improved" next edition of the product, always at increasing cost.

The oft-stated resolution is to by another product if you do not like "Windows"; what product would that be that runs the software that is so prevalent in the industry? Linux is mostly a server platform and Unix as so unfriendly to users so is restricted to scientists and engineers. The only other package would be the Apple Operating System, and that requires a specific computer and package that at a minimum is twice as expensive as a standard PC with software.

The roll-over by the Republican party to the big campaign contributor Bill Gates and MS is no solution at all; merely a wink, a nod and a "Gee, you really should be more careful!" kind of warning. At the very least MS should be forced to sell only a striped down version of its OS, minus any enhancement that is currently being sold as stand-alone; better yet would be to break the company into two independent segments, with Bill Gates prohibited from any dealings/ownership/stock in one of them.

If this is not possible then the OS should be treated as a monopoly in the interest of the nation and tightly controlled as public utilities used to be before greed got the better of this nation.

I realize the government will probably bury this response, but it sure would be nice if for once it acted for the good of the people instead of a corporation or political party; it would also be nice if the judge in the case had a chance to see it before it is shredded. In any case, I am sure you will not mind if I forward a copy to various industry publications.

Thank you for your time.

Mike Adams  
1302 Arcadia Avenue  
Austin TX 78757

MTC-58

**MTC-0000059**

From: Ralph Ewig  
To: Microsoft ATR  
Date: 11/16/01 4:36pm  
Subject: comments on proposed settlement

Dear DOJ officer,

I am writing to express my concerns and severe dissatisfaction regarding the proposed settlement in the anti-trust case brought against Microsoft. The settlement has practically no punitive measures for past misconduct, or remedies to repair damage caused to consumers because of past microsoft misconduct. It is ridiculous that MS is to keep all the benefits of the actions it took, even though they have been legally identified as conflicting with existing laws. If I were to rob a bank, would I get to keep the

money, with the judge telling me "don't do that again", and assigning my best pal to make sure I follow that advise??

The proposed oversight committee to enforce prevention of future transgressions is a farce. Being on MS payroll, and with MS having significant influence on who will be part of the committee, I have zero confidence in the committee's effectiveness or motivations.

MS practice of pushing its products based on the companies superior capabilities in the manipulation of intellectual property laws, rather than technical innovation or economic value, has continuously hampered innovation, harmed consumers, and suppressed any kind of competition from taking hold. The remedies \*must\* include full, and unconditional, disclosure of all windows API's to the general public, and only a breakup of the company that separates the OS division from the application division will be able to enforce this behaviour (out of economic necessity if the OS part of the company intends to stay in business).

Especially with recent events in mind, this country cannot afford to project the appearance that the DOJ is nothing more than a pawn of corporate america, where Lady Justice is anything but blind to enough political clout or economic influence.

Thank you for your consideration.

Respectfully,  
Ralph Ewig

MTC-59

**MTC-0000060**

From: Ned Wolpert  
To: Microsoft ATR  
Date: 11/16/01 4:36pm  
Subject: Comments about the antitrust case against Microsoft

Folks—

I saw that one could mail here comments about the antitrust settlement. Here are mine. I'm both a consumer of electronic goods, and a programmer.

The anti-trust settlement that was presented to the judge did not go far enough. Microsoft needs not just a watchdog around them, they need clear rules (without exceptions or time limits) to limit their ability to for anti-competitive marketing. This includes:

- Allow computer mfg the ability to put multiple OS on the computers they make, with NO penalties from MS. (Ever)
- Allow computer mfg to customize a MS-Windows installed PC any way they want, with NO penalties from MS. (Ever)

These are the two most important items that Microsoft should never challenge. The reason is simple: Microsoft only wants Microsoft tools on their systems. Computer mfg are more likely to listen to the buying public on what they want. MS isn't. So, if a computer mfg wants to put a dual-boot Windows/Linux with Opera for the web browser together, MS should not be able to dictate otherwise. No financial penalties should be levied by MS to the computer mfg.

Far too many times has MS abused its position against other companies. (Stacker is one case that pops to mind, but I'm sure you folks have your list) As a developer, I'm tired of MS bullying people around their platform. As a consumer, I'm tired of not having choice

in the market. Regardless of the lies that MS says, they do not innovate. They do provide a service, but its not innovation. They take other ideas and re-work them, extending them with proprietary API's so no one else can hook into their service. (Such as Kerbose for security. They got all the benefits from the free software, but them made enough (1) small changes so that other kerbose systems were incompatible with their NT servers.) They did that with IMAP (MAPI), SMTP, SNMP, etc. They tried to do that with Java. (C# was the result of failing at taking over Java) They have caused much in the software world to not progress. Yet they continue to market their innovative ability.

DOJ, please, you've got to help. MS abuses their position constantly. The settlement needs to be on the side of the consumer, one that can react quickly to when MS messes up. Help the other companies in being able to deploy their software, rather than having MS have a lock on the major computer mfgs.

Thank you.

Virtually,

Ned Wolpert

wolpert@yahoo.com

MTC-60

**MTC-0000061**

From: Ted McLaughlin

To: Microsoft ATR

Date: 11/16/01 4:41pm

Subject: Concerns regarding Microsoft settlement

I think that the currently proposed settlement is pathetically weak. I think the this administration is caving in to Microsoft in a desperate hope that it will somehow get the economy going again. They are sacrificing justice and long term security for all in the computer industry (except those who work for Microsoft) in hopes that somehow this will get the economy back on it's feet. Microsoft has a long history of violating every agreement that they have made, not just with the DOJ but with computer manufacturers and competitors in the software development arena. Many an extinct company has rued the day that they entered into an agreement with Microsoft only to have the company come out later with either it's own version of the software, or with it bundled into the operating system.

I think that the quote from Bill Gates says it best: (Microsoft's chairman, Bill Gates, on Thursday defended the settlement as tough but one that "we're really pleased to have.") [pulled from CNN's website]. Microsoft wants this settlement so bad it isn't funny. They will be classifying everything as anti-privacy or security to keep it private, and then when they absolutely can't fight it any longer, they will drag their feet in disclosing the information so that it is obsolete by the time it is released. Microsoft's history in destroying it's competitors is well know. I know of Java developers now who are looking to transition to Microsoft's new development program for the sole reason that Microsoft has dropped Java. They think that is the Kiss of Death for Sun and that there is no reason now to keep working on Java. This is but one example of how this industry is cowering in fear of Microsoft and how every company dreads the day that Microsoft

comes out with a product that competes with their own.

The current agreement will do nothing to save Sun, nor will it help save any of the other companies who are in a losing battle with Microsoft. I also think that it is sad that the government is completely ignoring Microsoft's handling of it's Passport product. That should have been one of the things built into this agreement is something to place constraints on Microsoft's ownership of a great deal of private information. Windows XP was the biggest blow personal privacy on the internet since Microsoft got it's first T-1 line to the internet. Another sad development is the state of the server market. Microsoft has already won the desktop war and is using that monopoly to kill off any competition that it has on the server side of things. Novell, Sun, and others are barely holding on due to the license agreements that Microsoft is putting in place to guarantee that if you use Windows and Office on the desktop, that you will use Windows as your server as well. Too much critical information is being placed on these servers to trust Microsofts horrendous track record when it comes to security, quality, and new licensing agreements to trust them with a monopoly of the server market as well.

It is kind of funny, but also kind of scary, when any computer magazine quotes someone in the computer industry who has anything bad to say about Microsoft how they always want to be anonymous. When a network administrator at a utility company says he wants to be anonymous for fear of getting Microsoft upset that says a great deal about how out of control that company is. Many of us Network Administrators were cheering for the DOJ when this trial started. We had hoped that the sanctions would be severe enough to keep at least some of us from having to become Network Administrators on Windows XP networks. None of us want to work on Microsoft networks because they are flat out inferior to the competitions products, however we are all smart enough to read the writing on the wall and realize that Microsoft will soon own this market as well and we will have no choice but to either work on XP servers, or get into a new career field. Now we are all shaking our heads and are sorry that we got our hopes up. That is why I am so upset about how poorly the government has handled this settlement.

If you need to reach me for more comments feel free.

Theodore McLaughlin  
Network and Email Administrator for 13 years.

7212 Dupont Ave N  
Brooklyn Center, MN 55430  
ted.mclaughlin@toro.com—work  
mclaught@visi.com—home

MTC-61

**MTC-0000062**

From: Mike Haight

To: Microsoft ATR

Date: 11/16/01 4:42pm

Subject: Antitrust settlement.

To whom this may concern at the ever changing U. S. Department of Justice,

I am disappointed with the outcome of this trial. It solves nothing. Microsoft will go

about doing business in the same manner that they always have. Throw little innovative companies out of their way by including their own version with the operating system. Their version, when first introduced is always a watered down, less capable version. But, most people are lazy, they do not want to down-load and install. However, I'm not. I want choice. I want the best program out there. This entire thing has soured me on computers and also this system that is commonly called justice'. Here you have a clear monopoly, declared this by two levels of the federal courts, with a wrist slap. Do any of you actually think they will abide by these latest remedies when they have ignored them before? Had they been 'taken to task' then, we would still have multiple browsers to choose from. I have read the "Proposed Final Judgment" in its entirety. For every remedy, there is a fine print loophole that Microsoft can use to do nothing. This "Proposed Final Judgment" is a travesty.

Where do these remedies address to problem of Microsoft forcing us to buy a version of their operating system when we purchase a computer? When I purchase a computer, I am buying hardware. I will choose what operating system meets my needs best. I do not want it forced on me. Do you people actually think that Microsoft Windows is the best that the human species is capable of? If not, how can this better one even have the slightest chance of 'getting its head above water for air' with a system of forced purchase of the other guys product in place. And now, what about media players and image processors? These two things have been bundled with the latest Microsoft operating system et.al.'. How many more little companies, you know the ones that actually take the risk in first developing this software, are going to die off because 'Johnny come lately' Microsoft is now bundling lesser copies of their work with an operating system'. Microsoft is only using these people as developers and marketing so later they can leverage them right out of existence by bundling to an 'operating system' declared as a monopoly.

I know the computer industry has fallen upon hard times, but this does not change the law. Microsoft was in violation of the Sherman antitrust act. From where I sit, you have done nothing to stop them. You will not even slow them down.

Regards,

Michael Haight (903) 868-7342

mhaight@ti.com

CC: Michael Haight at airmail.net

MTC-62

**MTC-0000063**

From: bray

To: Microsoft ATR

Date: 12/6/01 1:32pm

Subject: microsoft settlement

The proposed settlement below is unacceptable as a solution to past monopolistic practices by Microsoft. "Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of

Microsoft products. The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.

This type of settlement would simply introduce Microsoft to a market where they could further extend their monopoly. A better solution would be for Microsoft to pay a specific amount of money to each of these poor school districts to be used for non-microsoft products only, such as computer hardware. Then a company such as RedHat or Apple could donate software for these systems or part of the Microsoft fine could be used to purchase this software.

Allowing Microsoft or any company to donate their own product as part of a fine or punishment is akin to the drug dealer giving away the first few highs to get his clients hooked!!

MTC-63

**MTC-0000064**

From: Mark A Siedlecki  
To: Microsoft ATR  
Date: 11/16/01 4:44pm  
Subject: Microsoft

Dear Sirs/Madam,

It is beyond my imagination that you decided not to break-up the worst monopoly in the history of our country. History has shown us monopolies only stifle innovation. Microsoft is no different! This was not done for the good of the American citizen, but must have been done to assist Big Business, once again.

Shame on you'

Sincerely yours,  
Mark A. Siedlecki  
President

InsideWorld Corporation

The Forum 1, 8601 Six Forks Road, Suite 400

Raleigh, North Carolina 27615 USA

Telephone: +1-919 866-1200

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Telephone +1-919 866-1200 Facsimile +1-919 866-1210

Email mistake@InsideWorld.com

MTC-64

**MTC-0000065**

From: Rogers (038)

To: Microsoft ATR

Date: 11/16/01 4:47pm

Subject: Microsoft Settlement

I am disappointed by the terms of the Department's proposed settlement with Microsoft, which I believe to be excessively lenient to Microsoft and not in the best interests of the public. The settlement does too little to restore competition to an industry dominated and abused by Microsoft's exploitation of its monopoly in operating-system software. Under the settlement Microsoft can continue to use its inside access to its operating-system technology and its monopoly market power to suppress competition by other companies.

During the last presidential election it was reported that Microsoft and its employees made substantial financial contributions to the Republican presidential campaign. It was then speculated by the press that Microsoft believed that by doing so it would receive lenient treatment from the Department of Justice if George Bush won the presidency.

It now appears that the money donated by Microsoft and its employees to the Republican Party was money well spent. While the donations are not likely to be provable criminal bribery, the donations certainly show that money can buy (the Department of) "Justice."

Ronald L. Miller

MTC-65

**MTC-0000066**

From: Charles South

To: Microsoft ATR

Date: 11/16/01 4:53 pm

Subject: Opinion on the US vs Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I understand you are seeking feedback on the proposed Dept of Justice settlement with Microsoft at this address. I don't know what purpose that could have at this late date, but since you asked...

I believe the Department of Justice has made a mistake in settling this case. The points of law were clear— Microsoft misused its monopoly position in the industry to illegally stifle competition and attempt to control the market. Further, they did this over a period of years in a repetitive way in spite of a previous court judgement that went against them for doing this very thing. Their strategy has been clear from the beginning ... they regard themselves as the controlling force in the market and will ruthlessly suppress or drive out of business anyone they choose in order to achieve their ends of continuous growth. Any market they focus on tends to suffer as competition withdraws in the face of the onslaught.

Further, the consumer is hurt by this tactic as competition (which controls prices in a

free market) withers. Innovation is stifled because no true competitor is allowed to exist once Microsoft targets a market. The consumer is presented with an increasingly Microsoft-only solution when it comes to buying or configuring a personal computer. This is not a good thing.

The Department of Justice had Microsoft cornered, finally, after years of pursuit and the expenditure of large sums of money. The evidence had been gathered, legal prosecution had been pursued in the courts, and Microsoft weighed as guilty on multiple counts ... serious violations all. The judgements were upheld at each level of appeal. The Government had won. I was stunned when I heard that the decision had been made to drop the attempt to split Microsoft into two parts and instead drop back to a light slap on the wrist with a few minor economic sanctions and controls.

I believe this—Microsoft absolutely must be separated into two companies. It is the only solution that will remove the threat from the computer world we now have. I have no problem with Microsoft as a company that creates and sells operating systems. I also have no difficulty with Microsoft as a company that sells the dominant desktop productivity products in the world. But the coalition of the two is a poison trap for the American economy— because Microsoft uses their productivity products as the leverage to keep their customers in line and away from the competition in the operating system arena. Why doesn't Microsoft Office exist on the Linux desktop systems? It's because Microsoft knows it would undermine their sales of operating systems to big companies, some of whom would love to move off of Windows. So they carefully steer clear of offering Office on Linux and retain a stranglehold on desktop systems.

I am not a Linux fan, but I absolutely want such products to flourish in the United States or else we will fail to make the progress we need to in the computer world, or worse— other nations will take the lead we once firmly had in this industry and leave us behind with our doddering Windows systems as they move on to better and more efficient systems. Microsoft must not be allowed to be the single innovator left in this country because, like all large companies, they are neither agile enough nor creative enough once they reach that size to retain those traits. I am also not a Microsoft hater. I do in fact love Excel, and I can tolerate Windows though it is not my favorite operating system. Visual Basic is a good product. Powerpoint is adequate, and though I don't particularly care for Word, I will grant that it works well enough for those that can master it. What I don't like is the fact that most of the products Microsoft makes are items constructed in such a way as to sell more and more of them ... and worse, they are constantly intertwined in such a way that you have to get all of them whether you want them or not. Microsoft candidly admits that their software licensing mechanisms are changing recently solely so they can extract more money from their customers, and not because there is any impression of value received for that money. Microsoft has lost

their way in that regard, and in a free market they would be avoided by some, and fall to a 2nd or 3rd choice by others. But in today's computer world you have no choice—you have to go with Microsoft because of their monopoly position.

I do not believe any of the settlement clauses which have been discussed as the fallback position of the US Government will have any effect. Microsoft has been down that road before and been shown to ignore such constraints when they are imposed. I do not believe it will be any different this time. They will bide their time, stay below the radar for a couple of years and then quietly continue their march to overwhelm anyone who seems to be a competitor. Having spent this effort uselessly twice already, I don't see the Government trying once again in 2006 to resurrect this dead horse, and at that point Microsoft will have their full victory and walk away laughing.

Only by having diversity and competition in the US computer industry can we hope to stay in our leadership role in this rapidly changing and evolving world. It is good to have multiple sources for innovation, and it is good to keep the marketeers out of the leadership role in such fast-moving industries. This will not happen with an intact Microsoft. You had the solution; you had them where you wanted them; and you had right on your side. You stayed your hand for the wrong reasons—which I believe turned out to be political expediency because of the new administration, and changed priorities in the Department of Justice. But in doing this political turnabout you betrayed the American people, whose fate was entrusted to you by our Constitution. The legal system was the only lever which could have made a difference and changed the course of the future. I sincerely regret that you failed to have the courage and the foresight not to see how urgent and how critical your role was.

My dwindling hope lies with the few States that appear willing to continue to push this case, but the chance of their achieving anything other than monetary concessions is impossibly remote. Only the Government could have taken the admittedly drastic step of dividing Microsoft in two. That option is now over, for all practical purposes. I have watched the computer industry grow from the time I was a college student in the 60's and first fell in love with computers. I watched IBM's excesses in the 60's and 70's as their arrogance drove all before them, similar to Microsoft, and I watched as they later lost their stranglehold on this industry in the 80's as new technologies overcame their ability to adapt. And I watched Digital Equipment Company as they soared to the top of the industry in the 80's, losing their way as they failed to understand the critical importance of personal computers. And I saw the rise of Microsoft during the 80's and 90's, leading to the same type of arrogance IBM used to show 4 decades ago. The difference is this—Microsoft has a stranglehold not only on American businesses but also on the American consumer. Their fingers reach deep into all levels of the world economy for individuals and companies and governments. IBM never had that reach. Microsoft is so

entrenched in the way computing is done that inertia alone will keep them there for at least a decade even if they stumble badly in their direction. That is "forever" in the computer world, where 5 years is a generation. It is critical that their decisions be made in the face of competition, and not by a monopoly posture in an industry they believe they own. Good luck with whatever you will do with this issue. I am disappointed and disillusioned that the Government chose to yield the winning hand as they did, and seems not to understand what they have done or what they have lost. I hope my point of view is more gloomy than necessary, and that events will work out for the best for America. However, I have built my career on being right about technical trends. If I had to bet on someone, I'd bet on me ... not on you.

Charles South  
Chief Architect, Information Technology  
HRL Laboratories  
Malibu CA  
MTC-66

**MTC-0000067**

From: Drew Wallen  
To: Microsoft ATR  
Date: 11/16/01 4:55pm  
Subject: Proposed settlement is inadequate

I am an independant computer consultant and advanced PC user. I have been following the Microsoft antitrust case for years and have been hoping for a decisive result which will protect me and my clients from MS's well-known predatory business practices and attitudes.

The least I was hoping for was a breakup of the monopoly into 3 companies: Operating Systems; Applications; and Games. With perhaps another company for internet and/or wireless functions. The joke is that in the short run Gates et al would scream about the breakup, but it would improve the competitive environment. In the long run, the rich would get even richer, as has happened with the ATT breakup where people who held their "baby bells" would have done wonderfully.

I know you will get millions of messages, pro and con, so I won't run on. However you decide, I have vowed to wean my clients away from MS products and get them into Linux and Apple (of course, MS owns a huge stake in Apple as well).

Microsoft free by 2003!!!  
I want to run them out of business altogether.

Drew Wallen  
St. Thomas, US Virgin Islands  
MTC-67

**MTC-0000068**

From: West Tennessee Print  
To: Microsoft ATR  
Date: 11/16/01 5:02pm  
Subject: Ruling opinion  
First, I am not a microsoft basher they have done some good and some very bad things to the computer industry. I, as many others have to use Microsoft's products. Microsoft insists that they integrate things into Windows to help the user. I believe that they integrate to help Windows maintain its dominance. The perfect example is what they

have done with their new version of Internet explorer. How does not offering Java or QuickTime support Help users? It doesn't it FORCES people to use Windows Media player and Active x.

So, the effect of that is, if you want people to have access to your web page you MUST use microsoft programming tools. Does this help Business? What about Microsoft's New version of MSN blocking all but internet Explorer users, does this help users?

The thing that the Justice Department should be worried about is .NET and Passport.

Here's why:

1. you must use windows because their are few real competitors that are brave enough to take microsoft head on for the desktop computer market

2. people use Internet Explorer because it is integrated into windows

3. when using windows & internet explorer the computer urges people to setup a passport account and they finally give in

4. millions of peoples personal and credit information is now sitting on Microsoft's servers

5. by holding such valuable information microsoft has painted a giant bulls eye on its self for hackers to try and hit

6. Microsoft's history with computer security is dismal, how times a month are they issuing patches to fix security holes in Microsoft's IIS which runs the servers containing peoples information

7. the bottom line is that millions of peoples lives can be harmed by Microsoft's software and practices if microsoft is not limited in some way What is Antitrust Law For? PROTECTING & HELPING PEOPLE!

How does it control microsoft for them to make its windows code available to developers so they can build better programs for the monopoly? It actually helps microsoft because they get more stable programs to run on windows and it dose not address the problem of WHY Windows is running on over 97% of computers WORLD WIDE.

It may not matter but its my opinion.

AM

MTC-68

**MTC-0000069**

From: Jamie McGloin-King  
To: Microsoft ATR  
Date: 11/16/01 5:04pm  
Subject: The current proposed settlement does not protect me from Microsoft's abuse of its monopoly power.

The Justice Department has failed me, my community, and the business I work for.

This settlement is barely a slap on the wrist. How does this punish Microsoft in a manner commensurate with their crimes against the businesses and the citizens of America?

Microsoft must be forced to sell a product without a built-in browser or any of their other built-in, insidious, low-quality products. Microsoft must be prevented from bullying PC manufacturers. Microsoft must be humbled, punished, and have its power reduced.

Additionally, Microsoft should pay huge fines for its crimes. Where is that in the settlement?

Now, Microsoft is trying to bribe the nine states that, correctly, don't agree that your settlement is fair or effective. Microsoft is offering them money in exchange for signing up to your settlement. This stinks, if you'll pardon my language. It stinks of back-room deals and a Justice Department that would rather be incarcerating minorities than safeguarding the right to a free and fair market. Where are the conservatives? It seems like the Justice Department is being run by folks with some radical ideas about why they should not enforce the laws of this nation and the rulings of its judges. That, in my opinion, is not justice. Please change your stance and craft a more punitive settlement. Thank you.

Sincerely,  
 Jamie McGloin-King  
 Director of Partner Support  
 www.prosperpoint.com  
 (831) 429-1231 x102

MTC-69

**MTC-0000070**

From: Don Steiny  
 To: Microsoft ATR  
 Date: 11/16/01 5:05pm  
 Subject: I am against the settlement  
 Renate Hesse  
 Trial Attorney, Antitrust Division  
 U.S. Department of Justice

I am disturbed that the Department of Justice is unwilling to enforce the antitrust laws. It seems that the DOJ simply does not understand the technical issues involved or the degree that Microsoft is damaging the US economy. I would be happy to spend time describing this to you. I teach operating system theory at University of California and San Jose State University. The settlement is wrong.

-Don

MTC-70

**MTC-0000071**

From: DrewLM@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 5:13pm  
 Subject: Microsoft antitrust settlement  
 Dear sirs:

I respectfully would like to tell you that the settlement you have arranged with Microsoft IS BAD!

"Microsoft Chairman Bill Gates on Thursday defended the settlement as tough but one that "we're really pleased to have." Nine other states led by California, Iowa and Connecticut rejected it and will ask U.S. District Judge Colleen Kollar-Kotelly to impose tougher penalties during hearings next year."

This statement from today's AP news say it all. Can the DOJ honestly say the settlement is one that "we're really pleased to have."? I don't think so. You just think that it is all you can get without taking it through the courts, where you know you would end up getting much more. Then why is Bill Gates saying it?

"The department promised in its 1995 settlement that it would "end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power." Yet as Sporkin rejected it, he complained that, "simply telling a defendant to go forth and

sin no more does little or nothing to address the unfair advantage it has already gained."

This statement from the AP also sums it up. Microsoft is NOT repentant. They have been screwing small companies since before 1995 and still continue to do so. They have no interest in competition for the public good and will continue any other noncompetitive way to wield their monopoly to gain market share in any area possible. All the current settlement does is tell them to go and sin no more. If they had actually been penalized the first time, they might not have sinned again ... and again ... and again. By not penalizing them now, you are telling them that they can do anything they want, knowing that the worst that will happen is that they won't be allowed to do it anymore.

How can you think about all the companies that Microsoft has forced under by including similar software in Windows at "no extra cost", and say that this settlement is fair and that Microsoft should not be punished. Don't fool yourselves, this settlement is only a slap on the wrist to Microsoft and DOES NOT PUNISH THEM AT ALL.

The only way to punish Microsoft and to be sure that they cannot do this again is to break them into two companies: Operating System and Application Software. They used their OS monopoly to create software against which no other company could compete, e.g., MS Office, Internet Explorer, Disk Scan, Disk Defragmenter, etc...

This settlement is only in the best interests of Microsoft, not the public, and should not be pursued.

Andrew L. Miller  
 PC Solutions

MTC-71

**MTC-0000072**

From: Harry Reisenleiter  
 To: 'Microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 5:16pm  
 Subject: Microsoft Settlement

I do not agree with the current settlement in this case. Microsoft is an abusive monopoly whose anticompetitive behavior has been ongoing, consistent, and damaging to consumers and to the market place.

History is littered with products that Microsoft continues to bundle products for no other reason than to destroy competing products. And they leverage their dominance of the desktop to the fullest.

They continue to cite "consumer demand" for their bundling actions, but I defy you to find one legitimate study of consumers that would indicate a requirement, or even desire for Microsoft's actions. Certainly I doubt seriously that there would be justification for many of the "features" in the Corporate environment.

I have been in the computer business for over 20 years and have dealt with all the largest computer companies. None have exhibited the disrespect for security, stability, or features that Microsoft has demonstrated—for years. None have so clearly leveraged their product with the destruction of competition as the aim. None have so distorted the English Language ("innovation" comes to mind), either.

Please do not fold on the issues. Microsoft earned strict, severe and lasting punishment

for their actions. They are a monopoly; they are anti-competitive; and they show absolutely no signs of changing.

Thank you,  
 Harry Reisenleiter  
 harrylr@earthlink.net  
 hreisenleiter@apoastandard.com

MTC-72

**MTC-0000073**

From: Madden, Ken  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 5:23pm  
 Subject: Microsoft Antitrust Solutions  
 Greetings.

I just wanted to write to say that I agree with the current US Government/DOJ solution-set to the Microsoft Antitrust allegations.

As a Network Administrator in a mid-sized company (US-owned), I feel that it is Microsoft's right to innovate their product with the addition of browsers and add-ons and like programs—built into the OS. Even Microsoft's competitors wish to be able to innovate their products without government intervention.

Each of the companies that instigated the DOJ investigation and suit had the opportunity and the will in the past to be monopolies—Novell was a virtual monopoly in the NOS market, Netscape was a Monopoly in the browser market. Each lost market share due to poor market positioning—Novell insisted that it be deployed and maintained by expensive Novell-trained engineers, Netscape was too unstable to be a pleasing browser experience. The computing consumer has benefited immensely from the easy availability of Microsoft networking and Internet Explorer stability.

The question remains, however; Was Microsoft engaged in practices that were 'beyond the pale' in their agreements with other companies? That answer is clearly 'Yes' and therefore sanctions should clearly be brought against Microsoft for their behavior in this regard. However, splitting up the company and a forced-reveal of the crown jewels of their business—their source code—is also clearly beyond the mandate of proper sanctions for these actions.

Computing in the world has clearly benefited by having a world software leader, who is at the least benevolent, and at most paranoid. Sometimes leaders need to be brought back into line, but they don't necessarily need to be deposed.

Ken Madden  
 Network Administrator  
 VECCO Canada (Engineering) Ltd

MTC-73

**MTC-0000074**

From: Joel Inguisrud  
 To: Microsoft ATR  
 Date: 11/16/01 5:24pm  
 Subject: Microsoft punishment  
 Dear DOJ,

Your settlement with Microsoft does not punish Microsoft in any meaningful way. Regardless of the enforceability of "behavioral changes" spelled out in the settlement, the fact remains that Microsoft is getting off scot-free for decades of criminal

behavior. Your settlement lets Microsoft executives behave in public as if they never did anything wrong. Your settlement is an insult to the hundreds of thousands of hard-working, creative computer industry workers who's lives have been and continue to be diminished by Microsoft's bullying.

Please punish Microsoft as severely as they have illegally punished everyone who has tried to compete with them for the past twenty years—by levying billions of dollars in fines (to be distributed to university and national laboratory computer science research and development departments) and banning all public advertising and marketing of Microsoft products for ten years.

This settlement is ten years late for the countless operating system, word processor, spreadsheet, presentation, email, media player, 3D API, programming tool, and web browser software developers out there, but if you instituted real punishment sufficient to cause Bill Gates and Steve Balmer to be forced to resign, at least the playing field would be level for the few of us who are left standing.

Sincerely,  
Joel Ingulsrud  
joel@thirdculture.com  
+1(916) 944-8434

MTC-74

**MTC-0000075**

From: Abdul Jabbar  
To: Microsoft ATR  
Date: 11/16/01 5:32pm  
Subject: Pepsi vs Coke

Please, don't forget the lame argument of Mr. Gates that it would be unfair to ask Pepsi to ship a pack of Coke with every pack of Pepsi. This argument is wrong because Pepsi (Microsoft) has the control (monopoly) over the truck (Windows) that takes Pepsi and Coke to the store. If the truck (Windows) would not carry Coke, consumers would have no way of getting it.

<http://inbox.excite.com>

MTC-75

**MTC-0000076**

From: Don Marsh  
To: Microsoft ATR  
Date: 11/16/01 5:37pm  
Subject: MS Settlement

Dear Sirs,

I do not agree with the terms of your settlement with Microsoft. This company entered into an agreement with Justice in 1995 and immediately broke it. This has caused great expense to the taxpayers.

Microsoft does not innovate and develop new ideas in application software. They simply steal their ideas from other software developers and add it to their operating systems and force OEM's to exclude the competing software.

Microsoft will, in my opinion, find a way around the limitations in your agreement with them and continue business as usual. In the future how many software developers will want to spend a lot of time and money to develop new software technology only to have Microsoft steal their ideas and put them out of business?

Because of their tactics, we will never know what the PC computing experience

might have been. Microsoft writes unreliable and insecure software, but because of their monopoly, hard-working, more talented software developers were railroaded right out of the business and never had a chance. Just imagine if we had an operating system that didn't crash every time you turned around. We will never know now and that is sad.

Sincerely,  
Donald Marsh

MTC-76

**MTC-0000077**

From:  
To:  
Date:  
Subject: arrangement.  
mike potter  
Microsoft ATR  
11/16/01 5:37pm

this proposed settlement is clearly not a judicial settlement but a political backroom this proposed settlement is clearly not a judicial settlement but a political backroom arrangement. I see nothing in it that stops ms from continuing to exercise its monopolistic powers. There is nothing in it that penalizes ms for what it has done and finally there is nothing in it for the consumer. At the very least you could have made ms fix its previous OS before they try to lock down the next 10 years by forcing people to buy XP. to put it bluntly you have ignored your duties to the point that if you didn't have the "big stick" protection you would be legally on the stick for your performance i.e you took their money but you didn't protect the people

Mike Potter  
Hamilton, Canada

MTC-77

**MTC-0000078**

From: Meir Levi  
To: Microsoft ATR  
Date: 11/16/01 5:40pm  
Subject: Microsoft Settlement—Consumer input.

Ranet Hesse  
Trial Attorney, Antitrust Division  
US Department of Justice  
601 D. Street NW Suite 1200  
Washington, DC 20530

This is in response to Justice Department solicitation for input to the settlement with MS.

MS is a company of which it was found GUILTY of violating the federal law. Courts have already determined that Windows OS is a monopoly. Now you are talking about Settlement?, and defending the decision to so?. Please, show me where else the Federal Government "settled with law breakers about their punishment. MS Broke the law now it has to be convicted and pay the price. Period.

Windows OS have reached this level of market share through outright illegal, and unfair business practices. For past two decades, MS ripped us, the consumers of our hard earned money, and still continues to do so. In my view, DOJ is completely on the wrong track in dealing with MS.

Having "three representatives watch MS business practices" is like having your dog to guard the meat. I do not wish to see my tax dollars are wasted on bogus government oversight on a company which its executives stick their thump up everybody's nose.

Any fair settlement which serves consumers interest, should allow competition in the marketplace for the OS.. Therefore, Windows entire code MUST be accessible to other competitors to such a degree where they can CLONE it to run all existing windows based application and middleware programs, un-impeded by bogus copy right laws. Where, these competitors can also bundle any middleware S/W with their Operating Systems, just as much as MS does today. Had IBM had such an access to these codes in the past, their OS2 Operating System would have been today just as successful as Windows. Please, don't believe to MS and their supporters FUD (Fear Uncertainties, Doubt) about the "nightmare" and "confusion" from which it may result in multiple OS's. In every industry, all competitors form a committees to set interface standard.

It is true with the lightbulb, automobile tires, and million and millions of other products. There is no reason where competitors in the OS as well can't do the same.

I object to the provision of this settlement with Microsoft.

Thanks  
Meir Levi  
13126 Anza Drive

MTC-78

**MTC-0000079**

From: Chuck Dresback  
To: Microsoft ATR  
Date: 11/16/01 5:41pm  
Subject: COMMENTS

I have been building PC's for several years and I own a Macintosh computer

Microsoft has been selling defective operating system software to the public for at least eight years. Their systems consistently freeze and crash. When the public gets fed up they come out with a new system with more defects than the last and they charge lots of money for it. Their marketing department blames their software problems on third party software which is false.

They get away with it because they have on competition in the OS arena and the settlement does nothing to address this key point. Macintosh systems and Linux, which are superior systems to Windows, don't crash but they have effectively eliminated those platforms by coercing the third party software publishers into not writing for it. The most popular flight simulator program, Microsoft Flight Simulator, isn't published for any platform other than Windows. BTW, it crashes for no reason at the worst time.

There new OS. Windows XP, is set up to steal information off the user's hard drive for their use.

These guys are crooks and because of the money they have paid to buy off the Congressmen it will be impossible to stop their relentless pursuit to control not only the computer field but also almost every product we will be using in the future, from air conditioners to vcr's and any other electronic device.

In 13 years that I have owned Macintosh's, I reformatted the hard drive once. In 2000, I reformatted the PC hard drive seven times because of their crappy software.

They should be required to share their source code and THEY SHOULD BE FINED AND REQUIRED TO REBATE MONEY TO THE PUBLIC AND THE GOVERNMENT FOR THIS ABOMINABLE BEHAVIOUR.

Charles Dresback  
15755 Laura Lane  
Brookfield, WI 53005  
262-781-4774

MTC-79

**MTC-0000080**

From: david.massey @us.pwcglobal.com@inetgw

To: Microsoft ATR

Date: 11/16/01 5:43pm

Subject: Microsoft antitrust settlement

I still cannot see how the agreement reached with Microsoft addresses their illegal gains, nor how it can seriously prevent such a determined violator (who still denies that it has committed wrong, even after the appeals ruling!) from continuing its illegal behavior. Further, they continue to use their monopoly in the OS to force monopolies in other areas of computing.

This is as if there was 1 mall in town (the internet) and all stores have to be in that mall, and the owner of the mall makes everyone enter the store through his own shop—and actively tries to deter customers from continuing into the mall!

This settlement is bad for the people, bad for the economy, bad for a competitive environment, and bad for justice. [I don't know how you could get out of it, but you should certainly try.] David Massey

MTC-80

**MTC-0000081**

From: Joseph Wood

To: Microsoft ATR

Date: 11/16/01 5:57pm

Subject: Opposed to Terms of Settlement

The evidence of monopoly pricing by Microsoft is plainly seen at any store that sells Windows XP. The Professional edition costs 199.00 and the home about 99.00 and that is just for upgrade. Add \$100.00 to that if it is a new purchase.

Windows XP is simply an operating system and should sell for no more than \$50.00 for a brand new copy if that much. But since they are the only game in town if you want your software to be compatible then you get to pay their price.

The settlement does nothing to address pricing of MS monopoly products.

Oh and if you want to run MS Office be prepared to empty your entire wallet. Their new activation technology could only be done by a monopolist, no one would subject themselves to it otherwise. Oh, and another point. The fact that Bill Gates is happy with this settlement should be all the evidence needed to know it does not do enough.

Is there really anybody who does not work for Microsoft (or is an MS Shareholder) who thinks this is a good settlement? I think not.

Joseph Wood  
Systems Engineer  
Corel Corporation

MTC-81

**MTC-0000082**

From: Maarten Legene

To: Microsoft ATR

Date: 11/16/01 6:02pm

Subject: just order Microsoft to do three things.

The antitrust issue is basically about two questions:

1. What should be in an operating system and what shouldn't?

2. If it should be in an operating system, where should it be in there?

Ad 1.

Internet Browsers, E-mail handlers, Word Processors, Image manipulators, Speech recognizers are no part of an operating system. These are applications.

The OS is the necessary software between applications and the hardware. No less, no more.

So in reverse: if it's an application, it's not a (part of an) operating system.

Ad 2.

Printerdrivers should be stored and found in a folder: printerdrivers

Videodrivrs should be stored and found in a folder: videodrivrs

fonts should be stored and found in a folder: fonts

etc etc etc.

Windows hides almost everything in places nobody can reach. The structure of Windows is violating free enterprise.

So the anti trust regulations should be:

A. Order Microsoft go offer Windows as an OS only, and define the OS as mentioned above.

B. Order to create a Microsoft OS company and a Microsoft applications company, with a Chinese Wall between those two.

C. Order the OS company to restructure its OS in a way that it will show a clear structure for everyone, including non-microsoft application software creators.

Best regards / Maarten Legene  
(product and business developer)

MTC-82

**MTC-0000083**

From: Troy Gann

To: Microsoft ATR

Date: 11/16/01 6:09pm

Subject: What are you doing???

To whom it may concern,

As an American citizen and consumer I wish the government would stop being so lame and actually do something against Microsoft. You did nothing to protect me as a consumer or a citizen. Bill Gates must be having a huge laugh at our government and how inept our Department of Justice is. But then again no wonder our last election was the laughing stock of the entire world. The DOJ should have gotten some serious remedies done against Microsoft instead I can now look forward to having even more stuff crammed down my throat by Microsoft because they can now essentially get away with anything they want to do to Window.

Where did anyone (consumers) get anything out of this? This was the biggest chicken sh- - out I have ever seen our government do. This is not going to help the economy and now Microsoft can put more products into thier operating system and screw other companies over. To bad we can not vote for the lawyers who work for the government I don't think any of them would get re-elected.

Then again who knows how many government officials (Congressmen, Senators and Judges) that Microsoft quietly gave money to or other gifts in order to get off so leniently. This was not American justice at it's finest. They broke the law and you barely slapped thier wrists. Somewhere at Microsoft headquarters they are having a huge party and laughing at you.

A very disenfranchised consumer

MTC-83

**MTC-0000084**

From:

vanbalen@sesquippeda1ian.wcomnet.com@inetgw

To: Microsoft ATR

Date: 11/16/01 6:09pm

Subject: settlement doesn't do enough

I believe Ralph Nader and James Love's open letter (<http://www.cptech.org/at/ms/rnj12ko1larkotellynov501.html>) does a good job of expressing my concerns about the settlement reached with Microsoft.

I especially believe that any settlement must free consumers from being required to use Microsoft software. To this end, I believe that Microsoft's proprietary protocols and file formats (i.e. the .doc format used by Word, and other office software file formats, as well as protocols such as SMB/CIFS). Consumers currently must either use Microsoft's office suite or products with, by far, inferior support for the .doc file format in order to view documents that the vast majority of computer users currently create. This has been going on long enough that Microsoft has practically eradicated all other office suites formerly available for the Windows operating system. See also Andrew Tridgell's concerns that the settlement will allow Microsoft to continue withholding information about the SMB/CIFS protocol (<http://linuxtoday.com/newsstory.php?ltsn=2001-11-06-005-20-OP-MS>).

The restrictions set on what Microsoft can require OEM vendors to do or not do is a step in the right direction but not near enough, especially now that there are very few companies in a position to take advantage of these changes. This may have worked well several years ago, but I doubt that it would be very effective today.

I urge you to take Mr. Nader and Mr. Love's comments, as well as the concerns I have expressed above seriously when reviewing the settlement.

Sincerely,  
David B. van Balen

MTC-84

**MTC-0000085**

From: Paul Fox, Ph.D.

To: Microsoft ATR

Date: 11/16/01 6:12pm

Subject: Settlement with Microsoft 11/16/01

Dear Sir or Madam: I believe that the proposed settlement with Microsoft is extremely biased in favor of Microsoft.

1. It does not punish Microsoft for their demonstrably illegal, anti-competitive behavior. Since when do we simply ask convicted criminals to not do it again? Let the punishment suit the crime, no more no less.

2. It does not adequately protect the consumer or competing companies from repeated anti-competitive behavior by Microsoft. Even my own untrained eye (with respect to legal issues) found gaping loopholes in the agreement. I remember Microsoft squeezing through much smaller loopholes when they last settled with the government.

We deserve much better from our Justice Department.

Paul Fox  
Paul L. Fox, Ph.D.  
Associate Staff  
Department of Cell Biology/NC10  
The Lerner Research Institute  
Cleveland Clinic Foundation  
9500 Euclid Avenue  
Cleveland, OH 44195  
216-444-8053 (Tel.)  
216-444-9404 (Fax)  
foxp@ccf.org (E-mail)

MTC-85

**MTC-0000086**

From: ARoensch@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 6:25pm  
Subject: (no subject)

Unless you are willing to go against AOL, Oracle, Sunmicrosystems, etc, etc, etc, you should push for everyone to go along with the settlement, especially the State of California who are probably being bought by Oracle, Sunmicrosystems, AOL, etc., etc....Get real.

MTC-86

**MTC-0000087**

From: that Jer guy  
To: Microsoft ATR  
Date: 11/16/01 6:26pm  
Subject: MS breakup required

The current penalties for Microsoft will not bring them to justice. There are more than enough vagaries and loopholes to allow them to continue stifling competition and growing their monopoly. The only way to successfully prevent the company from continuing in its stifling monopoly of the market is to break up the company.

However, "horizontal" breakup into an OS company and an applications company will not help. It should be broken up into two or three companies "vertically", i.e. companies that have both OS and applications elements. These companies can later choose whether it is better business to focus on one of those areas, but more competition is needed both in the OS market and the applications market, in addition to the growing-together of OSes and applications which a horizontal breakup would address.

Jeremy Faludi  
Stanford University

MTC-87

**MTC-0000088**

From: Thomas S  
To: Microsoft ATR  
Date: 12/6/01 1:34pm  
Subject: Remedy Case

As an IT professional I need choices to satisfy my work daily. MS has proven that they are in direct violation of Anti-trust laws governing the denying the consume fo such

choice by their use of strong arm tactics and backdoor meetings. I strongly urge you to not allow them access to public schools in one case and to strongly reprimand them in the other. This is for the good of business and the IT community.

Regards,  
L. Thomas Solet

MTC-88

**MTC-0000089**

From: Daniel Verberg  
To: Microsoft ATR  
Date: 12/6/01 1:33pm  
Subject: Microsoft antitrust suit

I may not know all the details of the settlement, but I think this is just another slap on the wrist for Microsoft. I do know in the settlement that the school systems do not have to use Microsoft products.

Basically this settlement is a payoff for Microsoft. Microsoft is getting a few things out of this. One of the groups that is suing them is now off of their back, Microsoft gets to look good by "donating" money to poor school systems, they have an opportunity to take over another area of software that they are not the market leaders (school systems), and they proceed as normal in their business practices. I am not saying MS should be split up, but I'm not against that either. They treat OEM's and even consumers like crap. Just look at the new licensing agreements. These new licensing agreements are just a slap in the face of all them people settling their cases against MS.

Please do something that could get more consumer choice in the OS and app market.

Thanks,  
Dan Verberg  
Systems Administrator  
PS—Don't you think all the virus problems are enough evidence that there needs to be more choice and competition?

MTC-89

**MTC-0000090**

From: Don Rogers  
To: Microsoft ATR  
Date: 12/6/01 10:31am  
Subject: MS AntiTrust Settlement

Dear Dept of Justice,  
I am writing to register my opinion regarding the recent settlement that has been proposed for the MicroSoft Anti-Trust case.

I think that it is a joke to be handing Microsoft an foot in the door of our schools as "punishment" for their anti-competitive practices. This will be more of a reward, as is will increase exposure to MS software to future computer users.

Please don't do this,  
Don Rogers  
City of Redding, Electric Dept.  
drogers@ci.redding.ca.us

MTC-90

**MTC-0000091**

From: Bill Scott  
To: Microsoft ATR  
Date: 11/16/01 6:32pm  
Subject: penalties

When Standard Oil was found guilty of being a monopoly, it was broken up into several companies, so that they would compete against each other. Why isn't this

being done to Microsoft? It's been found to be a monopoly, why isn't the same penalty being enforced?

Bill Scott

MTC-91

**MTC-0000092**

From: Steve Amos  
To: Microsoft ATR  
Date: 11/16/01 6:32pm  
Subject: Microsoft Settlement Comments  
To the DOJ,

I am not an employee, nor a competitor of Microsoft. I have no interest in software other than as a consumer. The following is my comments regarding the settlement with Microsoft. Do believe Microsoft should be penalized for their behavior. The agreement should include Microsoft being regulated by the FTC (Federal Trade Commission). This would be the proper agency to enforce penalties.

Do not want Microsoft broken up. This never made sense legally. Do want Microsoft Operating Systems to allow easy installation of competitor products. Before releasing new or revised operating system, require Microsoft to release copies of new software 60 days prior to release to other software companies to test compatibility with their products. Microsoft will have to make the operating system compatible or ?dll? conflict free. This will keep a level laying field. Microsoft Office, Net and Future products also need a level field with interacting products. A similar 60 day industry pre-release needs to be part of the settlement.

Next require Microsoft to adopt suggested retail pricing, and let the market price their products. This system has worked for automobiles and other technology. The competition will drive down prices for consumers. A fine would be appropriate to cover the expense of the court case. However I am against excessive fees. They drive down stock prices and set unreasonable standards for civil judgments. \$5 million as a fine would be excessive in my judgment.

This concludes my comments about penalties for Microsoft. I appreciate your taking the public comment into consideration. If any of these comments are unclear, please email me at problemsolver@eyecrime.com or call 949-380-1250.

Thank you,  
Steve Amos  
Address below  
Digital Alarms, Access Control, Security  
Cameras, Networks & Phones Stop the Slime  
with Eye Crime.?

Steve Amos  
President  
Eye Crime Pro  
24041-G Hollyoak  
Aliso Viejo, CA 92656  
949-380-1250  
Pager 949-470-5057

MTC-92

**MTC-0000093**

From: Bobowski, Eamon  
To: 'microsoft.atr@usdoj.gov'  
Date: 11/16/01 6:33pm  
Subject: The Settlement Doesn't Address  
Market Dumping

Dear Department of Justice, You obviously don't have a clue as to how the high-tech marketplace works if you think that the proposed settlement will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat" the company faces from rivals.

I will leave the detailed arguments to people better versed in these types of legal discussions, but as someone who works in the industry I can assure you that I for one don't believe that this settlement is an effective remedy. The long and the short of it is this: Without the leverage of the Windows operating system, many if not most of Microsoft's inferior freestanding products would have long since failed, and the honest companies creating competing products would actually be able to sell their products at a profit and continue the cycle of investment and invention.

Instead, you have a never-ending cycle of small start-up companies who take their products to market and are systematically squashed by free products from Microsoft. This 1) discourages innovation and entrepreneurialism, 2) discourages venture capital investment, 3) concentrates wealth and power rather than distributes it, 4) discourages economic expansion and 5) winnows the ranks of companies who can go into the global marketplace and help bring foreign dollars back home.

This is market dumping! The Japanese did it to us in the late 70's & 80's and America raised holy hell. Microsoft does it to us in the late 90's & 00's and America turns it's back on us. I think the real problem here is that the justice department fails to recognize the similarities between VCRs, cars and software. Telling Microsoft that it has to allow other companies to put their free software on the desktop, does not address that the software should not have to be free to compete with Microsoft in the first place.

Hire some people who understand how the world really works.

Eamon Bobowski  
American Taxpayer

MTC-93

**MTC-00000094**

From: Joe Pontecorvo  
To: Microsoft ATR  
Date: 11/16/01 6:44pm  
Subject: Lets get this behind us

Lets get this behind us. From what I have read, the agreement sounds fair all around. The ones that are still making a big noise, and will continue to do so, are those people associated with Microsoft competitors.

Yes, there are competitors. They would like to see Microsoft put out of business or crippled so bad that they could sell their products without any major Microsoft competition and maybe become king of the hill. I am not a Microsoft employee or associated with the company in any way. I am a user of Microsoft products, as are a great number of people who are making all the anti Microsoft noise.

There are other choices out there for those that want to use them. Lets close this chapter and get on with more important business. I am a taxpayer and don't want to see anymore tax money spent on this.

Joe  
MTC-94

**MTC-00000095**

From: Richard Brubaker  
To: Microsoft ATR  
Date: 11/16/01 6:50pm  
Subject: I am a consumer

I am a consumer and came across this address while reading news on my email (on the free Outlook Express that came with Windows 98..)

It mentioned "The Justice Department also set up an e-mail address where consumers and companies may send their comments about the antitrust settlement. The address is "microsoft.atr@usdoj.gov" and will operate for 60 days."

My opinion is that this whole trial was brought about do to "PAC money" from competing companies of Microsoft. And, it's conclusion by the current judge is a blessing and the way it should be handled... BUT it should have never gotten to this point in my opinion... I feel that those companies that PUSHED so hard to see Microsoft punished should be financially responsible for the litigation expenses rather than the American Taxpayers and Consumers.

MTC-95

**MTC-00000096**

From:  
To:  
Date:  
Subject: american peopi  
Andrew Schuster  
Microsoft ATR  
11/16/01 6:53pm

Thank you for coming go an agreement. This is the best thing for the economy and the american people in general. Perhaps some punishment would have been in order, but I think if you just keep in eye on them it will be fine.

MTC-96

**MTC-00000097**

From: Mike Kolitz  
To: Microsoft ATR  
Date: 11/16/01 6:58pm  
Subject: The settlement is good for this country

DOJ, Microsoft, Judge Kollar-Kotelly and others, I have read the settlement, and have come to my own conclusion that this is a fair and just settlement. Personally, I don't believe that Microsoft ever deserved any of this, but as the Appeals court did find that they illegally maintained a monopoly, then so be it. Let me explain briefly why I believe this settlement to be adequate.

It punishes Microsoft by restricting the contractual agreements that it can enter with OEMs, effectively ending that method of monopolizing the market.

\* It was agreed upon by both the DOJ and Microsoft, which would indicate that Microsoft would happily follow these guidelines, and is fully intent on doing so.

\* Microsoft realizes that it's reputation has been tarnished. Reputation is very important business, and Microsoft realizes that it has a lot of "making up" to do if it wants to win that reputation back.

\* This settlement, by requiring Microsoft to release technical details about it's

Windows desktop and server operating systems, as well as Microsoft Middleware, will restore competition in the marketplace by balancing the technical playing field.

I personally feel that Microsoft has always produced higher-quality software than it's competition as a result of talent, not abuse of power, and the restrictions placed upon Microsoft by this settlement will allow Microsoft to do just that, while punishing them fairly and justly for the times where they did "cross the line."

Please consider this in your findings.

Thank you.

Mike Kolitz  
Madison, Wisconsin

MTC-97

**MTC-00000098**

From: Dennis McClain-Furmanski  
To: Microsoft ATR  
Date: 11/16/01 7:02pm  
Subject: Too early?

I think the settlement came too early. I know of at least two products which, according to their tech support people, require Internet Explorer to operate. These are Dragon Naturally Speaking (a speech-to-typing program) and Adaptec Easy CD Creator. The fact is these program may rely on some DLLs installed when IE is installed, but they certainly do not require, or even necessarily use IE in their operation.

I suspect this insistence that IE is a "requirement" indicates collusion.

MTC-98

**MTC-00000099**

From: Iain MacAnTsaoir  
To: Microsoft ATR  
Date: 11/16/01 7:04pm  
Subject: the penalties against Microsoft

It is just my opinion, but my opinion is one that I must express. ...

If we wonder just how it is that computer technology has come so far in such a short period of time, then we need only look so far as Microsoft. Have they been ruthless in conducting their business? Yes. But that ruthlessness has allowed for there to be universal standards which have produced conformities that alone have propelled the development of this technology. We can all be certain that without Microsofts approach we would be years behind where we are now. It seems to me that penalizing a company for doing business, in a calculated and efficient way, is not only contrary to the American dream, but is also contrary to what American business needs—these days especially. If you want to halt rapid progress, and/or, if you want to set American business and the economy back, then do proceed. Its not like the debacle of the Bell break up is non-sequitor here.

John Wright

MTC-99

**MTC-00000100**

From: Eric Murray  
To: Microsoft ATR  
Date: 11/16/01 7:17pm  
Subject: Anti-trust Settlement

The current settlement does not really protect the consumers or the competitors from the shark named Microsoft. It's Xbox

and Windows XP continues to destroy the ability of the other companies to make any profit, since they continue to add functionality to the system and dominate the technology area.

Eric Murray

MTC-100

**MTC-00000101**

From: dixon hamby  
To: Microsoft ATR  
Date: 11/16/01 7:23pm  
Subject: microsoft

Your judgement against microsoft was WAY to lenient. Their history of abusing their operating system position is atrocious. The settlement is a joke. They should be broken up and fined.

thank you  
dixon hamby  
<http://www.idixon.com>

MTC-101

**MTC-00000102**

From: Charles B. Hoffman  
To: Microsoft ATR  
Date: 11/16/01 7:35pm  
Subject: Since when is it illegal to make money in the United States? If you don't like Microsoft products d

Since when is it illegal to make money in the United States? If you don't like Microsoft products don't buy them! It is as simple as that! I am embarrassed that my government would waste my money prosecuting the American Dream. IF the product didn't work or was to expensive, no one would buy it!

It must be a pretty good company, Huh! Find something important to do like prosecuting illegal aliens.

MTC-102

**MTC-00000103**

From: Stersource@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 7:35pm  
Subject: "Settlement with Microsoft"!! HAH!

This a farce!! Microsoft has hurt so many people put out so much crap and computer soft ware that only marginally works because they dominate the market. This is not fair nor right.

They need to be censured by the bigger "bully." My Win 98 was rushed to the market and used to crash constantly, It's better now but still not reliab;le. I call it crash trash!!!

Their Hotmail system is so full of holes that I get trash and Spain all the time and I only used it to one person. I was getting the trash Spain before that.

Someone used Hotmail to put the Trojan Horse virus on my computer via my AOL account.

I screamed at Hotmail and they told me that after a visual inspection of that account's activity, that they would cancel it because they were surfing looking for passwords!!!

And it took manual intervention to do this!! The world's "premier" software company had to manually do this!!

Hotmail was free and anybody could get it with absolutely no verification of critical personal data. I asked them how they could be so irresponsible to allow such terrorist activity!!!

Break them up!!!!!! Sanction them!!!! Fine them billions!!!!

Teach the bastards a lesson.

They also do things like this constanmtly: put out a cheap imitation product, at low or no cost, run the competition out of business and then dominate.

They are too dominant and need to be taught a lesson!!

Nick Schrier  
Box 60104 Sacramento CA 95860

MTC-103

**MTC-00000104**

From: Mike Barrington  
To: Microsoft ATR  
Date: 11/16/01 7:38pm  
Subject: MS Settlement

Microsoft has been tried and convicted of leveraging it's OS monopoly.

This ruling was affirmed by the second highest court in the land.

With this settlement, the government has given MS a free reign to leverage it's monopoly to the internet.

It saddens me to see our judicial system made a mockery by the all mighty dollar.

MTC-104

**MTC-00000105**

From: Debra  
To: Microsoft ATR  
Date: 11/16/01 7:38pm  
Subject: MICROSOFT SETTLEMENT

Dear Sir/Madam:

I believe that the appeals court has been very wise in the microsoft case. I am a consumer of microsoft products.I believe that business must be allowed to grow and profit in America to keep free interprise alive. I do feel that Microsoft was restrictive in sharing their knowledge and that the threat of a Monopoly was a concern.I believe that consumers and business's benefit when companys have the right to develop products and prosper from that development.

I realize that software is the product many companys have to offer and that when a large corporation like Microsoft has the technology to prevent the copying of their products it would benefit other companys if Microsoft would sell them that technology. The question I pose is should a company be forced to sell their secrets?

Perhaps the real issue is how long a company may keep new technology to themselves before they must sell/share that technology?. The Drug companies have a system that seems to work to keep the cost of making drugs affordable.

Thanks for listening,

A Consumer  
Debra Cook  
JCCATTLE@PRODIGY.NET

MTC-105

**MTC-00000106**

From: Bill Binkley  
To: Microsoft ATR  
Date: 11/16/01 7:39pm  
Subject: MicroSoft

To whom ever can help!

Important points:

FIRST ... consider how MicroSoft, (MS) gets market share for products.

There was products for word processing and MS did not have a product. At that point in time Word Perfect was the premium word

processing software. MS came out with MsWord which was not as good and gave it away. Most people opted for the free Ms Word even though it was not as good and thereby MsWord gained market share. NOW MS gets several hundred dollars for these products. In current environment you have to have MS's word processor on your system. The same thing is true for MS's spread sheet software, Excel, and for the Internet Explorer, (IE) browser being incorporated as part of the OS. Without the Windows OS monopoly these things could not have been possible. Competition is great but should be on an even playing field.

SECOND ... MS is taunted for being innovative. When IBM designed the first PC they thought that the market place for a PC was in the 100's of thousands. Therefore they did not want to design an OS. Gates and crew purchased the DOS from a company for less than \$100,000.00 for use by IBM for the PC. Later MS incorporated the Graphics interface from Apple. With this Windows OS monopoly they have and are still forcing PC users to use their products because of the uneven competition.

THIRD ... The browser war is the most recent example of the arrogance of MS. There is absolutely no reason that IE should be part of the Window's OS. The Windows OS is still unstable and incorporating the IE makes it more so. Since the IE is part of the OS is why the IE has considerable more security problems than other browsers. A lot of viruses only attack a PC if you use IE. If you have to reinstall the Windows OS, (the resolve some illogical problem) you have to remove IE, reinstall Windows, then reinstall I. With IE you can only have one version of the software on a PC. This creates additional problems for designers and users as some web sites only work with a certain version level of browsers. For example on my PC four versions of Netscape are installed and IE 5.5. I would like to have IE 5.5 and IE 6.1 both installed to test software I am writing. Web software has to be made to work with the majority of browsers and with the most used versions of those browsers.

SUMMARY ... At a minimum the IE should be a separate product and not part of the Windows OS. This would not hinder MS from being innovative in any way.

B.W. Binkley  
972 306-3911  
CC:

MTC-106

**MTC-00000107**

From: Brian Smith  
To: Microsoft ATR  
Date: 11/16/01 7:40pm  
Subject: blindly dominated

Unfortunately, most Americans (due to ignorance of software and the history of DOS, WIN 3.1, etc) have no idea of the damage that Microsoft has done. Sure, one could claim, "well they were just boosting the economy, keeping people employed, yada, yada." But what about the bugs, the memory leaks, the "undocumented features" of oh so many Microsoft products ... they have cost companies so much money. And it's all because one man, Bill Gates, was so greedy that he sacrificed integrity and blindly

shoved his product in the faces of a nation. Like so many crooked companies, he didn't care about the consumer. He didn't care about quality. He only wanted the mighty greenback in his pocket.

And all this time, the glorious yet fragile facade of Microsoft shields the unsuspecting, ignorant, and innocent people of this nation from the truth that lies rotting beneath. This rot affects the integrity of a nation, only encouraging more companies and big business to give up on the people and scramble for what we have been told by so many to hold dear, wealth. But again I ask, at what cost.

Brian D. Smith  
Kent, WA 98031

MTC—107

**MTC-0000108**

From: Stephen Parrott  
To: Microsoft ATR  
Date: 11/16/01 7:42pm  
Subject: MS penalty

Your proposed penalties of Microsoft aren't nearly enough to restore competitiveness! Microsoft has been found guilty, and I as a consumer and as a taxpayer expect appropriate action from the government. However, what I see is an apparent decision to move on to other things, and do whatever you can to settle this quickly. Don't do this! The computer industry is important to the American economy, and far too important to leave to Microsoft's domination!

I have watched Microsoft since the 1980's, and I firmly believe their business practices have caused a lot of harm to the software industry, and to me as a consumer. What no one knows, and what I can only imagine, is what the software world would be today if Microsoft hadn't put so many competitors out of business. Would we have Windows if Apple hadn't developed the Mac system? Would we have Excel without Lotus 1-2-3? Internet Explorer without Netscape? The list goes on for most all of Microsoft products. Without the other companies, Microsoft would have had no ideas to copy from, and in addition very little reason to innovate. Now that these other companies have become minor players, they aren't able or willing to commit major resources to development. Microsoft claims innovation, but has only displayed innovation when it comes to using their software to achieve business goals. Innovation for providing truly better software is left to people outside Microsoft; when a successful improvement emerges then Microsoft takes it. I want the justice department to take the responsibility of protecting a vital element of modern life, and the proposed settlement does not seem to do that. I don't want a facade; I want strong measures that truly level the playing field so that real competition thrives again in the software world. Come on guys, do your job!

Steve Parrott

MTC—108

**MTC-0000109**

From: Marvin Rohrs  
To: Microsoft ATR  
Date: 11/16/01 7:47pm  
Subject: Microsoft Settlement  
Gentlemen:

I strongly object to the proposed Microsoft settlement—I believe that the requirements are far too little when one considers the damage that has been done to the millions of existing users of their Windows O.S. The settlement will do absolutely nothing for me, as an end user of Windows. I will still be stuck with operating systems (I have 3 of them ? all Windows 98, 2nd Edition) that have embedded in them many completely unwanted and totally unrelated functions that occupy hard drive space and slow down my computers. I will still be stuck with an 0.8. that does not interface well with other, non-Microsoft software, resulting in frequent system freezes. Historically, each version of Windows that Microsoft releases promises to correct the bugs in previous versions, only to have a whole new set of bugs show up. They never seem to correct all of the bugs in a given version before releasing a new version—this leaves the user stuck with the problems.

It is my opinion that Microsoft should be forced to provide current users of Windows 95, 98, 2000, and ME with a means to TOTALLY remove unwanted functions that have been illegally bundled with the basic Windows O.S.—such as their Internet browser, e-mail, and messaging. They should be forced to support previous versions until all of the bugs have been addressed and corrected.

They should also be forced, in the future, to totally separate the Windows O.S. from their other software. Windows would then be marketed as a basic O.S. for which the code has been provided to other software developers so that their software can operate seamlessly with Windows, instead of freezing the system. Their other software would then have to compete fairly with software from other companies. As it is now, they have an extremely unfair advantage. They have literally destroyed Netscape and Lotus, both of which have products that are far superior to the comparable Microsoft software. Netscape used to be the dominant web browser until Microsoft used their monopoly on the Windows O.S. to destroy them—even though the Netscape browser is still superior to the Microsoft browser. The Lotus 123 spreadsheet used to be the only spreadsheet to have until Microsoft began to force computer manufacturers to offer their Office bundle with their computers. Lotus 123 is still far superior to M.S. Excel!!!! Unless Microsoft is forced to fully separate Windows as an O.S. (for which they, unfortunately, have a monopoly) from their software (for which they do not as yet have a monopoly), they will ultimately force other software companies into the same fate.

Finally, Microsoft should be forced to make each new version of Windows backward compatible with software that ran satisfactorily on previous versions. For example, I have no intention of upgrading to the XP version because it is my understanding there are many incompatibilities with other older software, even though it is not widely publicized. I have no intention of spending thousands of dollars to upgrade to newer versions of other software just so that I can boast the latest version of Windows and encounter a whole new range of operating bugs.

Microsoft cannot be allowed to continue to use their monopoly to drive other companies to the wall, as they have done in the past.

Sincerely,  
Marvin K. Rohrs, P.E.  
rohmsm@asme.org

MTC—109

**MTC-0000110**

From: Larry E. Rhoads  
To: Microsoft ATR  
Date: 11/16/01 7:48pm  
Subject: Ability to purchase optional  
Operating Systems

My concern is that this settlement does not provide any remedy to the many years which Microsoft has controlled the PC distribution in relationship to consumers choice for the operating systems available on a single PC. For example not even IBM could sell me a PC which had a dual boot option where I could order Windows and Linux or any other combination of other operating systems. The salesman response is that no one ever asked for that option even though I had just made that request. When you pushed the issue it was then said it was not done. No one would say that they didn't have a choice.

Microsoft is still not playing on a level field in relation to the consumer where their controlling tactics have now left no viable alternatives in many areas. It is great to get free software for a year or two but then it is not much fun to find that this is the only version of that type of software now available. Then you find that to continue to use that software you are forced to buy a new license at a price which is now more than three times what it should be. Most companies can't use the free trick because they don't have the level of control or resources to destroy another competitor. Microsoft has and still does. I don't think this settlement goes far enough and the level of oversight in not nearly strong enough to provide an effective punishment or deterrent.

Sincerely  
Larry Rhoads  
Tracking #: F2B2 1 67FD4D9D5 11  
A24400A02478256E801 CD 1 4E

MTC—110

**MTC-0000111**

From: Bill Dempsey  
To: Microsoft ATR  
Date: 11/16/01 7:50pm  
Subject: Opinion

Hi,  
I'd just like to express my opinion on the entire Microsoft anti-trust issue. For many years, Netscape had a monopoly on the browser market with no real competitors. This allowed them to dictate standards that all web developers were forced to accommodate if they wanted their sites to be viewed. Nobody said a word about Netscape. For many years, Norton Utilities held a virtual monopoly in the hard drive management and repair category of software. Another example is Sun with it's total domination of the Internet server market for so many years. Does anyone else remember the total dominance of CPM in the workplace prior to DOS and then Windows? My point is that every apparently monopolistic hold on some aspect of the computer industry has

been broken by one or more companies with better products at some point. Microsoft got to it's current level of dominance by offering better products, plain and simple. This is called competition and isn't that what a capitalist society is all about? The PC industry has also benefited from the fact that wide adoption of Microsoft's exceptional products has created standards which allowed the industry to progress at a much faster pace. Without these standards, I am convinced we would be at least a decade behind where we are now. With all of this in mind, I obviously believe that your settlement with Microsoft is a good thing for everyone. I also believe the economy will bounce back quicker under the unfettered leadership of Microsoft and it's visionary leader. No, I don't work for Microsoft. I even get annoyed sometimes with them when their software crashes. But honestly, their software crashes less often than most and I use it constantly. Kudos to your team for working out a reasonable solution without killing a technological leader we need during these harsh times.

Best regards,  
—Bill  
Bill @Dempsey.net  
<http://www.bill.dempsey.net>  
"You can predict the future if you create it."

MTC-11

**MTC-0000112**

From: Bob LaGarde  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 7:51pm  
Subject: Support for Microsoft Settlement Proposal

In 1996 I founded LaGarde, Incorporated, a Kansas Corporation, engaged in the business of building "Business Applications for the Internet." In launching this venture I entered partnership programs with AT&T, Netscape, Novell, Digex and Microsoft. I was rejected for AT&T's program. I paid \$200.00 for Netscape's program. I was offered the opportunity to pay \$1500.00 for Novell's program. I paid nothing to enter Digex's program and I paid nothing to enter Microsoft's program. Microsoft immediately began furnishing me with developer software, sample code, web site advertising support and many, many other business opportunities. Microsoft has established a very strong track record of helping to build business opportunities for 3rd party companies. Microsoft continued to support our endeavors with free listings on the [www.microsoft.com](http://www.microsoft.com) web site; invitations to speak at Microsoft professional events; free booth space at global trade shows; etc. Today I operate a Kansas corporation employing 20 people. We were recognized as an Exporter of the Year candidate by our Kansas Governor, Bill Graves earlier this year based on the fact that through our overseas sale of StoreFront products we e-commerce enable merchants in over 70 countries around the world. I strongly support the current proposal of the US Attorney General's office to settle this case.

Bob LaGarde  
LaGarde—Makers of StoreFront E-Commerce Solutions

[www.lagarde.com](http://www.lagarde.com)  
[www.storefront.net](http://www.storefront.net)  
1.800.785.830.9800 (US)  
011.1.785.830.9800 (INTERNATIONAL)  
[b.lagarde@lagarde.com](mailto:b.lagarde@lagarde.com)  
Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.295 / Virus Database: 159—  
Release Date: 11/1/2001  
CC: 'GENERAL(a)ksag.org

MTC-112

**MTC-0000113**

From: j. 1. t.  
To: Microsoft ATR  
Date: 11/16/01 7:56pm  
Subject: i have lost faith in the DoJ

Many years ago the Dept. of Justice was ethically unassailable—you seemed to do everything right, defending the average guy and gal against getting raped by big business and whatever petty individual evil lurked out there.

But this is the last straw. The AG is ignoring the will of the public in Oregon while pretending to be "for state's rights," is not interested in prosecuting anthrax scares aimed at abortion clinics even though he claims he doesn't allow his personal vendettas/opinions to influence his job (all the while saying he'll prosecute to the fullest extent of the law anyone who takes advantage of the current situation to scare people with anthrax threats), and now he's friends with Bill Gates.

Hey—just ignore the courts, the people, and the constitution. That's all I've seen from Ashcroft and the current DoJ leadership in the past few months. Why even bother with a constitution? Or red stripes on that flag? It's just embarrassing. This is America, for God's sake! Not some backward third world fascist state!

Joshua Lurie-Terrell  
MTC-113

**MTC-0000114**

From: GigLister@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 7:56pm  
Subject: Requested Microsoft Settlement Comments!

US Dept of Justice:  
What you guys did was flat-out, awful ... You dragged America's most premier company through a worthless public battle for what... so a few second rate companies that can't compete with Microsoft products anyway can get a place on their operating system ... and at who's added expense ... yeah, the working consumers!!!

We weren't idiots ... a free Microsoft browser built in to their operating system was a cost/benefit to the consumer ... if for whatever reason a consumer wanted a browser other than the one Microsoft was providing for free, that was always an option to the consumer if they were willing to pay extra for the value they perceived getting from some other browser ... and the Windows Operating System was always built for compatibility to other browsers being installed. You guys got foxed into spending a bloody fortune in public taxpayers' money just so McNulty can attempt to sell his 'piece-

of-shit' applications that he couldn't/won't be able to sell on his own anyway!!! So what was the point to all this nonsense ... I think whatever Microsoft had to yield to get rid of you Reno morons, it was far more than you deserved ... This case could never be defended as a protection of competitive benefits for the consumer ... had you won, we would have paid much more for acceptable software applications provided by the best in the business!

You ought to give the settlement back ... you never were fighting for the public's rights/benefits from the beginning ... you just fought McNulty's fight for him and lost like he would have lost had he fought this fight on his own!!! And for the states' AGs to be now fighting over whether this is the proper settlement of this case is even funnier ... most of these AGs still haven't found the pc on/off switch!

This case was a complete waste of time and money and you only got to wrongfully harm America's most prominent and productive company ... Oh yeah, I have never worked for the Government or Microsoft, so my comments started from a neutral position.

You were the Bad Guys on this one!!!  
George J Lister  
Pennington, NJ  
CC: [v\\_alex\\_poole@hotmail.com](mailto:v_alex_poole@hotmail.com)  
[@inetgw.Groomer76@aol.com@](mailto:inetgw.Groomer76@aol.com)

MTC-114

**MTC-0000115**

From: Kevin Ulland  
To: Microsoft ATR  
Date: 11/16/01 8:01pm  
Subject: Microsoft Trial—Question about dissenting states

Hello, my name is Kevin Ulland. I fully support the settlement between the nine states, the DOJ and Microsoft. I don't believe Microsoft is a monopoly that has abused it's power, and Microsoft hasn't ever hurt me, the CONSUMER. But that's not what's at issue here.

I believe that the settlement that the DOJ and Microsoft agreed to is fine. It not only tackles the anti-trust "violations" but also addresses the market and Microsoft's role therein. I am happy to see that nine of the eighteen states have signed on, but I am frustrated by the remaining states who wish to proceed with the trial. I have a question about those nine states.

I live in Washington State. I am happy with Microsoft, I like Windows XP and it's features. I use Passport and love the fact that it's integrated into the OS. It saves me time! I love Internet Explorer. It renders beautiful web sites, and being a web developer, it's a great application. Netscape is non-compliant with the standards and mis-interprets code all of the time, creating ugly sites and interfaces. I DON'T want Microsoft to stop innovating. I want the next version of Windows to be even more rich with features. If Massachusetts or California go into the hearings in March and get extra sanctions or limitations applied to the deal with Microsoft, those limitations had better not effect me here in Washington, or any of the other 41 states! Just because California is listening to the special interest groups from Silicon Valley and Microsoft competitors and

NOT it's consumers, that should not affect me in my state. I remember my US history, and I remember that we all started out as separate states, like little nations, and we created a federal government to over see national issues. But laws passed in California do not apply in any other state, and I am hoping that a ruling against Microsoft for California, or the other nine states only applies in those states. If California law can't affect me here in Washington, why should a ruling for California affect me as well? Will a ruling for the nine states affect the other 41?

Please answer this question, because I think it is vitally important that as a consumer I know what is going to happen to Microsoft and the software I use in my life and work. It is wholly unacceptable that these nine states' problems with Microsoft affect the rest of the nation. The settlement with the DOJ can affect all of the states, because it is an agreement with the Federal Government...

Thank you,  
Kevin Ulland  
Citizen of Washington State

MTC-115

**MTC-00000116**

From: Arnie  
To: Microsoft ATR  
Date: 11/16/01 8:07pm  
Subject: Microsoft: Mother of Computer Viruses

Microsoft's well-documented battle against Java seems like an old story, but the casualties are still mounting. As a cornerstone of their battle against JAVA, and any platform-independent APIs, MS introduced and expanded the scripting capabilities of their applications to allow web-based scripting. This has been the basis for vastly destructive computer viruses (worms) from Melissa to code-red. While Sun spent many dollars and man-years making Java highly secure, constraining the scope of its actions, and designing it for internet activity, Microsoft rushed its existing scripting system into the internet business without any precautions. This has made it trivial to create worms which access a users MS Outlook addressbook to spread themselves. MS negligence in this area verges on criminal. While the media cites "Internet Viruses" and, especially now, various agencies are looking with renewed concern at computer security issues, the quiet truth is that these viruses are virtually all limited to Microsoft's shoddy applications. In this area in particular, their dominance is fundamentally dangerous. Like a crop with insufficient genetic diversity, an internet without diverse servers, app.s and O.S.s is more vulnerable to any single virus. The fact that Microsoft's OS monopoly leverages their applications hegemony makes these vulnerabilities more severe, and allows mediocre development to combine with a careless and hurried approach to security.

The current proposed settlement does very little to reintroduce competition or diversity into markets that MS has already swallowed. It does absolutely nothing to address the systematic degradation of computer security which Microsoft P.R. describes as innovation. Well-publicized security holes in

WindowsXP and MS Passport/Wallet systems should be troubling, but the unpublicized gaps sure to be lurking in a system of this complexity, from a group with this track-record of negligence should be terrifying. Microsoft's incompetent domination of the internet should be seen as an issue of national security, and yet it is being swept under the rug like a mere industry anti-trust squabble. Please save us!

Sincerely,  
Arnie Cachelin  
Senior Software Engineer  
NewTek, Inc.  
San Antonio TX

MTC-116

**MTC-00000117**

From: Justin Hopper and Bogdana Manole  
To: Microsoft ATR  
Date: 12/6/01 1:38pm  
Subject: Absolute Outrage

I am a long-term software developer and user of Microsoft's products, however that does not blind me from their unjust business practices. I have seen once strong products like Netscape Navigator, Quicken and WordPerfect, literally crumble as Microsoft pushed it's way into the markets. Everything that is developed by Microsoft creates a further dependency on their products, including the operating system. What we have seen over the past years is more and more software products being developed by Microsoft. It used to be an operating system and now the company offers a complete end-to-end solution for IT businesses in just about any market. Where's the diversity?

I currently reside, in Romania, a former Communist country. I can tell you first hand the dangers of a monopoly. For example, there is one telecom company in Romania (sound familiar) and the whoever wants to make a phone call must pay them a set tariff. Who ever wants to set up an ISP must pay them a set tariff. Who ever wants to receive extra phone services or even make and international phone call, must pay them a set tariff. If the consumer does not like it then who do they have to turn to? Noone! They are stuck with whatever price Romtelecom sets. Now tell me how this settlement is going to prevent this from happening to the technology market.

The decision to make Microsoft give its software away for free to public schools is almost funny. Not only does it give Microsoft's operating system a leg up in what may be one of the only fields that it doesn't have control over; but it will probably be the end of Apple Computers. This is an ingenious idea and whoever came up with this proposal must have done so knowingly. The Department of Justice looks like a naive child being led by the giant software developer to do whatever it wants. Who is running the court-case, Microsoft or the DOJ? Sometimes it is hard to know.

Sincerely,  
Justin Hopper  
MTC-117

**MTC-00000118**

From: larry  
To: Microsoft ATR  
Date: 11/16/01 8:08pm

Subject: Microsoft settlement—comments

The settlement with Microsoft was terrible! It does practically nothing effective to stop this monopoly, and in fact, they are going ahead full speed to take over the internet as much as they can. Even if they do not comply with the mild constraints, there are no really effective enforcement procedures. The hands of the enforcers are, to a great extent, tied. At best, they would get another mild slap on the wrist.

I use an alternative browser (Opera), and Microsoft seems to have started attacking this browser as well. Many Opera users have complained to them about this, but their response has been \*\*quite\*\* poor. It would seem that they are out to eliminate it, or at least marginalize it, as they did with Netscape. One could go on and on with more examples of their predatory practices, but I'm sure you get the idea.

I'm just an ordinary user—I don't work for their competitors, and have no ulterior motive for writing to you. I just want you to know how an "ordinary Joe" views the settlement. It makes one wonder how much "justice" they bought with their large political contributions. Thanks for listening,

Larry Wright mail to: larry  
@wrightplace.org

MTC-118

**MTC-00000119**

From: Edwin E. Coad  
To: Microsoft ATR  
Date: 11/16/01 8:14pm  
Subject: Shame on you!

This settlement does not punish Microsoft, it rewards them. Microsoft destroyed companies, lives, etc. and they should be made to pay all those who they harmed directly and indirectly. Guilty is as guilty does. Wrong doing without punishment sends a clear messages, "we got away with it". Please reconsider the final order and settlement.

Edwin E. Coad  
Casselberry, Florida

MTC-119

**MTC-00000120**

From: Don Lex  
To: Microsoft ATR  
Date: 12/6/01 1:37pm  
Subject: One users opinion

MTC-120

lle:uLj/wIflJLemp/Lmp.nuil  
Department of Justice,  
RE: Microsoft Settlement

My thoughts are simple regarding this complicated software business. As I read from public sources for settlement details; the settlement clearly fails to punish the Microsoft enterprise for its corporate behavior. Time has gone by and the justice system may have indeed forgotten about the failed companies due to MicroSoft business practices. All of the failed businesses led to (1) lost competitive ideas, (2) lost employment, and (3) failed dreams. Long gone are companies like Netscape, Borland and others. Further the notion that MicroSoft would give software operating systems, support and applications to the poorest schools appears to increase the footprint of the Microsoft monopoly. This may actually

be worse than doing nothing. I do not envy your team in finding resolution with this matter or the tobacco matter, but please secure TRUE resolution. In my humble opinion, Microsoft needs to be broken into smaller companies like Judge Green did with AT&T.

thank you for you time and consideration,  
DON LEX  
5160 Carriage Dr.  
Richmond, CA 94803  
1 of 1 12/14/2001 3:11 PM

MTC-120

**MTC-00000121**

From: Chuck Davis  
To: Microsoft ATR  
Date: 12/6/01 1:17pm  
Subject: Microsoft settlement

Dear Sirs,  
I heavily use Microsoft products both personally and professionally.  
Having supported computers for 35 years, I would like to state my opinion, as a private citizen regarding the Microsoft settlement. The agreement, in which Microsoft will contribute it's product to educational facilities, gives Microsoft an unfair advantage in those education facilities and is not at all a fair response to their monopolistic behavior.

Thank you,  
Charles W. Davis  
cdavis @ bestweb.net

MTC-121

**MTC-00000122**

From: George (038) Marsha  
To: Microsoft ATR  
Date: 11/16/01 8:17pm  
Subject: Dear Sirs

Dear Sirs just reading Mr. Gates response to the settlement should give the Justice Department an idea how good this is for Microsft. I am wondering why our government- my government- is allowing this kind of settlement to go through when it is clearly hurtful to American business and the American people.

I am truly disappointed.  
George Brownlee  
Mesa, AZ  
480-703-2285

MTC-122

**MTC-00000123**

From: Joven Joven  
To: Microsoft ATR  
Date: 11/16/01 8:17pm  
Subject: Microsoft Anti-trust lawsuit settlement.

The current proposal for a settlement to this case is weak, and does nothing to help the IT community. The option to force Microsoft to either disclose the source code of Windows, or make them ship Windows in a stripped down manner without any additional software would have been a much better option. Microsoft is counting on the pervasiveness of their applications to force users to use them, and eventually have no option but to pay for their services. I use Hotmail because before Microsoft bought it, it was a very good free web based email system. Now that Microsoft has bought it they've been constantly sending me mail

pitching their new services. I don't mind this at all, its Microsofts right to promote their services. Considering the fact that Hotmail provides no signifiant revenue outside of advertising. On the other hand, Microsoft should not make it difficult for a user to use one Microsoft service that they've paid for and avoid another. MSN Messenger on Windows XP is a prime example of Microsoft's practices. Every few times XP loads, customers have to constantly cancel the sign up feature if they don't want to use it. This goes way beyond simple marketing. Unlike Hotmail, which is a free service, Windows is something a customer pays for, and by doing so they should have the right to not be bothered about other Microsoft products. Internet Explorer is also another complete pain. By tying IE so deeply into Windows, Microsoft users have no real choice but to use it. By trying to give out such a pathetically weak settlement, you are ensuring that Microsoft continues to bully users and other sectors of the IT industry into being exclusive Microsoft customers simply by the way they ship software, not to mention the history Microsoft carries of bullying computer manufacturers and retailers by threatening to deny them liscensing. Microsoft can very easily maintain its monopoly if you either force them to disclose their source code or sell an 'OS Only' version of windows, as long as they switch tactics from bullying to shipping stable programs.

Another thing that should be seriously concidered before the US court system gets plagued by class action lawsuits is to order Microsoft to either discontinue, or completely overhaul their Outlook Express and ISS programs. These two applications have plagued internet users all over the world with viruses coded to exploit the vast security holes in these systems. Placing penalties on Microsoft for putting off repairing security holes would be an excellent idea, as it would reduce the frequency of virus attacks such as Code Red and Nimda, as well as the latest fiasco involving Microsofts 'My Wallet' feature, which had a security hole so obvious it took a programmer only 30 minutes or so to exploit it in able to steal credit card numbers from Microsoft users who utilized the service.

Obviously I am not the only one who thinks this way, as several state officials have shown by turning down the settlement agreement, as well as the entire European Union's plans to bring Microsoft to task.

MTC-123

**MTC-00000124**

From: Ron Shue  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 8:24pm  
Subject: Thanks for selling us out.

So far the settlement I have seen an reported. Does not correct the problem with microsoft. You are allowing them to take control of the computer industry. As a example with there next proposed business, expect to see Intuit company the makers of quicken and quickbooks will be the next fallen flag.

As a US consumer, there is nothing in this for me. The harm that microsoft has already done to me is not being corrected.

I have paid for software and them forced to use there software. Example is the browser. Which your settlement does not address.

This whole thing is a joke, The only question that should be considered, is how does the U.S. consumer seek legal action against our government for failing to protect it citizens.

I have worked for over 15 years in the computer industry and have watched microsoft climb to power, by making sure you had to run micorsoft software. I was also a Licensed developed for Digital Research software. Remember DR-DOS and GEM. One was a better DOS than MS-DOS the latter was a better graphic menu then WINDOWS. But WINDOWS 3.1 would not run on DR DOS and GEM would not work with microsoft software apps.

Ron SHue  
Infrastructure Specialist  
Electronic Data Systems.

MTC-124

**MTC-00000125**

From: Peter Seebach  
To: Microsoft ATR  
Date: 11/16/01 8:24pm  
Subject: Anti-trust settlement

Any settlement should reflect the repeated and flagrant abuses Microsoft has engaged in, even during the ongoing trial. At a bare minimum, those harmed by Microsoft's practices should be compensated in some way. The original court findings remain; Microsoft broke the law. Any settlement that lacks a substantial and meaningful penalty is itself a flagrant disregard for judicial process.

In the long run, it's probably not necessary to split Microsoft—and indeed, you can't fix a monopoly on software by splitting it up. What the government can, and should, do is make sure that Microsoft's competitors are competing on a level playing field. This means \*NO\* barriers imposed by Microsoft to getting competing products shipped with computers. No special "Windows" key trademark licensing. No agreements that systems \*must\* boot Windows. No special high prices for vendors that don't support Microsoft enough. Everyone has to get the same price, no matter what, from Microsoft—any other solution lets them impose multi-million dollar "fines" on vendors as punishment for non-cooperation. Furthermore, their file formats and standards need to be opened up.

Past that, perhaps the best thing to do is simply to try the principals of the case for perjury; they clearly lied to the government, and no one should be able to get away with that.

-s

MTC-125

**MTC-00000126**

From: Joe Balbona  
To: Microsoft ATR  
Date: 11/16/01 8:25pm  
Subject: Settlement

There is every reason to believe that Microsoft will comply with this proposed

settlement to the same degree they have with past settlements. The DoJ had an excellent trial and exposed Microsoft for the liars that they are. They lied then and they are lying now about compliance. The remedy should be the division of the company as ordered by Judge Jackson.

Joe Balbona

MTC-126

**MTC-00000127**

From: root@wt6.usdoj.gov @inetgw  
To: Microsoft ATR  
Date: 11/16/01 8:29pm  
Subject: Some thoughts

Just figured since you set this email addy up I'd chime in and say that the judgement was bogus. Microsoft has done all they can to kill competitors through unfair business practices and all you do is say "Please don't do that again".

I suppose it has something to do with the millions they've donated right? Things like this really make me lose faith in our government.

MTC-127

**MTC-00000128**

From: Lynne Weintraub  
To: Microsoft ATR  
Date: 11/16/01 8:31pm  
Subject: I don't agree

I don't like the microsoft settlement. I don't understand why microsoft is being rewarded for thumbing their noses at U.S. consumers, the laws of this country, and the justice system. I don't like the fact that they have huge loopholes to slither through, and I think the justice department should not rush to settle until they can be closed very very tight!

Lynne Weintraub  
Amherst, MA

MTC-128

**MTC-00000129**

From: Bob Niederman  
To: Microsoft ATR  
Date: 11/16/01 8:35pm  
Subject: Thank you for using Pollit.com's Mail Form! (fwd)

I believe that any settlement that would have a chance of restoring competition to the computer industry would require at least the following:

1) All terms must be enforced by a non-Microsoft party with full access to all Microsoft resources, including source code. Microsoft cannot be trusted to voluntarily comply with any agreement.

2) All communication protocols used by all microsoft products must be fully documented. Such documents must be made available to any and all parties for any reason, free of any charges or limitations in use. Microsoft is not allowed to change their protocols until 90 days after documentation of such changes are made available to any parties requesting them, free of charge or limitations in use.

3) The previous term must also apply to all Microsoft APIs (Application Programming Interfaces).

4) Microsoft may not keep agreements secret. In particular, the terms of the current OEM agreements, currently protected as "trade secrets" must be disclosed.

5) Microsoft may not use agreements with Computer OEMs to restrict in any way the addition of other software to the computers, along with Microsoft products. In particular, OEMs are not to be prohibited from selling "dual-boot" systems, where the system can be booted into Windows or into some other operating system, such as Linux or a form of BSD or BeOS.

6) Microsoft may not use their licensing terms to stop users or developers from using Open Source software or Free Software.

7) Microsoft may not meddle in the the legislative processes of Fderal, State or local goveremnts or bodies that make recommendations to them, with their work on UCITA being a prime model of behaviour that is prohibited to them as a monopoly.

8) Micorsoft services (such as MSN) may not require the use of microsoft software by users wishing to use the service.

9) Microsoft services, such as MSN, must not be forced upon users thorough exiusive contracts with ISPs or LECs (such as Qwest).

MTC-129

**MTC-00000130**

From: Adam Warbington  
To: Microsoft ATR  
Date: 11/16/01 8:36pm  
Subject: Comment on Microsoft settlement

It is obvious to the informed members of the public that this decision is entirely based on the huge amounts of money Microsoft is willing to give to elected representatives. The settlement is vague and gives Microsoft exactly what they want, free and sanctioned reign to shove their products down consumers' throats. Microsoft is not an example of a good business, it is an example of a good monopoly.

The government has done its citizens a great disservice by allowing Microsoft to continue its predatory business practices unchecked.

—Adam Warbington

MTC-130

**MTC-00000131**

From: mturyn @ world.std.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 8:37pm  
Subject: Nix the settlement

Microsoft have been bad actors for as long as they have been able to get away with it, and their corporate culture still is tilted to the "all markets we are in must be ours" direction that makes it likely that they will have monopoly power to abuse in more markets. Until they suffer some sort of palpable correction for acting as they have, it is unreasonable to expect them to act any differently; the current settlement neither constitutes a stiff enough penalty to be noticeable nor sends a signal that they are dealing with a D.o.J. willing to take them on should they egregiously misbehave in the future.

MTC-131

**MTC-00000132**

From: esp5  
To: Microsoft ATR  
Date: 11/16/01 8:42pm  
Subject: guys... guys... guys

how can you live with yourselves? What on earth possessed you to think that the

settlement that you reached with MS had any teeth in it at all? If you want, I can go into a detailed analysis of exactly how the settlement you made totally screws the consumer, but the cynic in me tells me that it'd probably end up in the trash unread.

Augh. Tell me it isn't so. I had such high hopes for you guys. Guess its just one more painful step in losing idealism and the belief in justice... \*sigh\*.

Ed (hoping that he's wrong, but thinking that there's a 99.999% chance that he's right)

(ps—if I \*am\* wrong, let me know. There's a good chance that a decent argument in front of Ms. Kollar-Kotelly will get you off the hook of an \*embarrassing\* deal with MS, or perhaps you can 'recant' your belief in the settlement and give it no credence. And I'd be happy to draft a list of points exactly \*how\* Microsoft can worm their way out of Yet Another Consent Decree... \*sigh\*.)

MTC-132

**MTC-00000133**

From: Naden Franciscus  
To: Microsoft ATR  
Date: 11/16/01 8:42pm  
Subject: Decision

Whilst I am not from the States the ramifications of this decision extends worldwide.

I simply want to state that Microsoft must NOT be allowed to maintain control of their API's for development. It is imperative that the Office and Windows combination is somehow broken as future operating systems can not succeed without Microsoft Office interoperability.

Ultimately, I would be very happy if you (DOJ) could define the file formats of Microsoft Office products to be standards and subsequently require them to be 'open' and privy to everyone.

This would solve so many, many problems.

Thank you for your opportunity.

Naden Franciscus  
Content Development Engineer  
Curtin University

MTC-133

**MTC-00000134**

From: Alex Barnes  
To: Microsoft ATR  
Date: 11/16/01 8:43pm  
Subject: Comments on the Proposed Microsoft Settlement

I am a computer strategy consultant, and advise large corporate clients on software technologies.

I speak here not on behalf of my firm, but as a concerned citizen.

I oppose the proposed settlement with Microsoft. The Government has already attempted to modify Microsoft's behavior with conduct remedies, and these have proved ineffective. Microsoft's behavior in bundling additional functionality into its Windows XP operating system, and in subverting open standards, indicates that the firm continues to abuse its monopoly position. This will have long-term adverse consequences not only to other software developers, but to their clients, including the large corporations that I advise. These costs and risks are passed back to the consumers, and are damaging to the US economy.

It is evident that the DOJ's settlement is a political, not legal, remedy, and that it reflects the an unstated policy of tolerating monopolistic behavior. If the Government is opposed to anti-trust law, then it should convince Congress to change the law, not subvert it through ineffectual sanctions.

A minimum acceptable settlement would require Microsoft to unbundle its applications from its operating system (OS), make public the Application Programming Interfaces (APIs) that connect these applications to the OS, and refrain from implementing proprietary extensions to US and international standard interfaces. Microsoft should have no input into the staffing of any oversight body that is chosen to monitor compliance; instead, it should be staffed based on recommendations of industry organizations that are not funded or dominated by Microsoft.

Regards,  
Alex Barnes

MTC-134

**MTC-00000135**

From: Herbst, Mike M.D.  
To: microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 8:43pm  
Subject: Microsoft settlement  
To whom it may concern:

It is my belief, based on my professional knowledge and experience as the Chair of the Santa Monica-UCLA Medical Informatics Committee, that the recent settlement proposal between the DOJ and Microsoft is completely inadequate.

The proposed settlement fails to address the harm already caused by the Microsoft abuse of its monopoly. It also does not provide adequate protection for consumers from future abuses. The statements of Microsoft executives since the settlement indicate that they do not accept that their previous behavior was a violation of the law, nor that they must change their behavior in the future.

Please do not let this travesty of justice take effect.

Michael Herbst, MD

MTC-135

**MTC-00000136**

From: Miko Matsumura  
To: Microsoft ATR  
Date: 11/16/01 8:44pm  
Subject: wrist slap

It's clear to me that consumers will continue to be hurt by Microsoft's activities, especially given Justice's blind eye to their XP bundling and continued violation of the regulations against their illicit business practices. Please reconsider your position.

Best regards,  
Miko Matsumura  
Consumer and citizen.

MTC-136

**MTC-00000137**

From: Morss, Charlie  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 8:44pm  
Subject: Bundling of alternate OS not allowed  
Hello,

Please do not agree to any settlement that would restrict OEM's from bundling alternate

operating systems when selling a machine with a Windows OS on it. Currently, it is my understanding that a OEM can not include a free version of Linux, BE, or any other OS without violating their contract with Microsoft. Microsoft may actually allow it, but the OEM losses their discounted pricing from Microsoft, essentially making it impossible for them to do any bundling on their own.

This practice is clearly an illegal use of their monopoly.

A settlement that does not take this into account assures that Microsoft's illegal monopolistic practices will continue (they will never have any "real" competition, contrary what they seem to indicate).

Thank you for considering this issue,  
Charlie Morss  
34228 46th Ave S.  
Auburn, WA 98001

MTC-137

**MTC-00000138**

From: ash  
To: Microsoft ATR  
Date: 11/16/01 8:46pm  
Subject: MS, still being bullies.

I am a college student and a want-to-be-programmer and believe the MS is a harsh monopoly. Granted, in the beginig they were a great aspiring company, but now they stomp out everyone to gain more market share. For instance, they have stomped out a lot of financial software by pushing their own. They have, obviously, taken the browser and added things to the HTML standard to make other (standard) browsers have problems. They have started .NET and Hailstorm which pretty much gives them a good hold on the people much like a Orwellian (sp?) government might. My point is they are starting to get out of hand and are killing off other great inventors by stomping out creativity with these malicious buisness practices.

Thank you for your time,  
Ash

MTC-138

**MTC-00000139**

From: Scott Johnson  
To: Microsoft ATR  
Date: 11/16/01 8:46pm  
Subject: Microsoft anti-trust settlement fair and just, I support 100%

The anti-trust settlement reached between Microsoft and the US Department of Justice is fair and just, and I feel it addresses the issues that led to the trial.

The states which remain participants in the anti-trust action against Microsoft are simply trying to protect companies operating within their borders, and their demands are unreasonable. I strongly urge the US Court of Appeals to recognize this and to find in favor of Microsoft against those states that choose not to accept the current settlement.

We must remember one thing above all else... Antitrust law does not allow punishment for a company simply for being a monopoly, nor does it allow punishment for a company that puts its competitors out of business through ruthless competition. Microsoft may in fact be a monopoly, but it has not abused that position (yet) by using its

market dominance to unfairly price its software. Yes, it is a ruthless competitor, but that is not illegal.

The Sherman Anti-Trust Act was designed to protect consumers from companies who abuse their monopoly power to raise prices. In the last ten years, Microsoft has not significantly raised the price of Windows. Case dismissed.

Some claim that Microsoft has been raising prices, as proven by the fact that Windows pricing has remained stable while other component prices in computers have declined. This argument is ludicrous.

Consumers now receive for free software they used to have to purchase seperately from Windows: web browsing software, music recording software, and more.

It is rather generous of Microsoft, in my opinion, to continue to price Windows at its current level. In every other business one can think of, new features cost money. Buy a car, get a stereo, and it will cost you more than if you purchased the car alone.

Don't listen to the states. They simply represent the voice of jealousy, and they are using the courts to achieve what they could not achieve in the marketplace. The settlement is fair.

Scott Johnson

MTC-139

**MTC-00000140**

From: Steve Odem  
To: Microsoft ATR  
Date: 11/16/01 8:47pm  
Subject: proposed settlement

I think Microsoft has gotten away with grand larceny and you are slapping them on the wrist and saying Bill, be a good boy'. It is a lousy settlement which should not be approved by the Court.

MTC-140

**MTC-00000141**

From: Todd I  
To: Microsoft ATR  
Date: 11/16/01 8:47pm  
Subject: The agreement does not help consumers

I am very disappointed in the agreement reached by the Department of Justice and Microsoft. Their past compliance with government restrictions should be a good indicator of future performance. I see no reason to believe that they will honor the current restrictions, given the weak monitoring and enforcement mechanisms.

Microsoft's increasing restrictions, monitoring, and control of consumers in the face of antitrust litigation is clear evidence of a monopoly that needs to be moderated.

I hope the government will take action to benefit consumers, and restore some form of competition to the market.

Thank You,  
Todd Ignasiak  
Mountain View, CA

MTC-141

**MTC-00000142**

From: John Klapp  
To: Microsoft ATR  
Date: 11/16/01 8:50pm  
Subject: Settlement

I thin kit's unfortunate that you have wasted this much taxpayer money and then

refuse to fix the problem. Microsoft has demonstrated no intent to change their illegal business practices and will sidestep this mealy mouthed settlement

John Klapp

MTC-142

**MTC-00000143**

From: Andreas Pleschutzniq

To: Microsoft ATR

Date: 12/6/01 1:38pm

Subject: Personal opinion to the Microsoft settlement

First I don't understand the thought process of why this half way solution of imposing some restriction on Microsoft is even thought about. Microsoft has shown in the past that they do not honor such restrictions or try to find a loophole, or turn the words until it suits their needs.

Secondly and even more important I don't understand the justice behind that. Here is someone has been found guilty of a crime and still show no remorse and we do not punish them as the law would call for, but strike a weak deal with them. In the past the splitup of ATT was the best that could have happened to the customer because it reopened the market. My personal belief is that this should happen to Microsoft as this (the breakup) would force the Mini-MS companies to compete and thus have positive influence on the market.

Here is how I could imagine how the market could be made better: Suppose Microsoft got broken into 2 or more companies which in my opinion could be

a) The OS (Windows) company

b) The Application company (Office, ...)

This would lead to the situation that the Office company would want to sell as many copies of their Software as possible, and thus they might want to port their Software to other OS's. Since now Windows no longer has the advantage of being the only one that has this office suite they would have to compete in the open market with features, stability,... as they could no longer rely upon being the only one having this office suite.

Just my \$0.02

Thanks

Andreas Pleschutzniq

2509 Taylor Way

Antioch CA 94509

MTC-143

**MTC-00000144**

From: Pat Montgomery

To: Microsoft ATR

Date: 12/6/01 1:39pm

Subject: Microsoft settlement

To the Microsoft antitrust attorneys, I strongly object to the terms of settlement of the Microsoft case. MS was proven in court and by appellate review to be a monopoly (which is no crime), but to have repeatedly and to the profound harm of its competition, abused this monopoly power (which is a crime).

There are two issues:

1) Justice: They clearly broke the law. To be let off with a hand slap sends a clear and unambiguous message that they can get away with it, to their shareholder's advantage and the disadvantage of other businesses competing in their ever-expanding fields.

This encourages them to do it again, knowing they are big enough to get away with it. I don't think this is what T.Roosevelt meant by the word 'bully'.

2) Policy: Who in their right mind would now invest in a field of business that might \*someday\* be a field that MS decides it wants to dominate? The effects on competition, the putative underpinning of our economy, are devastating.

This was a very unfortunate decision.

Pat Montgomery

28818 108th Ave. SE

Auburn WA 98092

patmontg@attbi.com

MTC-144

**MTC-00000145**

From: Charlie Krohn

To: Microsoft ATR

Date: 11/16/01 8:50pm

Subject: Proposed Settlement

Gentlepersoris:

Although I disagree with the Courts findings that Microsoft violated any U.S. statutes or common law, I believe that the settlement agreed to by Microsoft should be approved.

I am at a loss to understand how the Justice Department can justify spending tens of millions of dollars to prosecute a case where the parties seeking protection from alleged monopolistic practices were competitors of the defendant. I thought the public policy behind anti-monopoly statutes was to protect the public. Just how was I harmed by receiving free software, especially software that was superior to that of the competition? Since when is the Justice Department's job to protect corporations whose products are inferior and non-competitive in a free market? Isn't Justice bothered by AOL's acquisition of Netscape? How is this different than Microsoft's situation? I don't know of any law that states that business is supposed to be easy or nice. Tough competition breeds better products at cheaper prices.

Companies that can't compete should get out of the business. I don't see any justification for punishing the successful.

Thank you for this opportunity to comment. Hopefully the Department of Justice will find better uses for its budget than continuing its blind crusade against Microsoft.

Charles Krohn

MTC-145

**MTC-00000146**

From: Garry Heaton

To: Microsoft ATR

Date: 11/16/01 8:57pm

Subject: What about XP?

Hello at the DoJ

While the courts have been prevaricating over what penalties to impose on Microsoft the grotesque monopoly has delivered its ultimate coup—Windows XP—which represents nothing less than a nose-thumbing of the whole anti-trust case. This operating system, and the characteristic business practices associated with it, will do more to strangle competition on the desktop than all of the previous MS operating systems put together. Why hasn't this product been taken into account? Why is Microsoft able to continue with its monopolistic practices?

American business law is a sham. There is no justice. Big business can buy its way out of anything.

Garry Heaton

MTC-146

**MTC-00000147**

From: don @dbivens.dyndns.org @inetgw

To: Microsoft ATR

Date: 11/16/01 9:02pm

Subject: please reconsider

The proposed settlement with Microsoft will do nothing to prevent their abusive of their monopoly position. In fact, it is because of their repeated violations of previous consent decrees that they were investigated for the most recent antitrust trial. There appear to be essentially no teeth at all to the proposed settlement. I fail to see the point of adding time to their being under court ordered review if they violate the court ordered review?!

More importantly Microsoft doctored evidence in the trial, Bill Gates failed to show up and testify but rather sent in videotape where he acted arrogantly and continued to produce software that stifled competition. Many more anti-competitive acts and tactics have come out of Redmond since the trial first started which show their lack of concern for current US law.

Lastly, and probably most importantly, is the fact that Microsoft was found guilty and the guilty verdict was upheld. I am at a loss to think of any case, particularly one this high-profile and this handily won, where the guilty criminal was allowed to negotiate their punishment? The mind boggles...

Please use the full force of antitrust law to restore healthy competition to this most vital part of our economy.

Sincerely,

Don Bivens

1059 Croyden Ct

Ft Mill, SC 29715

MTC-147

**MTC-00000148**

From: Jeffrey Stephens

To: Microsoft ATR

Date: 11/16/01 9:05pm

Subject: Important for Linux to Succeed

Linux is the only viable competitor to Microsoft. Make sure that Microsoft divulges ALL their API's.

Regards,

Jeff Stephens

MTC-148

**MTC-00000149**

From: dnewcomb@server1

.netpath.net@inetgw

To: Microsoft ATR

Date: 11/16/01 9:05pm

Subject: In regards to the Microsoft settlement

Any settlement that does not open the full documentation of the APIs for the Windows operating systems to everyone, without charge, is not valid.

Try again

Doug Newcomb

Mebane, NC

MTC-149

**MTC-00000150**

From: Murray Chapman  
 To: Microsoft ATR  
 Date: 11/16/01 9:06pm  
 Subject: Proposed remedy isn't tough enough  
 To Whom it May Concern,

Your proposed settlement with Microsoft is too weak. You won the case, yet Microsoft calls the settlement "fair," a definite sign that you could and should have got more.

As punishment for violating the probation imposed by Sporkin/Jackson in August 1995, you are sentencing Microsoft to more probation, with the threat of extending that probation if they don't comply. Microsoft's demonstrated practice of disregarding constant decrees, coupled with the vague language of this new settlement will not change Microsoft's behaviour in any way. Further, where are the penalties for criminal conduct that Microsoft has repeatedly been found guilty of? (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.") "Civil fines" mean nothing to a company that increases its cash reserves by billions per month. A structural remedy would have been suitable; Microsoft got that judgement thrown out not because of any inherent flaws in it, but because of Jackson's protocol breach. Why is it now your position that this remedy is no longer necessary?

You are quoted as saying you were looking for the "most effective and certain relief in the most timely manner"—why are you not trying for a "suitable penalty given the scale and scope of the violations"? Need I remind you that you won the case? "Timely" is a joke; the damage has been done, and the third parties who have been trampled by Microsoft's monopolistic behaviour seek a "proper" rather than "timely" settlement.

As someone who has been actively involved in computers for well over half my life, I urge you in the strongest possible terms to SERIOUSLY RECONSIDER seeking more in your proposed settlement with this convicted criminal monopolistic bully.

\*Extremely\* disappointed,

MTC-150

**MTC-00000151**

From: Tim Agen  
 To: Microsoft ATR  
 Date: 11/16/01 9:06pm  
 Subject: Let Microsoft Alone

I really feel that punishing MS is punishing innovation. I am pleased with the settlement.

Tim Agen

MTC-151

**MTC-00000152**

From: Lester Stormes  
 To: Microsoft ATR  
 Date: 11/16/01 12:40pm  
 Subject: Consumer input regarding Microsoft

As a consumer I believe through the computer operating system and add-ons Microsoft has developed, purchased or otherwise acquired it possesses to much control over data and normal information processing. It should be obvious to the most casual observer that Microsoft intends to be the one and only provider of not only your computer's operating system but the one and

only provider of any software package which allows or enhances the sending and receiving of information via your computer or internet appliances such as mobile telephones, televisions, hand held devices, etc. In today's technology world it is no longer relevant to say that he who controls the gold—controls. Microsoft has all the gold it needs combined with dominate marketing and power over competition to buy or bury them which effectively means Microsoft is not only the information processing leader but controls the information—controls. Microsoft provides what appears to be a superb product but who can challenge them or make what would be improvements to their product. No one dares.

MTC-152

**MTC-00000153**

From: BruceG@tisi.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 12:44pm  
 Subject: The DOJ-Microsoft settlement could not be better.

This will benefit consumers. Anti-trust law should not be used to protect competitors like Sun, AOL, or Oracle. Competitors should have to compete. The law should not do their competing for them. Sun and AOL have tried to use this case to destroy their competition. Microsoft is dramatically bringing down the cost of large computer server installations and Sun does not want the price to come down. Sun wants to maintain crazy, high prices for server systems. AOL has a browser that competes very well with the Microsoft browser. The fact that AOL inexplicably pulled that product from the marketplace has nothing to do with Microsoft. If AOL would distribute that browser today it would reclaim 40% or more of the market. This is truly the only reason that AOL does not distribute its browser; they want to make Microsoft look bad. Watch my words, as soon as this antitrust case is finished AOL will suddenly decide to use their own Netscape browser and it will receive a wide audience and distribution. It would have a broad user base today but AOL refuses to distribute or support it because then it would be too obvious that Microsoft did not 'crush Netscape. AOL simply removed it from the market.

The current settlement with the DOJ and Microsoft is excellent and is all that is required.

Thank You,  
 Bruce Garrick  
 Sr. Application Developer  
 Total info Services  
 888-634-9942 x2484  
 bruceg@tisi.com

"We must learn to live together as brothers or perish together as fools."—Martin Luther King, Jr.

MTC-153

**MTC-00000154**

From: Brian and Karen  
 To: microsoft.atr(a)usdoj.gov  
 Date: 11/16/01 12:45pm  
 Subject: Comments regarding Microsoft settlement

From what I've read, the settlement with Microsoft does not include a significant

penalty for their illegal business practices. If all American parents raised our children this way our country would quickly collapse. What is the Justice Department thinking? As it stands now, Microsoft has essentially been rewarded for their behavior and is very likely to continue to push and exceed legal limits.

**MTC-00000155**

From: Rodney Smith  
 To: Microsoft ATR  
 Date: 11/16/01 12:49pm  
 Subject: Microsoft—Anti Trust

Dear DOJ, First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable outcome. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists.

For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has "the inside track" and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantageous situation of technical literacy behind "A" target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a "fair sharing of technology is used", then I would also suggest that Microsoft be restricted from bundling "value added

applets". Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no bearing on the OS, they should all be omitted for (I'm no legal professional) legal simplicity.

If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to "use" or "try" a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is "a part of Windows" and what is offered as an alternative.

These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen

MTC-155

**MTC-00000157**

From: Frank Moore

To: US Justice Deptment

Date: 11/16/01 12:53pm

Subject: Microsoft Antitrust

I really don't know why I am writing to you. This is probably just a "mail drop" created by the DOJ in an attempt to placate the millions of citizens who feel that your proposed settlement with Microsoft is akin to no settlement at all. Rest assured, like the Attorney's General of the states that will not accept this sellout, we will not be placated either.

What was the point of this entire exercise and the millions spent on prosecuting this case, if you were going to ignore the rule of law that was violated, and the defendants failure to comply with previous court judgments. Microsoft has shown time and time again that they cannot be trusted to even make a good faith effort to comply with court rulings and judgments. They have repeatedly thumbed their noses at the courts and continued in their reprehensible conduct toward competitors. Contrary to their claims, their conduct and past business practices has not advanced technology and innovation but rather has stifled it by eliminating competition and driving the true innovators out of business. When they perceive a threat by a competitor, they either "end support" for their competitors software, product, or protocol, alter their products to disable or cripple the competitors product on their platform, or include their own poor implementation of the competitors product in their OS in an all too often attempt to eliminate the market for the third party software. (Look at what they've done to JAVA)

They also use their monopoly power to make the industry adopt their inferior implementation of these products as the industry standard.

Their methods of doing this often violate not only the spirit of the law but the letter

of the law as well. Why YOU, in total deference to the state Attorney Generals who entrusted this case to your care, and to the consuming public, are choosing to ignore the facts that have been more than adequately proven, is beyond me.

Are you all so computer illiterate that you don't understand the implications and impact of Microsoft's illegal behavior on the industry or...do you choose to ignore it for political reasons as well?

Judge Thomas Penfield Jackson had a grasp of both the legal and technical aspects involved here that seem to be lost on the current DOT team as well as the current judge. The fact that he may have made irresponsible comments to the press does not change the fact that his findings, in regard to the letter of the law, have been upheld on appeal. Your proposed settlement completely ignores this and, more importantly, completely ignores Microsoft's failure to abide by previous rulings. Your settlement has absolutely no teeth and leaves far too much "squirm room" for a company who spends millions of dollars on attorneys looking for ways to circumvent the letter and spirit of the law.

I have read details of your proposed settlement. It's almost as if you're telling Microsoft, for the umpteenth time, "Now we told you not to do that before. If you do it again we'll really have spank you... next time". IT IS TIME FOR SANCTIONS AND REAL PENALTIES NOW. They have been given another chance too many times.

I am a former peace officer whose eighteen year career was ended by an assault, spinal cord injuries, and subsequent surgeries. I then returned to school where I studied computer network engineering and I am now an Information Technology Manager. I am a MICROSOFT Certified System Engineer (MCSE). I work with Microsoft product each and every day. I was an avid computer hobbyist prior to entering this new career and have worked with both Macintosh and MS/Windows products extensively.

I have, first hand, seen the damage that Microsoft's illegal and unethical practices have done within the industry. I have seen Microsoft products with "wait codes" written into them in order to slow down performance on competing platforms. I have seen Microsoft products that, when installed on a machine that also has a competitors product installed, disables, cripples, or destabilizes the competitors product. I have seen how difficult it can then be to ferret out all of the components of the Microsoft product in order to restore the competing product, or platform, to functionality.

I have seen Microsoft STEAL a third party software developers product by reverse engineering the source code, make their own poor implementation of their own version of the product, incorporate same into their operating system, and in doing so force the third party developer, or a superior product, out of business.

This has always been, and under the terms of your "settlement will always be the business model for Microsoft. This type of behavior is entrenched in their corporate doctrine and they will not change unless YOU force them to change.

Your proposed settlement does little or nothing to change the status quo. Your settlement also does nothing to compensate the hundreds of businesses and thousands of individual who have been damaged by Microsoft's behavior. These people, and for that matter all computer users worldwide, are entitled to compensation.

As the US Justice Department, for whatever reason, seems unwilling or unable to pursue effective remedies in this case, I only hope that the Justice Departments of my home state, California, and the other states unwilling to accept this toothless, flawed, and totally ineffective settlement, will aggressively pursue this case and force an effective remedy that includes punitive damages.

Thank you for your time,

Frank Moore

Tehacliaipi, CA

cc California Attorney General's Office

MTC-157

**MTC-00000158**

From: mark.schulman@convergys.com@inetgw

To: Microsoft ATR

Date: 11/16/01 12:55pm

Subject: Sold out by DOJ

Is this the email address where I can get the list of laws that I can freely break and receive only a DOJ admonition, "Now, now, don't do it again."? Or do I have to get that list directly from Microsoft? The Microsoft settlement endorsed by the DOJ is a sellout of the American public. Microsoft has crushed countless competitors through monopolistic practices—not through creating superior products—and called it "innovation".

If there was ever a case for serious government trustbusting, this is it, but the proposed DOT settlement is nothing more than a mild slap on the wrist. How can you have the courts repeatedly rule that Microsoft is a monopoly, and then hand them such a victory?

I hope the states or the E.U. has sense enough to do something meaningful. I am ashamed of my government.

Mark Schulman

Orlando, Florida

MTC-158

**MTC-00000159**

From: Davidson, Tom

To: 'microsoft.atr(a)usdoj.gov'

Date: 11/16/01 12:56pm

Subject: Geez.

You guys really let Microsoft off the hook. I'm assuming the Bush administration just told you to let the thing die—or did someone there REALLY decide to settle after WINNING the case for less than what Microsoft was offering originally?

Tom

MTC-159

**MTC-00000160**

From: bronto

To: Microsoft ATR

Date: 11/16/01 12:57pm

Subject: Capitulation

I must voice my objection to the so-called settlement with Microsoft. It is nothing more

than outright capitulation. The settlement is nothing more than a slap on the hand to a convicted monopolist. Every provision that appears to have consequences has loopholes to escape through. Nothing was even attempted in regards to the bundling in XP. It's a travesty. There is nothing better than a free market, but it won't be free until MS is brought under control.

Microsoft is "pleased" with the settlement; doesn't that speak volumes?

Rob

MTC-160

**MTC-00000161**

From: Frank Lugo  
To: Microsoft ATR  
Date: 11/16/01 12:57pm  
Subject: AntiTrust Comment

I honestly feel the US Government has already wasted enough time and money on this case. Lets resolve this now!

Frank

f.lugo@verizon.net

frank\_lugo98@yahoo.com

MTC-161

**MTC-00000162**

From: crazyfshr@visto.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 12:57pm  
Subject: antitrust settlement

Hello,

In my view the antitrust settlement is completely unacceptable. The sollutions in the antitrust agreement will not stop Microsoft from continuing its current business practices. Windows XP is an excellent example of what Microsoft does best... force things onto an unwilling industry.

I have specific problems with the following items.

The intentional degradation of MP3 files with the new media player. How does this benefit anyone besides Microsoft and its WMA format? Unacceptable power to audit company's usage of windows products. This is so close to racketeering that its virtually indistinguishable.

Forcing large corporations to one of microsoft's lincense managers is evil. Microsoft requires it and then charges tens of thousands of dollars for a single implementation so microsoft can see how much of their software you are using. NOT ACCEPTABLE

Non Disclosure of API interfaces. Without knowledge of these all important interfaces one can not write programs to interface with windows. Microsoft retains the rights to disclose these interfaces as it chooses under the antrust settlement. This is an enormous power for microsoft to pick and choose who writes what products at will.

Bundling services. This is detailed in the antitrust ligation but it needs to be more enforceable. The right choose what programs I have. Ever attempted to delete microsoft outlook and see it comeback within 10 seconds? Microsoft is using windows file protection to insure that certain programs remain installed no matter what. I hate outlook but I can't uninstall it. Windows XP is the same way.

Anyway you can see that this antitrust settlement is bogus. I needs to be rewritten

with some of the opposition involved. They know what dirty tricks Microsoft has employed. Let them have a say in fixing what was done to them.

James Ressler

Computer Science Student, Chico CA

MTC-162

**MTC-00000163**

From: Ralph Olsen  
To: Microsoft ATR  
Date: 11/16/01 12:57pm  
Subject: Microsoft Antitrust Settlement  
Thank you for the opportunity to comment on the above Microsoft case. I believe that the government settlement is a fair settlement and should be implemented as soon as possible.

I strongly believe that the original trial judgement in early 2000 plus the federal reserve raising interest rates were the two most significant factors that threw the whole country into a downward spiral.

The original trial used up so much of Microsoft's technical and management energy that they were not able to develop new operating systems in a timely manner. As a result, the computer hardware outran the operational software and all the other application programs that would have been developed.

I have used Microsoft products for many years, am a Microsoft stockholder, also a stockholder in Sun Microsystems, Oracle, Intel, and Cisco. I am very unhappy with Sun and Oracle for their part lobbying the attorney generals and the US government to bring the original suit against Microsoft.

I believe strongly that this has been a real detrement to me as a personal user of computers. I have held off buying a new computer until just recently when the new Microsoft XP software became available.

I don't know how all the lawyers involved in this case could ever come to an agreement, but if there were a opportunity to vote against the plaintiff lawyers in this case, I certainly would.

Please settle this national disaster and lets get on with life and the productivity that can come from a lot less legal maneuvering and more and better software..

Thank you,

Ralph Olsen

23824—113th Place West

Woodway, WA., 98020 Ph: 206—546—9708

MTC-163

**MTC-00000164**

From: nn @broadcom.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 12:59pm  
Subject: Microsoft Settlement

As a 40 year old computer professional of over 20 years I've worked at AT&T, Bell Laboratories, Sun Microsystems, Silicon Graphics, Broadcom, and some other smaller companies in Atlanta, New Jersey, and Silicon Valley. I think I have a reasonable understanding of the basics of the marketplace in which Microsoft competes. I've seen the business practices of Microsoft first hand many times over the years.

When the DOJ started their anti-trust case against Microsoft I said "This will be yet another slap on the wrist."

So here we are several years later, Microsoft has been convicted of (1) being a monopoly and (2) abusing their monopoly status. And what happens? The DOJ Sells us Out.

"Us" are the consumers, the purchasers of software and computers and the users of the Internet. The DOJ demonstrated that a multi-billion dollar corporation is above the law. The DOJ made a mockery of our Anti-Trust laws. I am outraged by this and very upset with the DOJ and the Bush Administration for failing to fulfill their legal requirements and selling out to corporate interests.

Microsoft does very little "innovation". Microsoft is a Marketing company, an exceptionally good one, that intimidates and bullies and takes advantage of its monopoly status to DECREASE COMPETITION. This is what anti-trust laws were made to correct.

"The [DOJ], led by antitrust chief Charles James, contends the settlement will eliminate Microsoft's monopoly abuse and restore competition in the marketplace". Hello? Earth to Mr James. This settlement is a sell out and will have practically no impact on Microsoft's practices other than to \*encourage\* them to abuse their monopoly further since they clearly can get away with it. This settlement was written by Microsoft, what else needs to be said?

This settlement is a slap on the wrist. Just like the previous slaps on the wrist that various courts have ruled on against Microsoft. They didn't make a bit of difference, neither will this. This is obvious. It doesn't take an advanced degree to understand this. This DOJ action reinforces the publics increasing critical perception of our higher courts as a place where large corporations are except from the laws. I strongly urge Judge Kollar-Kotelly to throw out this settlement because it is useless. History will judge.

Sincerely,

Neal Nuckolls

nn@techie.com

400 East Caribbean Drive

Sunnyvale, CA 94089

MTC-164

**MTC-00000165**

From: rfinell  
To: Microsoft ATR  
Date: 11/16/01 12:59pm  
Subject: settlement

The only promises DOJ attorneys can be absolutely sure Microsoft will keep, are that jobs will be waiting for them when they leave government service.

MTC-165

**MTC-00000166**

From: Aaron J. Bartlett  
To: Microsoft ATR  
Date: 11/16/01 1:02pm  
Subject: DOJ vs MS Agreement

"What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife."

"It is important to understand here that Microsoft management does not feel the

slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that \$36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them."

"Microsoft has to open-up certain Windows communication APIs to other developers, but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs, many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself."

"Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and (eliminate) the opposition one year after they stop distributing it separately."

"These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights. Bill Gates would want to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET." "But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft."

"Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft."

".NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and

only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved."

"Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open.

"These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about "innovation," this is what they mean. Nothing is going to change."

"My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products. You might think to suggest that in your comments to the court."

Robert X. Cringely  
<http://www.pbs.org/cringely/pulpit/pulpit200ill08.html>

I share Mr. Cringely's observations in how the outcome of the DOJ agreement does little to protect consumers and businesses from Microsoft's business practices, into the future.

Microsoft will further expand its control by penetrating new markets through the perpetuation of its operating system monopoly onto new devices, such as the recently released X-Box. The release of this device will allow Microsoft to position themselves in a way that will build a need for developers to design software for Microsoft's operating systems, due to better market penetration. The developer will only have to create code once, to be able to deliver his software to PCs running Windows Operating Systems, X-box gaming systems running Windows Operating Systems, and the recent deal between Microsoft and Sega for arcade machines running Windows Operating Systems.

Without placing severe penalties for its monopolistic behavior in the past, and controlling its actions into the future, Microsoft will continue "business as usual" by controlling various markets through the expansion and inclusion of additional software into its operating systems.

Aaron J. Bartlett  
 MTC-166

#### MTC-0000167

From: Bill Gascoyne  
 To: Microsoft ATR  
 Date: 11/16/01 1:03pm  
 Subject: Why is Microsoft not being punished?

To whom it may concern:  
 Microsoft is an unrepentant monopolist. The currently proposed settlement is

nowhere near harsh enough. It makes only weak provisions to correct Microsoft's behavior, and does nothing to punish Microsoft's past behavior. There is no provision to try to undo the damage that Microsoft has done to its partners and competitors, and there is no incentive for Microsoft to repent its past wrongdoings in any way whatsoever.

Microsoft still does not admit to being a monopoly, despite the fact that the court has found it to be one. Based on past behavior, it seems obvious that Microsoft will seek any and all means to continue business as usual, and the currently proposed settlement provides for very few barriers for Microsoft to do so.

Through its monopoly practices, Microsoft has established file formats that are both proprietary and de-facto standards. No competition is possible under such circumstances for word processing, spreadsheets, or presentation material.

Microsoft should be made to reveal much of its source code, and be made to open its file formats so that competing products can be introduced to compete with the defacto standards of programs like Word, Excel, and PowerPoint. If this is done, someone will no doubt write such programs for the Linux OS, and then we'll see how well a bug-infested product like Windows does against real competition!

William H. Gascoyne  
 935 Northrup St.  
 San Jose, CA 95126  
 408/298-3020 (h) 408/433-7126 (w)

MTC-167

#### MTC-0000168

From: Lander, Scott  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 1:04pm

"simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained."

Hello

I am the system administrator for Transamerica Reinsurance. I am extremely computer literate and knowledgeable. I have followed the Microsoft case with great interest, and more than a little frustration, over the years.

While I don't have the legal background to say if Microsoft has violated laws, I do have the technical background to know that Microsoft practices have definitely been detrimental to the public (and corporate) world. Many, far to many for it not to be deliberate, competing products have been stamped out by the very simple strategy of forcibly installing the MS version with the operating system, and by making the operating system opaque enough to ensure that the competing tools can not be as reliable as the MS version.

This has had the side effect of making the MS Operating System itself become extremely bloated, forcing consumers to continually purchase system upgrades to maintain the same level of performance. This may be good for the system vendors, but most certainly has NOT been good for the system consumers.

You might say that is the price of progress, however competing products, such as Linux,

have been growing their level of sophistication faster than MS, without anywhere near the level of associated bloat.

I believe that the consumers, and in fact, MS itself, would be better served by not allowing MS to integrate so much into the OS, and instead be forced to compete on a level playing field with competitors on the peripheral items, such as they do with the office suite. I am so convinced of this in fact, that I am amazed MS hasn't done it on their own—it would be a potential tremendous money maker for them, with their great marketing capabilities.

Please, don't rush into an agreement which clearly will not address the very harmful practices MS routinely engages in.

Thank you  
Scott Lander  
704 573 1693

MTC-168

**MTC-00000169**

From: Vivekpara@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 1:07pm  
Subject: A Travesty of Justice

I find it highly disgraceful that the terms and penalties applying to Microsoft have been so weak in contrast to their infractions.

I fear that there are those who believe that the practices of Microsoft in this regard have greatly helped the public at large, but that is far from the truth. The stifling of competition has created a vacuum due to the dirth of credible competition to Microsoft's hold on the software/OS industry. The uncountable number of companies that have been forced to fold due to the pressure exerted by Microsoft both fiscally as well as legally have reduced the ability of consumers to really have a choice. The egregious cost of software for the entire Microsoft line to date is just a minor symptom of this pervasive illness.

I fear that these missteps are due in part to the complete lack of credible experts as to the internal nature of the software of Microsoft. If you reviewed the code (which I admit, I have not been privy to, but I have much experience with the software over the years) that comprised the OS, you would see how it was changed at stages to make it "incompatible" with other software from competitors (i.e.—Netscape and many others). I fear that the DOJ does not have the resources, nor the inclination to pursue this in a manner that is appropriate due to some influence exerted from more Conservative corners.

That stricter sanctions have not been taken is really an affront to the monopoly laws that were so well enforced initially by the Roosevelt administration (and I do mean Theodore). Microsoft's monopoly will continue to flourish, and I wish to add, for the record, that I am disappointed that justice can so easily be purchased in this day and age.

Sincerely,  
Vivek Paramesh

MTC-169

**MTC-00000170**

From: Gary Eckstein  
To: Microsoft ATR  
Date: 11/16/01 1:11pm

Subject: not enough

I fear that the settlement proposal is inadequate. It provides insufficient safeguards against microsoft using its dominant market position in the OS market to extents dominance in other areas such as media players and other ad-ons functions, such as its passport technology and its .NIET strategy.

Windows XP illustrates microsoft's continued tendency to design its core products to function better with its own add-ons technologies than with third-party products providing similar services. Only recently, Microsoft removed support for netscape plug-ins, and with it support of alternative media players.

MTC-170

**MTC-00000171**

From: Raph  
To: Microsoft ATR  
Date: 11/16/01 1:12pm  
Subject: In my opinion, Microsoft is being treated unfairly. If it wasn't for the

In my opinion, Microsoft is being treated unfairly. If it wasn't for the Windows operating system, we would be in the dark ages. Windows has allowed many people to make use of computers, where before, they may have been presented with ugly text and command lines—with NO STANDARDS. Everyone likes to take down people who become too successful. Why can't these companies with lawsuits against MS stop crying and be more creative. Why do we have to make success easy for everyone?

If they want easy, why don't these companies write software for Linux. Linux is free for everyone. Linux was supposed to be the Windows killer. There are opportunities everywhere for these companies. Instead, they want to ride on Microsoft's success by publishing on Microsoft's OS like as if it were a right, and they want to rape MS at the same time. It boggles my mind. Those crybabies should get lost and write Linux applications.

Does America have to lessen our standards for creativity and innovation? The REAL creative people will always find a way too succeed, but all I see are companies that want the easy "success" by lawsuits. This country has become filled with lawsuits as an excuse to be less creative and less innovative.

Let's not be more creative and innovative. Let's all companies band together and bring down the ones that are successful, and lower our standards of success. Let's bring down Microsoft, not with creativity and innovation, but with lawsuits. Better yet, let's bring down Microsoft while using Windows.

MTC-171

**MTC-00000172**

From: James Kocurek  
To: Microsoft ATR  
Date: 11/16/01 1:18pm  
Subject: Microsoft settlement

I can not believe the Department of Justice is proposing this settlement. It's obvious that there had been an outside influence on the DOJ to settle this case now. Microsoft lawyers WILL NEVER allow the DOJ to enforce any of those settlement provisions.

Say good bye to competition and hello to a single source of ideas. Plus, you'll

eventually be paying by the month for use of MS Office products. Better put that cost increase into your DOJ budget.

Very disappointed in DOJ.  
james

MTC-172

**MTC-00000173**

From: Lei Xu  
To: Microsoft ATR  
Date: 11/16/01 1:21pm  
Subject: comments on Micsroft settlement

To who it may concerns, I think the settlement is very reasonable. consumers will benefit more from the new Microsoft while competition and freedom of inovation are kept.

I only want to give a example for this: A simple network card sells for \$30 for Windows-based PC while the same network card is priced at more than \$300 for SUN Microsystem's least expensive desktop computer. The scale of difference is unbalance. consumers need Microsoft and its ability to compete.

Thnaks for consideration!  
Lei Xu

MTC-173

**MTC-00000174**

From: Steve Henderson  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 1:23pm  
Subject: What a waste of time

At best it is a small nuisance to the Microsoft monopoly. Bill must be laughing his butt off and congratulating his lawyers on a job well done.

Justice Dept.? Now there is an ironic name for you.

Steve Henderson  
FraserAIS  
shenderson@fraser-ais.com  
610 378-0101 ext.136

MTC-174

**MTC-00000175**

From: Esposito, Paul  
To: Microsoft ATR  
Date: 11/16/01 1:24pm  
Subject: Dept of Justice Settlement

I personally think the DOJ sold out to Microsoft. The DOJ is using the excuse of 'it is better for the economy' as the reason for the settlement, this is far from the truth. Microsoft has crushed many small companies and even some large ones, whose products were better than theirs. What does that do to the economy. More people out of work, more companies that go under.

I'm ashamed that Illinois, the state where I live and work, has signed up. I give credit to the states that are holding out, I'm sure the government is pushing hard for them to settle. I really think you should look at the penalties those states are proposing, they make sense. Microsoft should be forced to produce a version of their O/S that does not have all of the other products installed. This product should be priced separately. This would allow other companies a chance to compete. It is foolish to think that Microsoft is throwing all of the other software into the O/S for free. The truth is that they just increase the cost of the O/S with all the add-ons, and then it is left to the consumer to decide if they want to spend more money to

go buy a competitors product, or just use the one that they already paid for. I find it strange the DOJ changed their views on the subject of Microsoft, so quickly after the change in administration (and I'm a republican).

These views are strictly my opinions, they are not shared by my company. A little about myself. I'm a Software Developer/DBA. I work with Microsoft products on a daily basis, as well as, working with their competitors products. Again these are my personal views.

Paul Esposito

MTC-175

**MTC-00000176**

From: John Roberts  
To: Microsoft ATR  
Date: 11/16/01 1:25pm  
Subject: Microsoft anti-trust settlement

I don't think that this settlement provides enough protection to consumers that Microsoft will not engage in predatory practices in the near future.

1) Microsoft does not have to share source code with other companies developing applications for their operating systems. This gives Microsoft's application development teams an incredible head-start, by allowing them to perform concurrent development. All other companies have to wait until the operating system is fully released, and then they are given only some of the data & information that Microsoft's application development teams are given.

2) Any court challenge / enforcement done under the new regulations will not be able to react quickly enough to stop anti-competitive behavior. There is no point in launching a challenge against Microsoft, when the challenge may spend 2-5 years in the court system. By that time, your company will be dead, and Microsoft will have eaten your lunch.

3) Microsoft's operating system & applications are becoming more deeply interwoven, decreasing the probability that any new competitor entering these markets will be able to compete against the combined entities. In fact, it is getting more and more difficult to un-install unwanted Microsoft applications, and install applications from competitors, (e-mail clients are an example of this). I hope that the United States government reconsiders, and places real, immediate and severe restrictions on Microsoft.

John Roberts

MTC-176

**MTC-00000177**

From: Joseph H. Dougherty  
To: Microsoft ATR  
Date: 11/16/01 1:25pm  
Subject: Microsoft "settlement"  
unconscionable

For the DOJ to have settled for less than Microsoft originally offered is an absurdity. Microsoft's bullying, dishonesty, and successful anticompetitive manipulation makes the "free market" arguments irrelevant to this case: the DOJ should have worked to restore an open and innovative environment, but has instead worked against the public interest to institutionalize the bloat,

mediocrity and bullying that are the core of Microsoft as it is today.

I'm sure that the Republican apparatchiks who managed this fiasco will do well from it once they pass through the revolving door from government disservice to corporate or lobbying jobs; sadly, the rest of us will have no such compensations.

Microsoft has already completely disregarded an earlier toothless settlement, and DOJ staffers are not such fools as to believe this one will be effective.

JHD

MTC-177

**MTC-00000178**

From: Natarajan Sivasailam  
To: Microsoft ATR  
Date: 11/16/01 1:33pm  
Subject: Opinion AGAINST Proposed Settlement

Dear Sir/Ma'm,

I am writing to let you know of my opinion of the US DOT settlement that has been proposed with MS. With all due respect, I humbly submit to you that the terms of the settlement is not enough, and should include more measures that can be said to be "tough". The very fact that none of Micro Soft' executives have owned up that their actions have caused "significant" harm to their Competitors, and hence the Consumers at large, goes on to show that they are indeed not repentant of their deeds, and it would not be surprising to note they will breach any of the said terms of the agreement, or back away from fair business practices. A very good example is the case of Micro Soft' case during the 1995 case with the US DOJ, when it violated the terms of the agreement reached between both the parties. According to me,

"The best way to rectify a mistake is to own up to the shortcomings, and take corrective and preventive measures to lessen the impact of their wrongdoings. Instead of doing so, and rather substantiating one' mistakes, the person only goes on to make a bigger mistake."

I hope that this statement crisply summarizes my thoughts, and of a person who looks forward to an industry that indulges in healthy competition and best practices that are ultimately aimed at the welfare of the Consumer.

Sincerely,

Regards,

Nataraj

"The only thing for a good person to let evil triumph, is to do nothing"

MTC-178

**MTC-00000179**

From: Thomas D. Helmholdt  
To: Microsoft ATR  
Date: 11/16/01 1:34pm  
Subject: Microsoft Settlement Insufficient to Protect Consumers November 16, 2001

Dear U.S. District Judge Colleen Kollar-Kotelly,

I am writing to express my belief that the provisions of the settlement agreement between the United States and Microsoft are insufficient to protect consumers. Although I am not an expert in the computer field, I am a consumer for personal purposes and for business purposes. I am dismayed that

Microsoft will continue to be able to leverage it's operating system to foist off on consumers additional "add-in" software. However, I am even more annoyed that Microsoft will be able to maintain it's coercive contracts with computer manufacturers requiring them to pay for a Microsoft operating system for every computer they sell, even if the computer system does not include Microsoft's operating system software. Over the last few years, I have attempted to purchase computers without Microsoft's operating system or with alternative operating systems. In each case, I was told that I would still have to pay for the Microsoft operating system, even if I did not want it. What kind of competitive system is this? Do I have no choice at all? It is my understanding that the current agreements that are in place with computer manufacturers and distributors will not change this practice. To add insult to injury, I have recently been informed that Microsoft will no longer sell Windows 95, and/or Windows 98 operating systems. This creates a tremendous problem for system administrators in small and medium size business who have previously been forced to standardize on these systems. Even though I am an intellectual property law attorney, I am at a loss to understand why a company like Microsoft should be able to maintain it's copyright in computer software that has been misused for anti-trust purposes. By analogy, under patent laws, the patent can be held invalid and/or unenforceable, and the subject matter covered by the patent is dedicated to the public for it's free use from that point forward. It would seem an effective strategy to signal to all future software businesses that if they misuse their copyrights that the rights contained therein will be forfeited. The entire source code of all software that Microsoft has used in violation of the anti-trust laws should be stripped of any copyright protections and competitors should be free to reverse engineer, copy, distribute and sell it without any interference from Microsoft. It seems illogical to allow Microsoft to maintain a legal right in the copyright of software that has been placed in it's hands by the government. If it is a right granted by the government, it would appropriate to remove the protections of that right when it is misused. This would truly foster competition, it would allow competing operating systems to be quickly developed and sold that are compatible with Windows 95 and Windows 98 operating systems. Then the consumer will have a real choice of purchasing the new Microsoft operating system or purchasing a competitor's clone of the old misused operating systems. These are my thoughts on the matter, and I hope you will find them helpful.

MTC-179

Sincerely,

Thomas D. Helmholdt

**MTC-00000180**

From: M Rausher/Present-Day Products  
To: Microsoft ATR  
Date: 11/16/01 1:38pm  
Subject: Microsoft antitrust settlement

I would like to go on record as suggesting that the proposed antitrust settlement for

Microsoft is inadequate—it will not prevent the abuses from continuing; it will not adequately punish the company for past abuses, and it will not allow for adequate competition and innovation in the field. A monopoly can only be dealt with by taking extreme measures, to make a strong point to the industry, and to eliminate the “blockage” in the way of free commerce. This proposal does neither.

Sincerely,  
Mark Rausher,  
President, Present-Day Products

MTC-180

**MTC-00000181**

From: Joe Blue  
To: Microsoft ATR  
Date: 11/16/01 1:39pm  
Subject: DOJ's proposed penalties do not undo the market damage

Hello,  
As a software developer I can assure you that the proposed DOJ settlement does nothing to undo the monopolization of the browser market that Microsoft accomplished through its illegal business practices. Microsoft now has over 80% of the browser market, and growing, precisely because of the illegal conduct determined in the case. Why are there no penalties to force them to disgorge that advantage, by bundling an alternative browser? The lesson for Microsoft: use whatever means to destroy any competitive threat, and then deal with future-conduct remedies by subversion. This is precisely what happened in the 1995 consent decree.

SINCE WHEN DOES A REMEDY FOCUS ONLY ON FUTURE BEHAVIOR AND NOT ON ADDRESSING THE HARM ALREADY PERPETRATED? THIS IS NONSENSICAL.

Joseph Blumenthal

MTC-181

**MTC-00000182**

From: Andybur, Richard W  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 1:40pm  
Subject: Microsoft

I fell the agreement is fair for all parties. Less settle this, so we can grow the economy again. This has gone on to LONG!

Best Regards,  
Rick Andybur  
StorageTek—Channel Product Manager  
Central Region  
Strategic Accounts/ SBC  
\*314.854.8820  
\* E-mail: richard—  
andybur@storagetek.com

MTC-182

**MTC-00000183**

From: Ron, Heather (038) Jon Feldman  
To: Microsoft ATR  
Date: 11/16/01 1:46pm  
Subject: Please Break Up Microsoft

As an Engineer living in 'Silicon Valley', I am well acquainted with the current state of software technology, Microsoft's product line and it's position in the Market, as well as competitive consumer software packages. My problem is that Microsoft's software has gotten progressively worse over time while their aggressive marketing tactics have

become increasingly invasive into private lives.

To me, major issues include, but are not limited to, the following

(1) Microsoft is endlessly bundling ancillary software packages with Windows which destroys competition because of the competitive advantage of the Windows bundling.

Regardless of the Microsoft quality, and it is generally less than competition's full-featured product, the competition is at a disadvantage and a potentially superior product cannot be competitive.

(2) It appears that Microsoft's own Windows software code is so massive that they are creating more bugs then they are fixing because of their endless integration of other programs into Windows. I believe that these other accessory' programs would function faster & more effectively if they were completely separate software packages, interfacing to Windows in exactly the same manner of the competition.

To restate this, I believe that Microsoft's policy of direct integration into Windows, rather than producing a superior product, has resulted in an inferior product because they are able to sidestep the software rules they would have others follow.

(3) Microsoft's PASSPORT/.WEB initiative is being marketed so aggressively that now Microsoft customers are forced to sign up with PASSPORT in order to get Customer Service.

Again, if you are not signed up for PASSPORT, then you do not get customer support on any Microsoft product. Since I do not want to put personal information into Microsoft's PASSPORT program, I may get no customer support.

I do not want Microsoft given the power to drive internet eBusiness.

MTC-183

**MTC-00000184**

As a knowledgeable consumer and voter, I am seriously concerned that Microsoft's business practices have not changed since the recent anti-trust actions. As history shows, Microsoft's market approach is to bully both the competition and consumers by virtue of their market power. Again, this is not in the best interests of the American public and I am very disappointed in the current Administration's efforts and consider them a step backwards. Because of the above issues, and many others, I want Microsoft broken up into at least 3 companies; Operating Systems (Windows), Office Products and Internet Products. The interaction between these different software products and the Windows operating system would then follow the same rules as their competition.

PLEASE support consumers on this and do NOT let Microsoft off the hook.

Ron Feldman  
5104 Westmont Ave  
#11  
San Jose, 95130

MTC-184

**MTC-00000185**

From: EXT-Gallarzo, Luis G  
To: Microsoft ATR

Date: 11/16/01 1:46pm

Working in a fairly diverse computing environment, I have come across many of the violations where Microsoft has been found guilty. Anything from not being able to install Apple's QuickTime player to Oracle compatibility problems. With the current settlement Microsoft is going to continue to abuse their power which makes me wonder why the government sued Microsoft in the first place. If the government is really concerned with the consumers, it should pay us back for all of the tax dollars squandered on this case or see it through to the end. I believe that computer standards should be in place to keep consumers from being violated, but one company should not have free reign establishing those standards. I hope the judge does not approve the so called "sanctions", and that the government follows suit with the last nine remaining states and force Microsoft to play fair with the rest of the computing industry.

MTC-185

**MTC-00000186**

From: James E. Felton  
To: Microsoft ATR  
Date: 11/16/01 1:48pm  
Subject: Microsoft Settlement

Articles I've read in newspapers (and on websites) suggest that the Department of Justice is letting Microsoft off easy because the prosecution of Microsoft it is hurting our economy. Is that what we, as Americans, are supposed to teach our children? That crime is "ok" as long as it (temporarily) helps our economy?

Microsoft has been proven guilty of serious crimes that affect all consumers, and all businesses, and in fact, may affect our entire future. And were going to let them off easy just because it is temporarily inconvenient to punish them properly? Absurd! The fact that this case was tried as a civil case instead of being tried as a criminal case HAS ALREADY let them off easy, no matter what civil penalties may be imposed. Several Microsoft executives SHOULD, actually, be facing JAIL TIME. But now, not only are we not punishing them under criminal law, but we're even going to let them off easy on the civil penalties? THIS SETTLEMENT is a crime against all Americans, and all computer users of the world!

In the meantime, A. Alfred Taubman of Detroit faces a strong possibility of 3 years in prison, and \$300,000.00 in fines for MUCH lesser crimes (charged with violating the Sherman Antitrust Act by fixing prices at Christie's and Sotheby's auction houses) because prosecution of his crime doesn't negatively affect the economy. And there are MANY examples of FOREIGN companies, listed on the DOJ website, who have received far greater punishment for far lesser crimes.

This settlement is ridiculous! Microsoft was PROVEN GUILTY BEYOND ANY REASONABLE DOUBT. Most of the charges were upheld by the Appeal's Court. The evidence is a matter of PUBLIC RECORD. Bill Gates, and other Microsoft executives SHOULD BE IN PRISON. Instead, they stand to walk away with a slap on the hand!

PLEASE GIVE UP on trying to convince the "hold-out" States to join this settlement! This

proposed settlement DOES NOT adequately address the crimes. And the "hold-out" States are THE PEOPLE'S only remaining hope of JUSTICE in this case. The (proposed) settlement MIGHT HAVE BEEEN acceptable IF Microsoft had been willing to settle BEFORE the judge issued his findings of fact. But THEY DIDN'T. Microsoft arrogantly CHOSE to take it's chances in court and THEY WERE PROVEN GUILTY. If this (proposed) settlement becomes final, the Justice Department is basically allowing Bill Gates and Microsoft to walk away LAUGHING at our system of justice, while STEPPING ON THE LITTLE GUYS who play fair! And WE, THE PEOPLE, will PAY for it all!

MTC-186

**MTC-00000187**

From: EXT-Gallarzo, Luis G  
To: Microsoft ATR  
Date: 11/16/01 1:51pm

Working in a fairly diverse computing environment, I have come across many of the violations where Microsoft has been found guilty. Anything from not being able to install Apple's QuickTime player to Oracle compatibility problems. With the current settlement, Microsoft is going to continue to abuse their power which makes me wonder why the government sued Microsoft in the first place. If the government is really concerned with the consumers, it should pay us back for all of the tax dollars squandered on this case or see it through to the end. I believe that computer standards should be in place to keep consumers from being violated, but one company should not have free reign establishing those standards. I hope the judge does not approve the so called "sanctions", and that the government follows suit with the last nine remaining states and force Microsoft to play fair with the rest of the computing industry.

MTC-187

**MTC-00000188**

From: Joe Mason  
To: Microsoft ATR  
Date: 11/16/01 1:53pm  
Subject: MS Settlement

It is business as usual at MicroSoft. Has anyone at the Justice Department used WindowsXP yet? MicroSoft continues to abuse its monopoly position in the Operating System area with this new OS. Rival software does not work with XP if MS has bundled a similar product (check out and see if RealPlayer, QuickTime, etc work well with it), and MicroSoft has added ADVERTISING for their products that pop up to annoy users of the OS whether they want to or not. Finally, the cumbersome activation procedure must be repeated for the same computer if the user merely adds peripherals and changes reconfigurations as well as when they have to reinstall the software (a common occurrence with the poor quality of MicroSoft products). In other words, the government has not slowed the Robber Baron of the 21st Century in the least. They continue to break the law and flout the governments attempts to restore order and equity to the Computing field.

Sincerely,

Gordon Joe Mason  
Nome, Alaska  
MTC-188

**MTC-00000189**

From: Dave Bunting  
To: Microsoft ATR  
Date: 11/16/01 1:54pm  
Subject: Guilty of crime but no punishment???

Justice:

The proposed settlement with Microsoft is not just. Found guilty of a crime, Microsoft must be punished in proportion to the unfair prices it has charged its customers, and to the injury it has done to its competitors.

But the settlement includes no real punishment, only difficult- or impossible-to-enforce attempts to make Microsoft cease its criminal practices. Microsoft Chairman Bill Gates on Thursday defended the settlement as tough but one that "we're really pleased to have." Of course he's please to have it. Any settlement that the world's biggest criminal is "pleased to have" is proven by his pleasure to be grossly inadequate.

An adequate settlement would have Mr. Gates displeased at being handcuffed and lead off to prison. Judge Stanley Sporkin said correctly in 1995, "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained."

And I add: Neither does it address the billions of dollars in wrongful profits it has gained and in injuries it has done.

PLEASE don't let these criminals off without punishment as this settlement does!

Dave Bunting  
Packwood WA

MTC-1 89

**MTC-00000190**

From: Jim Hillegass  
To: Microsoft ATR  
Date: 11/16/01 1:57pm  
Subject: Microsoft should be split

I'm Jim Hillegass, CEO of J. River, a 20 person software firm located in Minneapolis.

I believe that Microsoft has abused its power and should be split into an applications company and an OS company. I understand that the Justice Department has decided against this, but I want to express an opinion. Here's why. Microsoft is big and, to please shareholders, must become still bigger and more profitable. There are no significant niches left in the software business where a company can make products without competing with Microsoft.

Competition with Microsoft would be fine IF the details of the OS were made available equally to software vendors like J. River and to a Microsoft applications company. As it stands, details on the OS are extremely hard to get.

I watched Microsoft destroy Wordperfect, Lotus, Netscape, and many smaller firms. The same thing is happening now with Real Networks, and the newest OS removes niches in zipping files, printing photos, and many other areas. I would be happy to provide more detail.

Regards,  
Jim Hillegass  
J. River, Inc.

125 N First St  
Minneapolis MN 55401  
www.jriver.com  
www.musicex.com  
612 677 8200 x 203

MTC-190

**MTC-00000191**

From: Roland Radtke  
To: Microsoft ATR  
Date: 11/16/01 1:59pm  
Subject: Microsoft settlement comments

I do have some comments on the mechanics of the TC committee. These comments are motivated by the idea that any well functioning system should be self-regulating, that is it should have safeguards built in against escalating behaviour.

I must caution that systemically, the carte blanche that the TC members seem to enjoy with respect to spending as per the proposed final judgement is quite a horrible idea.

QUOTE: The TC 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.

QUOTE: The TC may hire at the cost and expense of Microsoft, with prior notice to Microsoft and subject to approval by the Plaintiffs, such staff or consultants (all of whom must meet the qualifications of Section IV.B.2) as are reasonably necessary for the TC to carry out its duties and responsibilities under this Final Judgment. The compensation of any person retained by the TC shall be based on reasonable and customary terms commensurate with the individuals experience and responsibilities. Together, these two stipulations allow the TC—or even just one TC member—to incur as much cost on microsoft's behalf as they choose to. There is no reason that the plaintiffs, who control the cost, but do not incur it themselves have it in their own interest to make sure that the total cost stays within reasonable bounds.

I strongly suggest that as part of the judgement, an annual budget is proposed that cannot be exceeded. This would correct the problem. Another systemic problem inherent in the judgement, but a lesser one to a degree, is that it is within the self-interest of the TC to cause an extension of the oversight time period. This might be changed if the judgement made explicit that at the end of the initial period, TC members must relinquish their posts, and a completely new set of members will be selected in the case of an extension.

Sincerely,  
Yours,  
Roland Radtke

MTC-191

**MTC-00000192**

From: s wang  
To: Microsoft ATR  
Date: 11/16/01 2:02pm  
Subject: view on MSFT case

As an IT professional, I do believe this case has become irrelevant given the rapid changing IT environment since 1998.

Although Microsoft did enforce the marketing position of its IE browser for

Windows installation and conducted business improprieties with "special deals" for certain vendors, overall, I do believe the case settlement has much addressed the issues that was in the original case.

On the upside, Microsoft did delivery productive software technologies to improve our productivities, to varying degree of consumer satisfaction, as well as help to standardize software technology.

Without certain level of standardization, the collaboration and integration among our businesses may be in a state of more confusion.

Therefore, if Microsoft agrees to adhere to the remedial actions stated in the settlement, that should provide a first step forward. There is no way for everything to become perfect or acceptable overnight.

The 9 disagreeing states should be concern that they are squandering our tax dollars on an historical, out of context case. IT and business environments have changed since 1998 and Microsoft had soften its marketing approach with Window XP.

I suggest that the 9 disagreeing states give the case a rest, see how the settlement works out in today's environment, then go forward if necessary. This on-going lawsuit, to me, is a job security for these state attorneys who has too much tax dollars to squander.

regards,

MTC-192

**MTC-00000193**

From: Steve (038) Jen  
To: Microsoft ATR  
Date: 11/16/01 2:02pm  
Subject: concerned individual on the proposed deal in US vs. Microsoft  
Dear DOJ,

Havent you learned anything from history? The deal you've proposed, in all its loopholes & insufficiencies, is deja vu to the 1995 decree. Microsoft spat in the face of that decree as you remember.

It will do so again.

I use Microsoft software, and i use non-Microsoft software. I insist on choices, and I know that thru choices we gain innovation. I do not want Microsoft in complete control of the market, as they are now, and will be with this ineffectual, shortsighted deal.

In the absence of a breakup, the only solution to the serious violations upheld by 2/3 of our nation's highest courts is to force Microsoft to release all source code for the shipped OS. This is easy to enforce, is simple and elegant. If Microsoft wants to embed media player, messaging, web browsers, a kitchen sink—then force them to release the code. Since they wouldnt want to do that, they'd be compelled to offer these products independently of the OS, on a more level playing field with the competition.

Isnt this the crux of the trial?

Please listen to the public.

Steve Burkett  
129 NE 57th. St.  
Seattle, WA 98105

MTC-193

**MTC-00000194**

From: nmlutz@netscape.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 2:03pm

Subject: Break Micro\$oft into 3 pieces

Justice Department,  
Micro\$oft should be broken up and not just 2 piece, but 3. Micro\$oft should be broken into an Operating System house, applications house, and now with their push on the Internet an Internet service house.

This would mean better products for Unix and Lynx based computers forcing Micro\$oft to compete on its merits as an operating systems provider company without forcing people to use their operating system or else no ubiquitous useful applications for you. One company, Micro\$oft, should not have so much control over a growing industry that will influence the way the world working in the future.

Norm Lutz

MTC-194

**MTC-00000195**

From: Tony Patti  
To: Microsoft ATR  
Date: 11/16/01 2:03pm  
Subject: Remedies for Microsoft monopolies insufficient

We need greater constraints on the Microsoft computer monopoly than those proposed.

As a user of Macintosh computers, I am a victim of Microsoft's monopoly every time I try to use software or browse a web page. Just because everyone at the Department of Justice uses Windows, they think there is no reason to believe they should stop the Microsoft monopoly. If you used another computing platform, you would realize just how much it is costing consumers to allow Microsoft to continue to dominate the computer industry.

Microsoft's arguments that they could lose their monopoly in a minute is not only specious and self-serving, but is also untrue from the historical perspective of the computer industry. People have made the same claim about how the internet was going to wipe out AOL for the past 8 years, and by now it is clear to see that people don't change their computing habits as easily as Microsoft claims.

Since Microsoft clearly has a stranglehold over the entire industry, they are abridging the freedom of speech in America by making it necessary to buy a copy of their software to exchange speech between computers.

The source code of all Microsoft operating systems, past and future, is now a document that belongs to everyone in the world. Since we all depend on it, Microsoft should not be allowed to keep it secret any longer. Anything less would severely constrict the rights of every US Citizen, not to mention the rest of the world. It also impinges on the ability of our government to function since everything is computerized.

This is not a business decision, as the DOJ seems to think. This is a decision about the very rights of our citizens to communicate openly, for now and into the future.

Tony Patti  
4161 Humphrey  
St. Louis, MO 63116

MTC-195

**MTC-00000196**

From: Sheldon

To: Microsoft ATR

Date: 11/16/01 2:04pm

Subject: Microsoft

I am writing this to provide my comments on the Microsoft antitrust settlement. I have been involved in the Computer Industry for overfifty years. I have lived through the emergence and transition of the Personal Computer. I have seen companies come and go. Do we want to go back to the days of different, non compatible Operating Systems and hardware? Microsoft has provided us all with aneasy to use, integrated, and most of all a standard. Microsoft became a monopoly by default. Let us look at the Personal Computer marketplace after IBM introduced their machine in 1981. Some of the PC's were offered by Cromemco, Vector, Altair, Radio Shack, Atari, andCommodore. Each had its own proprietary hardware, and used non-standard forms of the CP/M Operating System. You chose a platformbased on what software was available for it, unless you were a software designer. If you purchased a Cromemco computer, for example, the word processing software that was offered did not necessarily work on the Vector machine. There were no standards that allowed software to work ondifferent platforms and operating systems. Do we want to go back to this? This would not be in the best interest of the consumer, nor the industry. The IBM PC changed this by providing an open architecture, where anyone could build equipment that would work with the IBM PC. Anyone could build a video card, a memory card etc. that could be installed into the IBM PC. What IBM did not allow was for others to use their BIOS. This meant you couldn't build your own IBM PC. It wasn't until Compaq reverse engineered the BIOS that the Personal Computer market took off. Now others could produce an IBM compatible PC. We may ask why did the IBM PC create such a stir. I think it was VisiCalc for the IBM PC, the Spreadsheet that was available on the Apple as well as the IBM name. This spreadsheet is what businesses were waiting for. Shortly after this we began to see other software appearing. Ashton Tate's dBase, which became the de facto database. VisiCalc later to become 123 the de facto standard spreadsheet, and WordPerfect and WordStar the two giants of word processing software. These companies were monopolies in their own right. Then Microsoft introduced Windows as the Operating System for the PC. None of the major players either recognized its impact or didn't wish to invest in it. Microsoft introduced Word for Windows, the first Graphical User Interface (GUI) word processor, and Excel the first GUI spreadsheet for the IBM compatible PC. None of the other giants produced GUI products with the ease of use and functionality that the Microsoft products provided, until it was too late. Both business and consumers eagerly accepted, and benefited from the innovation introduced by Microsoft. There were no competing Operating Systems offered by anyone. IBM tried with their OS2 which might have been of interest to engineers but it did not appeal to the majority of users. At this time Microsoft did not have a monopoly in anything. By providing what the market wanted they came

to dominate the OS, and Office application fields. They became an OS monopoly and an Office software powerhouse. The others failed to innovate and compete. Also in this time frame there was Novell who dominated the PC network world. Microsoft introduced Windows NT followed by Windows 2000 and because of its features, ease of use and relatively low price supplanted Novell as the network OS of choice. Of course there were the variations of UNIX but this was not the choice for the PC platform. Now we see losers, who didn't innovate and understand how to compete, asking the Government to punish Microsoft for being successful. AOL Time-Warner would like to have the monopoly on Instant Messenger. They are crying foul that Microsoft is again being innovative and integrating their Instant Messenger into the Operating System. Sun Microsystems has had years to come up with an OS that would be inexpensive, and have numerous compatible software applications that work on the PC. They haven't done it. Yet they cry foul, decrying Microsoft's success. They and others tried to champion the Network Computer which did not use Microsoft Windows. The world did not beat a path to their doorway. Linux was supposed to be an answer to those who wanted out of the Microsoft OS world.

What happened? Its sales seem to be mainly to a few. Compaq is no longer installing it on their computers for a lack of demand. Why is this? It is not easy to use, has many problems, is really not able to work across many platforms and lacks sufficient applications that most consumers want. It is not innovative or competitive. Is this Microsoft's fault? The Courts have found that Microsoft used its monopoly illegally. For this they should be punished. The punishment should be such as to consider its affect on consumers and the industry. The punishment shouldn't be one that prevents Microsoft from innovating and creating products that are easier for us to use. It shouldn't punish a company for its success. Those who are jealous of Microsoft would have Microsoft punished for its success. Is this what you want?

Sincerely,  
Sheldon Teicher  
1000 Capitola Way  
Santa Clara, CA 95051

MTC-196

**MTC-00000197**

From: Dan Bance  
To: Microsoft ATR  
Date: 11/16/01 2:05pm  
Subject: Microsoft Antitrust Case

The proposed remedy for Microsoft is laughable. It is also inconsistent with American legal practices. In the findings of fact, it was found that Microsoft was an illegal monopoly and had illegally maintained and extended their monopoly in the operating system market. Fundamental to law in this country is an idea that we don't allow people or corporations to retain that which they've acquired illegally. That said, the original proposal to break up Microsoft is also flawed in that it preserves the Monopoly. The source code and rights to the Windows operating system should be placed

up for auction and awarded to, say, the 3 highest bidders thus reducing the monopoly to an oligopoly. It is my belief that nothing else will restore competition and innovation to the computer operating system industry. Don't allow this travesty to continue.

Daniel Bance  
Computer Operations Coordinator  
Advancement Services  
Virginia Commonwealth University  
(804) 828-2043

MTC-197

**MTC-00000198**

From: James Mitchell Ullman  
To: Microsoft ATR  
Date: 11/16/01 2:05pm  
Subject: Settlement unfair and wrong for consumers/economy

Greetings, I am a citizen of the United States of America and have a strong opinion against the proposed settlement between the United States Department of Justice, several of the litigating states and Microsoft Corporation. This settlement is a poor substitute for justice. Microsoft has been found guilty many a time of anticompetitive actions in the past, and in this trial. Yet, there seems to be a reluctance to actually punish these criminals. If a person were to burglarize a corner gas station, that person would serve time and make reparations. Microsoft has put the world economy at stake by taking control of the personal computer market as well as other industries within the technology sector. You are probably reading this email right now within a Microsoft Operating System, in a Microsoft Mail Transfer Agent, running on a "Microsoft Certified System" made to run their Windows Operating System. It is clear what has been done by them. What remains to be seen is if the Department of Justice can enforce the laws which have been so contemptuously broken. Let us not forget that Mr. William H. Gates Jr. perjured in a court of law over the duration of this lawsuit. He stated that a video made showing that their Internet Explorer product could, in fact, be removed from the system without serious damage done to the system. When the truth became known, the video was a hoax. The lack of punishment by the Department of Justice on perjury (of various infamous persons) is becoming a topic of discussion among the citizens of the United States of America. The doubts that the Department of Justice can effectively operate have been mentioned in public arena several times over. This should not have to happen. Action must be taken. Real punishment for criminals must be doled, or else the government will become weak in the eyes of its constituency. I am including a hypertext link to an open letter from Ralph Nader to the presiding Judge of this case: <http://www.cptech.org/at/ms/rnj12kollarkotellynov501.htm>

Please for the good of the people of the United States of America, reconsider this settlement.

Thank you,  
James Mitchell Ullman  
Technical Specialist I  
Zach S. Henderson Library  
Georgia Southern University  
<http://www2.gasou.edu1facstaff1jmullman>

Office: 912-681-0161  
CC: shooley@gasou.edu @ inetgw ,Richard Ullman,Aaron Hann...

MTC-198

**MTC-00000199**

From: John Whitaker  
To: Microsoft ATR  
Date: 11/16/01 2:07pm  
Subject: US vs. Microsoft

I think the Microsoft settlement is a good one for the nation. It opens up doors for other competition on the Windows platform. As a consumer I look for good value in what I purchase. If I get "extras" included in a purchase I'm ahead of the game! When I say extras I mean browsers, cdplayers, movie makers. This is GOOD for the consumer!

I've always had a choice to use competitive products on the windows platform. Sometimes I purchased these products because they were "better" than what Microsoft had to offer.

Let's just get this done with ... Our country is in enough chaos. Let's beat down our real enemies. Not a company that supplies good software at low prices.

John Whitaker  
Phoenix, AZ

MTC-199

**MTC-00000200**

From: Pedro Bonilla  
To: Microsoft ATR  
Date: 11/16/01 2:08pm  
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft a selling out by the Justice Dept to the Corporate thug it says it regulates. These slap on the wrist provisions do nothing to stop the juggernaut that Microsoft has become. If the Justice dept really wants to help the American public then fine Microsoft in the same manner as the EU but instead keeping the money give it to Microsoft competitors such as Netscape, Caldera Linux and others. Then make Microsoft disclose the workings of the operating system API's especially the file system api which is prohibitively expensive to secure. Microsoft is waging war against the open software groups by keeping this information secret. Without the money and intellectual assets of Microsoft independent software vendors cannot hope to compete. Microsoft not only invades the browser market but almost any software market with its tactics. One can only hope that while the Justice dept is attacking the browser market that Microsoft is not making significant headway in other software markets. If Microsoft is not stopped they will one day control and own the software market as a whole. The extreme greed of this corporation is depraved.

MTC-200

**MTC-00000201**

From: ROBERT REMINGTON  
To: Microsoft ATR,remington @ webtv.net @ inetgw,mcarona @  
Date: 11/5/01 3:01am  
Subject: Simon Sez

Any settlement proposals concerning my finances and investments must include the hidden and intentionally masked advertising revenues from every related television

commercial campaign, especially multiyear Fortune 500 campaigns.

Specifically, the advertising agencies that developed the multi-year 'Jack' commercials for the Jack-In-The-Box Company have reaped untold millions of dollars in production and royalty fees. This food service company, once owned and controlled by the Ralston-Purina Company of St. Louis, Missouri, later based in San Diego along with McDonald's Corporation of suburban Chicago and its advertising agencies have withheld settlements and equitable distribution of creative royalties for many years, causing me undue and unnecessary years of hardship, loss of income and ridicule. Violations of free speech, and other civil rights have been trampled in order for each law enforcement jurisdiction to check into my story. My objectives are to receive a fair distribution of profits, nothing more or less than the originating producers received for developing the campaigns. Nothing short of a total audit of broadcast television commercials and business advertising budgets will reveal the enormous amount of fraud involved with this multiyear scam. Simon Marketing files a \$1,000,000,000 lawsuit against McDonald's Corporation in a counterattack designed to thwart McDonald's efforts to sue Simon for the Monopoly Game scandal. Simon sez McDonald's has known for over ten years about the prearranged winners of supposedly fair marketing games, and has encouraged Simon to target specific individuals during the "broad marketing campaigns." Two senior McDonalds management staff are forced to resign in the scandal and corporate reorganization. USDOJ building security staff acknowledges the television commercial links with nickname references to me upon my arrival to the Los Angeles Federal Building/US Courthouse. I am honored, and amused by this unorthodox recognition as I have a sense of humor. I also have patience for a just agreement, however intentional stalling, subversive actions, assaults, and felony attacks against me on a daily or weekly basis harden my resolve to receive my money without any further delays. I would like to thank all of the people who have listened to me via email during past three years, and a special thanks to those who may have saved me from harm during an unpredictable time. A sincere appreciation goes out to those in law enforcement that really care about others by going the distance protecting me in challenging environments. As you may have observed, I have provided reciprocal security and briefings for select cities, public and private facilities, and groups to the best of my ability.

Respectfully,

Robert Remington

MTC-201

**MTC-0000202**

From: Chuck Case  
To: Microsoft ATR  
Date: 11/5/01 7:07am  
Subject: Settlement

Dear DOJ Representative (hopefully also Mr. Ashcroft), I can't begin to say how disappointed I am that the DOJ came up with such a weak settlement with Microsoft. I am

now officially embarrassed. After all we've been through (the trial) you are not even punishing Microsoft. Their behavior has been confirmed by your letting them off the hook. They learned they can do whatever they want and you will do nothing.

I like Microsoft software but their business practices are wrong wrong wrong. They were found guilty (twice) and you didn't punish them at all. I would have (and did) expect more from folks of your stature. Contrary to what must be believed (by your department) letting MS off will not help the economy. It will hurt it, because their behavior will now become even more pronounced. You have done us all (consumers) a grave disservice.

Respectfully,

An Average American Citizen.

MTC-202

**MTC-0000203**

From: Bob Rattner  
To: Microsoft ATR  
Date: 11/5/01 9:11am  
Subject: Cowards!!

Dear DOT,

Thanks for caving in on the Microsoft case... you should hang your heads in shame! Failure to stop this monopoly legally will cause incredible damage. When hackers eventually try to bring down the web, Microsoft will be their weapon.

I wonder how much of a bribe Gates delivered to the AGs for their next campaign war chest..your department is as crooked and reprehensible as Microsoft. It's the obviously poor "decisions" like this one that give scum like Gates and Ballmer, and their equally scummy counterparts in Washington the reputations as thieves and liars which they so richly deserve.

MTC-203

**MTC-0000204**

From: Jerry Callen  
To: Microsoft ATR  
Date: 11/5/01 10:21am  
Subject: Concerns with proposed Microsoft settlement

I am writing to express concerns regarding the proposed settlement of the Microsoft antitrust case. In particular, the proposed settlement will not address the needs of so-called "open software" developers. It is precisely this audience that is in most need of relief and that offers the best counterbalance to Microsoft's operating system monopoly.

My specific concerns are:

(1) Sections D and E of part III require that Microsoft disclose the middleware APIs and communications protocols required to interoperate with Microsoft operating systems and servers. However, disclosure is to be via "Microsoft Developer Network (MSDN) or similar mechanisms". MSDN is a subscription service; disclosure must be via a mechanism that:

(a) does not require any payment to Microsoft, and

(b) does not enable Microsoft to become aware that a potential competitor is interested in these APIs and protocols. The disclosure mechanism should be via an Internet Web site that is freely available without any registration requirement.

(2) Section I requires that Microsoft license any intellectual property required by ISVs, LAPs, etc. to interoperate with Windows operating systems, but then goes on to state that the terms be "reasonable and non-discriminatory." In the "open source" development model, there is no organization that can sign and/or pay for the appropriate license. There must be a guarantee that open source developers can use any and all Microsoft intellectual property they required AT NO CHARGE. Anything less than this effectively stifles open source development entirely.

(3) Section 3 specifies that Microsoft need not disclose those portions of APIs or communications protocols "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". The inclusion of "encryption or authentication systems" in this statement makes it impossible for open source systems (such as Samba) to fully interoperate in a Windows domain, which relies upon proprietary extensions to the public "Kerberos" security protocol.

Encryption & authentication experts are unanimous in their view that security must be based upon publicly-revealed, open protocols that can be examined by experts for flaws. Microsoft must be required to make full disclosure of its authentication & encryption protocols, not only to enable third party software to interoperate, but to insure that these protocols do their jobs and do not contain avoidable vulnerabilities.

The proposed settlement is unacceptable in its current form. As a programmer and consumer of open software, I urge you to correct these flaws prior to issuing the final settlement.

Sincerely,

Jerry Callen

63 Orchard Street

Cambridge, MA 02140

617-876-5330

jcallen@narsil.com

MTC-204

**MTC-0000205**

From: Ellis M. Zsoldos Jr.  
To: Microsoft ATR  
Date: 11/5/01 10:27am  
Subject: Settlement

Good morning,

I'll make my comments brief.

I have read the consent decree as you published in detail. I am a Software Engineer who benefits from Microsoft products. With that in mind let me say that this settlement proposal is a win for Microsoft and a loss for consumers and the tech industry. This will in no way restrain Microsoft's business practices and will only continue to harm other software firms. There have been many good companies in the past decade which no longer exist specifically because of Microsoft's business practices. This settlement will in no way prevent the same practices from destroying existing and future software companies, and it may in fact contribute to a depressed tech economy for some time to come.

By agreeing to this settlement the Department of Justice has done nothing more than throw away all the money and time spent on this lawsuit over the past four years. This was our tax money that was spent on this lawsuit. As a citizen I expected more for my money. I am very disappointed with the proposed settlement.

I am unable to reach a conclusion as to why the DOJ would make such a weak settlement in light of the evidence and rulings against Microsoft.

I plan to share my thoughts with my state attorney general, as well as my senators and congressman.

I sincerely hope that you reconsider your actions in this case.

Sincerely,

Ellis M. Zsoldos Jr.

MTC-205

**MTC-0000206**

From: Stephen Ray  
To: Microsoft ATR  
Date: 11/5/01 10:34am  
Subject: Microsoft decision

To whom it may concern;  
regarding the settlement reached with Microsoft, my personal advice is dramamine. It works best for the dizziness that must surely follow rolling over that fast.

MOST sincerely,  
Stephen Ray  
stray@naxs.net

MTC-206

**MTC-0000207**

From: Dennis Wink  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/5/01 11:18am  
Subject: Opposition

I am writing to state my displeasure with the proposed settlement with Microsoft. The settlement, as structured, is a betrayal of the consumer. Microsoft has shown in the past they cannot be trusted to comply with agreements like this. Every clause in the settlement is riddled with exceptions that will allow Microsoft to continue its current predatory practices. It is disappointing to see that after all the time, effort and money that was spent on this case the DOJ is giving up and selling out for political expediency.

Dennis Wink  
San Diego, CA

MTC-207

**MTC-0000208**

From: Matthew Marcella  
To: Microsoft ATR  
Date: 11/5/01 11:59am  
Subject: You Nitwits

The agreement that Microsoft wrote stinks. You obviously know nothing of software. Microsoft will behave worse than ever and will have your agreement to help them eliminate competitors and consumer choice.

Matt Marcella  
20 years in software development

MTC-208

**MTC-0000209**

From: root@wt4.usdoj.gov@inetgw  
To: Microsoft ATR.antitrust@ftc.gov@inetgw.Ralph@essen...  
Date: 11/5/01 12:09pm

Subject: Microsoft Hegemony: States Should Seize The Initiative

CC: letters@latimes.com@inetgw, letters@smercury.com@i-\*\*\*lle://LI/wlnltemp/tmp.fltn

Re: States Weigh Going It Alone in Legal Battle With Microsoft

"This consent decree will remedy the problems that were caused by Microsoft's unlawful conduct, prevent the recurrence of those problems and restore competition in the software industry.

This says one thing on the surface but below says the DOT is more interested in letting the mafia run the software business while it maintains a shell of a government agency, faux arm of We The People. Perhaps the States should seize the initiative to become the true arm of We The People...

"Does anyone think this settlement is going to change Mierosol-'s behavior?" said Scott G. MeNealy.

If MeNealy and golden golf ball buddies were serious about breaking the Microsoft Hegemony they would call for eliminating its IP protection for the building of a true platform for competition on the merits...

We The People  
Take Back Our Flag  
From The United CcrpccJions Of America  
12/11/2001 10:51 AM

MTC-209

**MTC-0000210**

From: nn@broadcom.com@inetgw  
To: Microsoft ATR  
Date: 11/5/01 12:24pm  
Subject: The Microsoft settlement is a complete sellout

This deal is not even a wrist slap. Microsoft has been proven to (a) be a monopoly in the market of computer operating systems and (b) abused other corporations and individuals using its monopolist position.

Personally, I'm outraged at the DOJ and the Bush Administration. This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil. It's an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace.

What a sham.  
Neal Nuckolls  
nn@techie.com

MTC-210

**MTC-0000211**

From: Doug  
To: Microsoft ATR  
Date: 11/5/01 1:15pm  
Subject: Fwd: Rule Maker: Microsoft's HailStorm

Has Microsoft walked all over the Justice department??

MTC-211

**MTC-0000212**

From: James J. Lewis  
To: Microsoft ATR  
Date: 11/5/01 1:28pm  
Subject: Proposed settlement of US vs. Microsoft action

I am 71 years old, a citizen in good standing of the United States and a PC user.

Of course, I use a MS Windows operating system on my computer. This mail is to inform you that I am very disappointed with your proposed settlement of subject action. Why? Well, the Court of Appeals did not reverse the District Court's finding that Microsoft violated antitrust laws and used their monopolistic power to harm competitors. Also, previously when court action issued restraining orders on Microsoft, the company violated them. Why do you think it will not do it again, even with the in-house watchdog committee you have proposed? Microsoft is deserving of severe punishment as a two time looser and abuser of the free enterprise system. Frankly, I feel you have caved in and, as such, I have a much reduced confidence in your integrity and ability to protect citizens such as myself from predatory businesses. I have been a life long Republican, but I must say administration actions such as yours cause me to wonder if I should continue to support the Republican agenda.

James J. Lewis  
1500 Turnmill Drive  
Richmond, VA 23235  
j.lewis1500@home.com

MTC-212

**MTC-0000213**

From: Randy Chase  
To: Microsoft ATR  
Date: 11/5/01 1:32pm  
Subject: Dear servants of the people:

Dear servants of the people:  
'Reasonable and nondiscriminatory' access to Microsoft API's and file formats automatically discriminates against open source projects like Samba and Koffice. The result is a defective consent decree, and the loss of my faith in your justice.

Randy Chase

MTC-213

**MTC-0000214**

From: Jay Hill  
To: Microsoft ATR  
Date: 11/5/01 2:13pm  
Subject: Truly pathetic

I don't know how much worse a government organization can get than the current group in charge of this anti-trust process. Obviously there is much political pressure to get this out of the courts and the people be damned!

It is very obvious that Microsoft BROKE THE LAW! Even the appeals court agreed. So why come up with a wimpy, ineffective, totally useless resolution?

As a consumer and software developer, I am totally and thoroughly disgusted!

I hope the states show the DOJ what a true and meaningful resolution is!

Utterly, truly pathetic!  
Jaybird B-)

MTC-214

**MTC-0000215**

From: JAMES G. EVANS  
To: Microsoft ATR  
Date: 11/5/01 2:43pm  
Subject: Sellout

The "settlement" was a sell-out. Microsoft has used every possible trick with the software to attempt to monopolize every

aspect of computer use right down to how one can get on the internet and made the use of other software difficult if not impossible. The bundling of programs will finally drive out other competitors who cannot make their programs "free".

Thank for nothing!  
<jamesgevens @netscape.net>  
<jamesgevens @ worldnet.att.net>  
MTC-215

**MTC-0000216**

From: Frank D'Angeli  
To: Microsoft ATR  
Date: 11/5/01 3:30pm  
Subject: Spineless

I am so disgusted with what has happened to the American Justice system. Microsoft has not only committed repeated, illegal, monopolist acts but was caught red-handed submitting false evidence in their trial.

Microsoft has bought and paid there way out of sure punishment and the Bush administration and you lackeys in the DOJ should be ashamed of yourselves. Makes me sick to think you people call yourselves American when you are supposed to be preserving competition.

Frank D'Angeli  
Medford, MA 02155

MTC-216

**MTC-0000217**

From: Andre  
To: Microsoft ATR  
Date: 11/5/01 3:48pm  
Subject: So what was the point?

Dear Anti-trust Division, US Department of Justice, I don't work in high tech. I don't own stock in Microsoft or in any of their competitors. I don't even know anyone who works for Microsoft or any of their competitors. I'm just a consumer and a user of Windows and other software programs.

And boy, do I think this settlement sucks. Microsoft clearly and flagrantly violated anti-trust laws, and CONTINUES TO DO SO by using profits from their OS monopoly to fund money-losing forays into other areas designed to hurt—or better yet—bankrupt opponents. They've done it over and over again (web browsers, streaming media players, word processors, spreadsheets, presentation programs, mobile device operating systems, and the list goes on and on).

Now they're at it again with the XBOX, just you watch. What gives them the right to use monopoly profits to subsidize losses in the console gaming market—to the tune of an estimated \$700 million—\$1 billion over the next several years?

I call your efforts at enforcing the anti-trust laws pathetic. For my money, you all might as well have not bothered with any of this. It's like convicting a criminal of a violent crime then letting him go unsentenced and free because he has connections. Or trying to referee a boxing match without bothering to strip the machine gun away from the bigger boxer.

A lot of show, little to show for it. If you had just left Microsoft alone, by now they would probably have pushed the arrogance button so hard that consumers would probably be in open rebellion.

Yours truly,  
Andre Williamson  
Silver Spring, MD

MTC-217

**MTC-0000218**

From: Mark Alishouse  
To: Microsoft ATR  
Date: 11/5/01 3:51pm  
Subject: congrats

You managed to COMPLETELY betray the American people and destroy your agency's credibility all in one deal.

MTC-218

**MTC-0000219**

From: SPadgett@ggmitg.com@inetgw  
To: Microsoft ATR  
Date: 11/5/01 3:51pm  
Subject: From a small business owner:

Settlement is in all our best interests  
I am adding one voice to what I hope will be many in supporting your pursuit of settlement in this case. I was relieved last week to see the Attorney General's announcement of a tentative settlement, but very concerned this morning when I read on the CNN site that several of the State's Attorney's Generals are not sure they can support the settlement. I would strongly suggest that American business and the public at large needs this case settled.

I am an owner of a small IT consulting and integration business with what I think is a fairly objective view of Microsoft and the rest of the IT industry. I use Microsoft products but use a wide variety of other vendors' products also; I am neither a Microsoft detractor nor fervent supporter. I am by no means an expert in the law, but I am a strong believer in upholding the law. If Microsoft broke the law, they should be held accountable. However, as it seems to have been the case in so many of the big anti-trust actions of the information age, the complexity of the cases can almost overwhelm the real issues. I feel that this happened from the beginning in this case, along with far too many emotions and big egos at play. This is not about significant moral and social issues; it's just computer hardware and software, in the end only tools.

The real issue in my mind is that we the knowledgeable consumers of this technology can and do make informed, and often very clever, decisions based on the quality and effectiveness of a product or service. We are able to make those decisions regardless of whether that product was offered in a way that may, technically, conflict with anti-trust laws. For example, Microsoft licensing has been an issue in this case. If I am considering a Microsoft product for a client where, in my opinion, the licensing is "unfair" or not advantageous to the client, I will recommend against the product, AND FIND ANOTHER SOLUTION FROM THE VAST ARRAY AVAILABLE. I am convinced that even if that licensing were found to be in violation of anti-trust laws, no remedies will significantly impact that decision I make and the resulting solution I choose.

After decrying the emotions that seem to have been involved in this trial, I will say that I feel (granted without much factual backup) that the way this case was brought

about, the deplorable way the press was used to hype the various factions, helped to hasten the slide of the technology sector in the economy. Many of the dot-com balloons were going to deflate, we all new that, but this case seemed to stick a pin in them instead of allowing gradual deflation. So as I have seen business conditions get tight, companies lay off good people, and our 401K's crater, I have a certain amount of anger over this case. Especially because in the end, once again, the marketplace populated by very bright and resourceful people, will decide the real fate of Microsoft. Please don't let this settlement get away, for all of us.

Thank you,  
Stan Padgett  
President,  
GGM Information Technology Group, Inc.  
843-824-0908

MTC-219

**MTC-0000220**

From: Chris Lee  
To: Microsoft ATR  
Date: 11/5/01 4:23pm  
Subject: Microsoft Wins at LOSING...and THAT DOESN'T MAKE SENSE!

Are you folks settling for the public interest or for the interest of an ILLEGAL MONOPOLIST??? The settlement DOESN'T MAKE ANY SENSE! It's definite that the consumer and innovation is the BIG LOSER!!! A SELL OUT TO AN ILLEGAL MONOPOLIST THAT LOST IN THE COURT OF LAW IS NOT HOW ANTI-TRUST WORKS.....I think!

It's obvious, Geo. W. is paying back his Illegal Monopolist bud!

THANKS FOR NOTHING!

November 5, 2001 States balk at settlement proposal Joe Wilcox, CNET News.com The 18 state attorneys general who are co-plaintiffs in the Microsoft antitrust lawsuit are not expected to sign a settlement agreement—at least in its current form—hammered out between the software giant and the Justice Department, said sources familiar with the matter.

The Justice Department and Microsoft on Friday delivered the proposed settlement in the form of a consent decree to U.S. District Judge Colleen Kollar-Kotelly. But the states asked the judge for more time to review the settlement, which received little input from the attorneys general, said sources familiar with the negotiations.

Lawyers representing the states are scheduled to meet with Kollar-Kotelly at 6 a.m. PT Tuesday to deliberate the matter. During the status hearing, both sides are expected to discuss further proceedings under the Tunney Act. Under that law, a judge must review a settlement to ensure that it is in the public interest and was not politically motivated.

"The states are working intensively to review the settlement," Iowa Attorney General Tom Miller said Monday. "We will report to the judge on Tuesday."

In chambers on Friday, the judge reiterated her earlier view that settling the case would be in the best interests of the country.

The states appear to be deeply divided over how to proceed with the case, in light of the judge's instructions, possible resistance from

the Justice Department and the resources that likely will be required to continue the nearly four-year-old antitrust battle, sources said. The states largely focused their attention on numerous apparent loopholes in the consent decree and the limited scope of the agreement.

"In antitrust doctrine, there is this concept of fencing in the monopolist," said Jonathan Jacobson, an antitrust lawyer with Akin Gump Strauss Hauer & Feld in New York. "You fence them in so that they don't repeat the same behavior. I don't see that's here" in the consent decree.

Antitrust law demands that "remedies should be forward looking," said Emmett Stanton, an antitrust attorney with Fenwick & West in Palo Alto, Calif. "That doesn't appear to be the case here."

The proposed consent decree would compel Microsoft to reveal some Windows XP code to make it easier for third-party software to work with the operating system, and make some concessions regarding PC makers. But it steers clear of emerging technologies such as digital rights management and Internet authentication. A "get-out-of-jail-free card"

The states appeared most worried about possible loopholes that might empower Microsoft rather than restrain its monopoly muscle.

Bob Lande, an antitrust professor at the University of Baltimore Law School, pointed to the 22-page agreement's definition of an operating system and its lack of restrictions on Microsoft's bundling in more features.

"They should be concerned about this," Lande said. "The agreement says Microsoft can tie (products to Windows) because they can define the operating system any way they want," Lande said. "So conceivably, Microsoft could tie a ham sandwich to the operating system."

One of the case's core issues was the integration of Microsoft's Internet Explorer Web browser into Windows 95 and 98. "Contractual tying has not really been addressed" in the proposed settlement, Stanton said.

Referring to the board game Monopoly, Lande described many provisions of the proposed settlement as a "get-out-of-jail-free card."

States also are deliberating what role a three-person technical committee would legitimately have to enforce the consent decree. Microsoft apparently considers the committee and its power to regulate the company as a tremendous compromise, said sources familiar with the matter.

If the states sign the settlement, however, the company could announce a compliance officer for enforcing the agreement as early as this week.

The states have gotten an earful from Microsoft competitors, which in recent weeks have complained of a cold reception at the Justice Department. Under the Clinton administration, Joel Klein, assistant attorney general at the time, openly solicited feedback from Microsoft competitors Oracle and Sun Microsystems.

Some Microsoft competitors had expected similar openness from current Assistant Attorney General Charles James, whose

former firm, Jones Day, represented Microsoft rival AOL Time Warner.

But with the exception of the media giant, James reportedly did not meet directly with Microsoft competitors, choosing to send subordinates instead, said sources familiar with the dialogues.

The attorneys general are expected to continue their discussions Monday, as they hammer out a strategy that some sources indicated might not be unified. Some states were leaning toward going along with the settlement, while others wanted to push ahead without the Justice Department, sources said. The states could also ask for modifications to the agreement.

California and Massachusetts are among the five or six states most resistant to the proposed consent decree, at least in its current form. Should California go along with the settlement, much of the coalition would likely follow, said sources familiar with the situation.

Also involved are Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Minnesota, New York, North Carolina, Ohio, Utah, West Virginia, Wisconsin and the District of Columbia. In July, New Mexico settled independently with Microsoft.

Concerns about the judge

The states are gravely concerned about Kollar-Kotelly, who is a newcomer to the case, particularly in light of her desire to see the case settled, sources said. In August, Kollar-Kotelly was randomly assigned to the case to replace U.S. District Judge Thomas Penfield Jackson.

Lande warned that the states should not take lightly Kollar-Kotelly's comments about striving for a swift settlement.

"You have this judge who doesn't know the facts of the case, doesn't know the games that Microsoft plays and maybe really doesn't want to get into the facts," he said.

If none, or only some, of the states sign the agreement, the original schedule set by Kollar-Kotelly would continue. The non-agreeing parties would file their proposed remedy by Dec. 7, with Microsoft responding by Dec. 12. A remedy hearing is tentatively scheduled for early March.

This could put the court in the position of overseeing two different sets of activities in the case: concluding the settlement by the process established by the Tunney Act, and preparing for a separate remedy hearing.

Before Kollar-Kotelly holds the Tunney Act hearing, there must be a 60-day period of public comment, in part to ensure that the agreement is in the public interest. Under the terms of the proposed deal, the Justice Department is to publish the proposed settlement in the Federal Register on or before Nov. 16.

The Justice Department also will publish a notice informing the public of the proposed Final Judgment and public comment period in the Washington Post and the San Jose Mercury News, for seven days over a period of two weeks commencing no later than November 15, 2001, the consent decree states.

Within 30 days after the close of the period for public comment, the Justice Department must publish its response in the Federal Register.

MTC-220

**MTC-0000221**

From: root@wt4.usdoj.gov @inetgw  
To: setters @washpost.com@inetgw  
Date: 11/5/01 4:32pm  
Subject: Microsoft Hegemony: Think About Post Serial Monopoly Fiasco  
CC: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...  
Re: A Risk Worth Taking

We don't mean to play down the risks. Ha ha ha ha ha ha ha. The Wash Post doesn't mean to do what it is doing. Ooops, I did it again...

The agreement will prevent Microsoft from retaliating against Computer makers who deal too closely with its competitors.

The Washington Post excels at propping up a time-tested status quo that magically transforms failure into success. This is the status quo of lip service, of appearances. The DOJ made a grand effort against M\$ tallied in dollars, hours, words, sweat and energy. But these are no substitutes for results.

It will allow computer manufacturers to use rival imaging, messaging and browser software on an equal footing with Microsoft's own offerings.

This statement cannot be cast as ignorant, misinformed wishful thinking, the DC politician's cop-out du jour.

Rather, this statement is, by the raw predictability of Microsoft's modus operandi and it's unprecedented hegemony over public infrastructure, a blatant lie.

We The People, well informed now, think the Wash Post should stop squawking lies, and start a dialog giving it half a chance of retaining a shred of credibility post serial monopoly fiasco, because eventually, the truth will beat the lie.

We The People  
Take Back Our Flag  
From The United Corporations Of America

MTC-221

**MTC-0000222**

From: Wesley Watters  
To: Microsoft ATR  
Date: 11/5/01 4:32pm  
Subject: Microsoft Deal

Sirs,  
You have sold us out. May you rot in Hell. See you on election day,  
W. Watters

MTC-222

**MTC-0000223**

From: Jud Meaders  
To: Microsoft ATR  
Date: 11/5/01 4:36pm  
Subject: Proposed MSFT settlement

Dear Mr. James and the Antitrust Division:  
I am writing to tell you how disappointed and angry I am @ what I know thus far of this proposed settlement. I agree with Rep. John Conyers, who accused you of making "inexplicable and irrational" concessions in the settlement talks. I also like his analogy: "This is like losing a game by forfeit when your team was ahead with the bases loaded and your best batter on deck."

Any third-grader knows that you don't appease a school yard bully. You stand up to him and hold him accountable for his behavior.

Everybody knows MSFT is a bully and an illegal monopolist (everybody, it would seem, except you and your division). In my opinion, you have failed miserably where MSFT is concerned. Taking breakup off the table as you did when you were in the catbird seat was inexplicable. Letting MSFT dictate the terms of the settlement was, too (MSFT was often quoted in the media saying what they would and would not do; since when do the guilty get to dictate the terms of their punishment?).

This great economy of ours is NOT dependent on MSFT. If you would only enforce the hand that the appellate court gave you, you would quickly see how innovative and deep the technology sector can be. Instead, you crumpled. MSFT will continue its stranglehold on the industry; the economy and the American consumer will continue to suffer.

You gave the case away to a company that has shown time and again that it cannot be trusted to do the right, fair and legal thing. This is the same company that was caught cheating in at least two of its in-court presentations during the trial.

I would also like to know why our government is THE largest MSFT customer; they're guilty, so why are they still on the approved vendor list? Are you aware of their track record on (lack of) security? Please be assured I will make my opinions known to my senators and representatives. If what I have read so far is true, you have lost your credibility with me. This "settlement" stinks the place up.

Thank you for posting the proposed settlement on your website and for your time. Sincerely, Jud Meaders

MTC-223

**MTC-0000224**

From: Steven Hill  
To: Microsoft ATR  
Date: 11/5/01 4:42pm  
Subject: Settlement is a disgrace

The settlement with Microsoft is an absolute disgrace and an insult to law abiding taxpayers. Microsoft destroyed companies, abused monopoly powers and lied in a federal court.

Any criminal who was convicted of breaking a federal law and/or lies in a federal court must now get the same treatment. In other words, pardon and set free every criminal. Not only should the settlement be thrown out, but those government officials responsible should be investigated for corruption.

S Hill

MTC-224

**MTC-0000225**

From: Zackary D. Deems  
To: Microsoft ATR  
Date: 11/5/01 5:01pm  
Subject: What was the point?

I'm sorry, but after watching the court battle and knowing the DOJ had actually beaten Microsoft. I don't understand why you would give up. Microsoft wins. Microsoft gets a slap on the wrist. Microsoft continues to strongarm the general public and there's absolutely nothing we can do about it.

90% of people currently running windows 95, 98, ME, NT, or 2000, have absolutely NO

real reason to upgrade to XP. none. Yet Microsoft is effectively forcing us to do so by de-supporting 95 and refusing to sell licenses to anything but XP. If I want to install ME on a new machine, I have to purchase an XP license first. If I want support, I'd better upgrade.

Innovation., it's a nice big fat word that is the equivalent of "Taking what somebody else has done, making it slower, making it bigger, putting an MS logo on it, and making it completely incompatible with the original version." Your settlement manages to fill 21 pages with legal speak, but accomplishes absolutely nothing. I don't know if Bush instructed you to take whatever they offered in order to settle, but it reads like a self-imposed punishment from Microsoft. "Ok mommy, I promise to play nice and let the other boys use my toys.. as long as they give me their toys, but I want them back, and if they get one like mine, I get theirs too, because it's based on mine."

You left enough holes that \*I\* could find legal loopholes, and I'm no lawyer.

I certainly hope the states refuse to accept this settlement, because you basically wasted the country's time and money for three years in order to accomplish what had already been done.

Microsoft is busy positioning itself to cement its monopoly firmly in place, and extend it further into the internet realm, and all you can do is slap them on the wrist. You seem to have forgotten what the case was about to begin with.

Remember Netscape? That company that MS tried to drive into the ground by tying Internet Explorer with windows 98? The one seriously hurt by MS deciding to give away explorer, knowing that netscape had been making money on Navigator? Remember RealNetworks?

I don't care who places what icons where on the desktop. People who use the operating system long enough to learn it tend to ignore that stuff anyway, or delete it (which is what I do). Rather than following the whole tying issue, you chose to ignore that and concentrate on a PRESENTATION issue. COME ON!

Who gets helped by allowing microsoft to prevent hardware makers from putting icons on the desktop if MS doesn't have a competing product? Certainly not the competitors.

At the moment, Microsoft has NO incentive to (a) Write better software, (b) fix the horribly insecure and buggy software they are currently selling, (c) abide by your ruling, because they know that they're set for at least the next 8 years (assuming Bush gets reelected).

In other words, Microsoft gets to spend the next 8 years innovating themselves more firmly into an abusive situation.

By the way.. would you consider it an abuse on their part for them to.. embrace and extend.. the TCP/IP protocol.. which is what the internet is based upon.. allegedly in an effort to "Improve" the protocol.. only to make it so machines speaking THEIR version don't play as nice with traditional TCP/IP networks? You might want to look at their implementation in XP, because before long, they're going to be doing their best to force

the non-XP computers off of the internet, because Unix, Mac, etc, all speak real TCP/IP.. but the billion+ computers running XP run MS's new TCP/IP variant.

Sounds like strongarming abuse to me. But then again, you're busy slapping them on the wrist.

You failed. You did a horrible thing. I hope you look back in 10 years and read in the history books about how pointless you made this whole case. History will not be kind to you. For your sakes, I just hope it doesn't offer your specific names signed to the settlement. The country as a whole no longer has any faith in your abilities. You can't protect us from Anthrax, and you knowingly let a predator like Microsoft loose into the wild, after you had it locked firmly in a cage.

A writer for ZDNet was correct, it seems: A vote for Bush WAS a vote for Microsoft. My condolences on your defeat.

Zackary Deems  
Systems Engineer  
Virginia Dept. of Education.

MTC-225

**MTC-0000226**

From: EXT-Williamson, Micky  
To: Microsoft.atr(a)usdoj.gov  
Date: 11/5/01 5:16pm  
Subject: thanks...

I can't say I was shocked by the decision, but at least call it what it was ... a boost to the economy.

The facts are:

1. Microsoft was convicted of breaking the law.

2. Microsoft thumbed its nose at the industry during the penalty phase by embedding more products, and recently by even making there msn site unusable by mozilla and there takeover of qwest's ISP business will only support there proprietary POP3 protocol which will force people to use Microsoft's OS....

so,  
call it what it is ... politics.  
Micky Williamson  
Project Manager Web Bold

MTC-226

**MTC-0000227**

From: Samuel Scott  
To: Microsoft ATR  
Date: 11/5/01 6:19pm  
Subject: Redirection of Traffic

Dear Sir/Madam

In leu of the current world affairs this may seem trivial, but i do not think it is. As of recently (past weeks) when using Microsofts Internet Explorer v. 5.50, when typing in a URL that does not exist (example www.lkjhgffddss.com) you get taken to the Microsoft Network. the precise URL is http://auto.search.msn.com/results.asp?cfg=DNSERROR&FORM=DNSERR&v=1&q=www%2Eplkjuj%2Ecom

There are several issues here. If you know the way the internet works there is an amazing amount of info you can unfairly find out about each unique visitor. What Operating system they use, who they use as an ISP (Internet service provider like AOL, Earthlink, etc...), what website they came to you from.....etc.

I'm a small business, but it is plain to see what a dominating position that company is

in. They have locked out all competing products to theirs in numerous ways and now forcing users to go to their website.....This issue with the redirection of traffic is outrageous. Anyone who has some knowledge in this area would see that. I hope to see this addressed.

Truly Yours,  
Sam Scott

MTC-227

**MTC-0000228**

From: jas  
To: Microsoft ATR  
Date: 11/5/01 6:34pm  
Subject: My thoughts on the matter...

Hello,

I am a long time software developer who has used Microsoft development products even before the introduction of Windows. This experience also includes working as a subcontractor for Microsoft consulting, as well as serving on one of their 'standards' committees during the early days of OLE/COM (wosa/xrt).

For what it's worth, I'd like to throw my two cents in: If what I have read in Yahoo's news is even partially true...<http://dailynews.yahoo.com/h/zd/20011105/tc/msttlement-reads-likea.fairy-tale-1.html>...then either you guys are on the take, or your pretty stupid.

To remedy the anti-trust problems with what you have arrived at—is worse than doing nothing at all.

Microsoft has, and continues to use it's monopoly powers to unfairly railroad innovative software companies out of business, and with billions of dollars of marketing muscle, they may very well exercise the very same destructive influence on the internet, at least as far as US software development is concerned.

I say this because I don't thing that countries outside of the US, and especially the ones that comprise the future high-growth software markets—will be as short sighted as the USDOJ.

Heck, for national security reasons, foreign government software procurements will not lock themselves into a single vendor for mission critical software, only our country (de-facto) will.

Personally, I'll do OK, as a contractor, I'm a hired gun, but I've seen so many great and innovative software companies go down the drain because they never had the inside lock on the operating system internals, nor the untold billions in cash required to stave off a monopolist attack in their niche market.

When you've seen what happened to hardware values: the bang for the buck that you get: in real and absolute terms, one can only imagine what we might have had if the same level of competition existed on the software side of the market.

Unfortunately—due to your recent 'remedy'—we are only left with our imagination of what could have been.

John Soprych  
Objective Response, L.L.C.

MTC-228

**MTC-0000229**

From: Marietta Massey  
To: Microsoft ATR

Date: 11/5/01 8:45pm  
Subject: Microsoft Settlement

As I understand the settlement proposed by the DOJ with Microsoft, it does not address any of the requirements laid out by the appeals court.

Jobs flourish when there is heavy competition, especially in the computer industry. By refusing to ensure that competition exists, you reduce the number of jobs available in the technology sector, reduce innovation in that sector, and in general damage the economy.

Please review your agreement—this is bad for the economy, for the people, and for business.

David Massey  
mrmasseyearthlink.net

MTC-229

**MTC-0000230**

From: jim  
To: Microsoft ATR  
Date: 11/5/01 8:58pm  
Subject: MICROSOFT SEEKS TO CUT DOJ ANTITRUST FUNDING

The Washington Post reported on October 15, 1999 that Microsoft acknowledged speaking to members of Congress about its unhappiness with the DOJ, but said that CUTTING DOJ's FUNDING was NOT A MAJOR PRIORITY of Microsoft. (excerpt from [www.senseient.com/news/1-1999.htm](http://www.senseient.com/news/1-1999.htm))

Microsoft is buying its way out.  
James Bandlow

MTC-230

**MTC-0000231**

From: Kaya Bekiroglu  
To: Microsoft ATR  
Date: 11/5/01 9:16pm  
Subject: Settlement a travesty

As a citizen of this great country and a software professional, after studying the proposed Microsoft settlement I must express my deepest concern. I'm sure you're receiving many letters like mine, so I'll skip directly to my key points:

(1) The settlement fails to punish Microsoft for past monopoly abuses, nor sufficiently remedies such abuses.

(2) The settlement fails to address current illegal leverage into new markets by means of application tying in Windows XP, most importantly in these markets: media players (Windows Media Player), digital music (undisclosed Digital Rights Management APIs), subscription based ISP services (MSN Explorer), Real-time Notification and Messaging (Messenger) and distributed authentication services (Passport).

None of these, with the exception of Digital Rights Management APIs, have any legitimate claim to reside in the rapidly expanding OS cocoon.

The following, smaller markets are also in jeopardy: IP Telephony, video conferencing, home video editing, digital photo finishing, email clients, and terminal services.

(3) The settlement fails to ensure successful prevention of future monopoly abuse, specifically in the desktop OS, internet browser, office application suite, distributed authentication, and digital media and music markets. While Microsoft does not

currently have a monopoly in all of these markets, the chances are very high that it will within the next two to five years. I strongly doubt a conduct remedy will be strong enough to avoid failure here, especially considering management contempt for previous conduct remedies and antitrust law in general.

Please rethink your settlement strategy. I would recommend adopting a firm resolve in settlement negotiations, for the following reasons:

(a) The case against Microsoft is extremely strong.

(b) The odds that your organization has sufficient technical saavy to avoid being fooled into agreeing to a toothless settlement is very high (as evidenced by the current settlement proposal).

(c) A full and fair remedy will not adversely affect the U.S. economy. In addition to the numerous U.S. competitors Microsoft has and will put out of business, Microsoft's profit margins and 40 billion dollar cash horde are a testament to the unreasonably high inefficiency in Microsoft's core markets.

These monopoly profits = costs for all software consumers, whether they be a large business, a sole proprietorship, or a college student.

Thank you for your time,  
Kaya Bekiroglu

MTC-23 1

**MTC-0000232**

From: Kent Daniels  
To: Microsoft ATR  
Date: 11/5/01 9:29pm  
Subject: The proposed remedy will not and cannot work

The remedy proposed by the DOJ in the Microsoft case provides a potential loophole for Microsoft that would prevent them from having to release their operating system's API's to software competitors. By allowing such a major flaw in this ruling to go unchecked, it would effectively give Microsoft the latitude to continue business as usual, as a "practicing monopoly".

MTC-232

**MTC-0000233**

**MTC-0000233**

From: Bob Nystrom  
To: Microsoft ATR  
Date: 11/6/01 12:16am  
Subject: You guys just don't get it

From where we sit in the trenches, either you guys just simply don't get it, or the money Billy sent to George and the lunch with Cheney and Bailmer fixed this.

Everyone in the software community knows Microsoft is a monopoly. There simply is no question. They restrict choice because that is a convenient way to avoid innovation and maximize profits. After all, if you have only driven Yugo's, have only seen Yugo's, how would you know what a BMW is? Or a Ford, for that matter. Consumers could not compare Windows to anything else. The only comparisons allowed were Windows 2000 to 98 to 95 to 3.1. All Microsoft products- boy is that a coincidence! As a consumer, I could not buy

a computer from Dell or Gateway, or IBM WITHOUT Windows. They could not by license agreement sell it to me. This is good for me?

Over the last three years, with such a bad job of defense, with so many glaring errors and mis-statements, how can you not get it? There is a finding that they are in fact a monopoly, but how does this lame decision address this? Gates and Company are eating your lunch like they have so many others. Your oversight commission won't have a prayer. Microsoft's internal divisions- Office, for example, will still get code changes way before anyone else. Competition is a joke. Microsoft has not gotten where they are because they produce excellent products. They are where they are because of restrictive licensing practices and insider access to code changes. Period. How can anyone compete when they release an OS update that breaks your product, and then takes you weeks of time to develop a patch, during which time they release their product which just happens to work? If you rely on word processors or spreadsheets, what do you do? Hello Word. Hello Excel. Goodbye Lotus 123. Goodbye Wordperfect. Goodbye Netscape.

There is a no more dangerous company in the world today than Microsoft. Steel and Ma Bell could not hold a candle to Microsoft. The amount of information that they control is staggering and growing exponentially, and those in the software business can see it clearly. You don't get it. And with the release of XP, even veteran watchers are shaking their heads by the unprecedented—even by Microsoft standards—landgrab.

Passport? Smart Tags? Computer profiling? Give me a break. Ask Kodak how they feel right about now. Or the guys who developed Internet Explorer.

There is no greater divide and generation gap between Washington and the real world than computer literacy. You guys are living in the dim past. This was your last chance to stop Gates and Co. You are now on the radar screen, and Gate's WILL hand you your heads.

As for the economy, 30 more billionaires and hundreds or thousands of multi-millionaires will crank up the money supply faster than one multi-multi-billionaire.

You guys just make me sick. You are a disgrace to this country. Why don't you just put a "Justice For Sale" sign on the Whitehouse and get it over with.

Sincerely, Bob Nystrom

MTC-233

**MTC-00000234**

From: James Ludlow  
To: Microsoft ATR  
Date: 11/6/01 1:38am  
Subject: Thanks for selling the public out

Mr. Bill gets to pick the next head of the anti trust division of the USDOJ. I hope the next one is more honest than the current one!

MTC-234

**MTC-00000235**

From: Familia Sosa  
To: Microsoft ATR  
Date: 11/6/01 2:20am  
Subject: Concerns about the settlement with Microsoft To the DOJ, Antitrust division

in charge of the Microsoft antitrust case. I would appreciate if this e-mail could be shared with the state attorneys working on the anti-trust case, and with U.S. District Judge Kollar-Kotelly.

I am a bit concerned about the Microsoft settlement. I would hate for this settlement to be just another slap in the wrist which leads to the death of innovator companies such as what happened with Netscape.

What guarantees are there that Microsoft will not use it's windows desktop monopoly to extend into other areas? They have already done it to extend into browsers, knowcking Netscape out of the #1 spot, not by innovation, but by dumping ang tying. They have also resulted in the death or close to death of other innovative operating systems such as BeOS and OS/2 by their strong-arm exclusionary tactics. I am glad that at least this last point seems to be addressed by this settlement, although this is little consolation to BE Software, and IBM, and to the consumers who have lost so much by not having a fair playing field in the business and consumer operating system market.

They seem to be on their way to doing the same thing with web portals by tying MSN content with windows, possibly making yahoo, excite, iwon, goto.com and other portal companies into the next Netscape—extinct.

They are trying to do the same by tying their ExpedialMSN site with their OS, reducing the incentives for users to go to alternate travel web sites.

They are already doing this with the instant messaging client which is tied to their new operating system and may result in serious detractor to the proliferation of more open instant messaging protocols that work with alternative operating systems. They are already tring some other force of tying for their .NET platform, forcing the authentication to be done in their "Passport" product—a desicion that can only help Microsoft extend their monopoly into the potentially rich web services market. What incentive will this new settlement give to companies to use alternatives, when there might not be any incentive to use alternatives to the default windows product, or possibly face the wrath of Microsoft in 5 to 7 years anfter this consent decree runs out? What guarantees does this settlement place that Microsoft will STOP their illegal tying, when they themselves are the arbiters of what is tying and what is 'innovation'? What penalties will the company suffer to pay for their behavior which has already been proven as destructive of the innovation that the company says they so much want to protect? It is amazing that he company was found guilty of serious wrong doing and yet they again get a slap in the and, without any punitive damages!

Part of the characterization for what is illegal tying and what isn't depends on whether consumers may benefit from the tying. I maintain that tying of a product that works ONLY with their operating system is no benefit at all, and works just to extend their stranglehold in the computing world and to extend their monopoly to other areas! This clearly may go against the definition that Microsoft may declare when explaining

their reasoning for tying more products with their O/S, and because of the apparent wording of this settlement it is very possible that the spirit of the settlement will be declared null by the words used to create it.

I am also VERY worried that they might be doing the same for the gaming industry with their new "X-Box". I pled that you look VERY carefully at what sort of deals and tactics Microsoft is using to get developers to write code for their X-Box. It has already been suggested that by the reason for their X-Box is to guarantee that developers will continue to write games that will work in X-Box and can be easily ported from X-Box to Widows and viceversa. Sounds like an attempt to extend their monopoly into gaming consoles as well. I would not be surprised if they were making deals with software developers that had conditions on the games being created and/or ported first for windows/xbox to the exclusion of other consoles and or operating systems.

In conclusion, I am concerned. I have already seen in the past how a hasty deal, worded conveniently for Microsoft and allowing Microsoft too much leniency has already been rendered ineffective in stopping them from illegally tactics. This new deal sounds like another hasty deal done with the hope to jump start the economy without taking into consideration the potential for more harm to the software industry, to innovation, and to the economy.

Eileen and Miguel Sosa

CC: esteban\_sosa@yahoo.com@inetgw

MTC-235

**MTC-00000237**

From: james@gov @ inetgw  
To: Microsoft ATR  
Date: 11/6/01 6:51am  
Subject: not just dual-boot

As a Linux user, I am forced to pay Microsoft when I buy a computer. I'm pleased to see that last week's decision won't let Microsoft forbid vendors from selling dual-boot systems. But it seems to allow Microsoft to forbid systems that don't run Windows at all. Given Microsoft's fear of Linux, it probably will try to stop non-Microsoft systems, and I'll have to pay the "Microsoft tax" yet again.

Please clarify the agreement to specify that:

1. Microsoft may not enter into agreements with vendors that limit the operating systems and OS combinations they may pre-irinstall.
2. If a consumer buys a computer with Windows installed, but doesn't want to use that OS, Microsoft (or the computer vendor) must pay a full refund.

Thank you very much,

James Keating

MTC-237

**MTC-00000238**

From: Leonard Scaffido  
To: Microsoft ATR  
Date: 11/6/01 8:01am  
Subject: where has justice gone?

Up until now, it was unimaginable to me that the Department of Justice would cave in to Microsoft's blatant illegal behaviors, even under a republican administration. And now they have your "blessing."

You have betrayed us.

Shame on you. Shame.  
Leonard Scaffido

MTC-238

**MTC-0000239**

From: Chris Lee  
To: Microsoft ATR,antitrust@usdoj.gov  
@inetgw  
Date: 11/6/01 9:54am  
Subject: DOJ SELLS OUT to MicroSUCK!  
(Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.)  
CC: ASKDOJ, American Atr  
Hey DOJ IDIOTS (or GeoW clones)!  
WHO ARE YOU FOLKS WORKING FOR ... THE PEOPLE OR Microsoft (THE ILLEGAL MONOPOLY)???? There's something terrible happening in the DOJ and it has to do w/ GeoW's POLITICAL APPOINTEES!!!  
Chris  
November 6, 2001

**U.S. and Some States Split on Microsoft, Risking New Delay**

By STEPHEN LABATON with STEVE LOHR

WASHINGTON, Nov. 5 The 18 states involved in the Microsoft (news/quote) antitrust case appeared headed for a sharp split today, with one group of attorneys general planning to sign onto the proposed settlement between the software giant and the Bush administration and another group preparing to challenge it, saying it leaves loopholes that would undermine provisions intended to promote competition.

After three days of intensive deliberations, only one state attorney general, Thomas F. Reilly of Massachusetts, officially announced his position. He said Massachusetts would seek to block the deal, concluding that it "may prove to be more harmful than helpful to competition and consumers." Officials of other states skeptical of the agreement, which included Connecticut and California, spent the afternoon in a late-stage effort to persuade Microsoft and the Justice Department to reopen the proposed settlement to eliminate a variety of ambiguities and provisions that the states viewed as too lenient, lawyers involved in the negotiations said.

The attorney general of Illinois, Jim Ryan, suggested he would support the agreement, while the attorney general of New York, Eliot L. Spitzer, postponed a planned announcement of his endorsement after his efforts to strike a separate deal with Microsoft collapsed, the lawyers said.

The failure of the Justice Department to gain the endorsement of all 18 states throws the proposed consent decree into question and creates a situation that antitrust experts said is without legal precedent.

At the least, the disapproval by some states is likely to delay the resolution of the case for many months.

Judge Colleen Kollar-Kotelly of United States District Court in Washington has instructed the parties to outline their positions at a hearing here on Tuesday morning. She has suggested that she may conduct parallel proceedings to consider both the merits of the proposed consent decree and the objections raised by officials of some of the states. Her original schedule suggested that she would not decide what to do before late next spring at the earliest.

Career officials at the Justice Department who have spent years working on the antitrust suit were

MTC-239

**MTC-0000240**

From: David Peter  
To: president@whitehouse.gov @inetgw  
Date: 11/6/01 10:04am  
Subject: The Weak Stand Against Good Moral and Ethic Behavior and Microsoft....  
I'm amazed that this administration has supported and ignored the effects of the illegal behavior of Microsoft. Also that the position is to encourage such behavior. We all see now that the Government and Microsoft join to run this country.... What a shame.... I have been a long time republican and I hate to even consider standing for this administration dealings with the Microsoft case.

God Bless a Honest America!  
David Peter  
CC: Microsoft ATR,antitrust @ usdoj .gov @ inetgw,ASKDOJ,vi ...

MTC-240

**MTC-0000241**

From: James Carter  
To: Microsoft ATR  
Date: 11/6/01 10:12am  
Subject: Please withdraw from this non-effective settlement.

I am a real person working in the computer industry who can tell story after story (many to me) of microsoft abuses.

I help companies with information, microsoft is not a competitor of mine.  
As you know, anti-trust violators must be:  
(1) punished  
(2) receive remedies which prevent future abuses.

I'm afraid the proposed settlement does neither.

This IS about the economy.... Microsoft kills innovation and does it by breaking the law.... while sitting on 30B US\$ in cash.

Paid for by the consumer.  
Consumers like the marvels of COMPUTING, not microsoft... but many confuse the two... They like Mac and AOL too... Its the technology they like... never mind it's a law-breaking company even higher educated people can't seem to get their minds around.

I would be happy to assist in elaborating and helping in any way in getting an effective remedy... I have lots of ideas.

Considering Microsoft's history of ignoring consent decrees, I hope that you will agree that another consent decree should be held highly skeptical as an effective remedy. The fact that Microsoft violated a 1995 consent was part of what prompted the current antitrust proceedings. How effective can the same remedy be, when its prior violations helped to protect and extend Microsoft's illegal monopoly?

Microsoft has recently released Windows XP, a computer operating system with the explicit goal of extending their monopoly reach into web services. This is a clear violation of antitrust law, and a clear demonstration that Microsoft intends to completely ignore remedial actions to reinstall competition into the computer software market.

I urge you to reject the current settlement and pursue an effective remedy to restore competition in the computer operating systems market, and prevent Microsoft from extending their illegal monopoly into other computer software markets.

I am a modestly self-employed programmer, who has personally suffered the abuses at the hands of the goliath. Please don't let the average folks down. Even the ones who confuse loving computers and communication revolutions with MS.

I would help you with remedies or evaluation of such in any way I can.

sincerely,  
James Carter  
221 Hosea Ave. Apt. 2  
Cincinnati, Ohio 45220  
(513) 559-9701

MTC-241

**MTC-0000242**

From: Bill Sappington  
To: Microsoft ATR  
Date: 11/6/01 10:28am  
Subject: Justice for Sale or Business as usual with the republicans in power.

Gentlemen,  
Congratulations, you have crafted an utterly toothless document, that allows Microsoft to continue doing what it has been doing all along. No behaviour is altered here. You are utter cowards.

MTC-242

**MTC-0000243**

From: Randolph Penna  
To: Microsoft ATR  
Date: 11/6/01 10:34am  
Subject: finally

Hello,  
Maybe now you guys can stop making the new software cost more .... xp is more than the last OS cost, but you people say your protecting the consumers. SO PROTECT ME NOT THE BUSINESSES ...

The only thing you and the 19 states want is money. STOP now... the last thing we need is a government OS.

There is no better browser than IE. There is no better office program. The worst thing is you probably use and depend on the software you battle. There is no better OS. You have nothing but the bitter jealousy of companies like SUN who can't make it on their own because their products suck ....

I dare you to respond to this email, you know this is all politics and money and no interest in the "consumer"... what a waste of years of college for the lawyers to waste their time in this supposed "free market america".

When you keep going on with this, you will drag the markets down too, if I was bill gates, I would trap you in red tape until the next administration comes. Maybe we could have a real attorney general that actually understands freedom of capitalism past what his bureaucracy thinks it is.

Randolph Penna  
rpenna@nomadx.com  
http://www.nomadx.com  
Tel. 630.530.9469  
Fax 630.530.9521  
Powered by Inter-Agent

MTC-243

**MTC-00000244**

From: Chas Boyer  
To: Microsoft ATR  
Date: 11/6/01 11:33am

Subject: Microsoft written settlement?

I am appalled that the Department of Justice has chosen the side of big business instead of the American public with this proposed settlement with Microsoft. Microsoft is a monopolistic behemoth that has been trampling on innovation for years. Its practices are apparent to all that care to look for them.

This proposed settlement seems as though it was written by Microsoft itself.

In fact, David Coursey, a Microsoft lackey writing for PC Magazine, in reviewing the proposal was even embarrassed by it. Why isn't the Justice Department embarrassed for floating it?

I have voted Republican in every election since I began voting 26 years ago. This proposal gives me serious concern in continuing that trend.

As an aside, we should get out of Afghanistan immediately as I believe we have no right to enforce justice worldwide when we are not doing so at home. Why isn't my flag waving today?

Charles Boyer  
Martinez, GA

MTC-244

**MTC-00000245**

From: Bob Tompkins, The Computer  
Mechanic

To: Microsoft ATR  
Date: 11/6/01 12:24pm  
Subject: Thanks for nothing

Sorry to hear that you guys caved in to Bill Gates pressure. Had our sitting President actually been elected to the Office, Microsoft would now be two companies instead of one, paid massive fines for their arrogant and clearly illegal tactics and the not-ready-for-prime-time Windows XP would be back on the drawing board for removal of the components that will force even more software makers out of business.

Too bad that Republican administrations don't believe that clearly delineated Anti-Trust Laws should be enforced against the worst offenders. I hope the attorneys general involved in the case have the gonads to stick to their guns and press for meaningful penalties against Microsoft.

Bob Tompkins

MTC-245

**MTC-00000246**

From: MCCOLLOCH,LARRY (A-SanJose,ex  
1)

To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/6/01 1:26pm  
Subject: Microsoft settlement

Dear Justice Department:

I do not support the proposed settlement. It will not correct Microsoft's monopolistic culture.

Please support the states and pursue a structural change to Microsoft. I prefer the structural change even if it takes longer and costs more taxpayer dollars. I feel it will be cheaper in the long run to correct Microsoft's monopoly now.

Regards

Larry McColloch  
larrymccolloch@agilent.com

MTC-246

**MTC-00000247**

From: Paavola, William  
To: Microsoft ATR  
Date: 11/6/01 2:26pm  
Subject: Bad choice

You are supposed to prevent monopolies. As a long time consumer of computers and related material I am appalled how you have caved in to Microsoft. You are not doing your job!

William Paavola  
Office (973) 533-3720  
Fax (973) 535-0731  
Pager (888) 937-7352  
Cell (201) 981-4821

MTC-247

**MTC-00000248**

From: Mark Lambert  
To: 'Microsoft.atr(a)usdoj.gov', 'AskDOJ(a)usdoj.gov'  
Date: 11/6/01 2:31pm  
Subject: USDOJ Comments

This proposed settlement is a joke. There is nothing in this settlement that will cause Microsoft to change their business practices. I can't understand how they can get away with this, even after lying during the trial. Here are some of the concerns I have about the settlement.

Though the ruling makes it easier for non-Microsoft applications called "middleware" (Internet Explorer, Java VM, Windows Media Player, Messenger, Outlook Express, and their successors) to get onto the desktop, it still allows Microsoft to discriminate against companies that haven't sold a million copies in the U.S. and survived for a year after doing so. This means that companies that don't need protection from Microsoft are the only ones who get it.

Hardware vendors would be allowed to place non-Microsoft icons on the desktop, but only if Microsoft already has a competing product. Think up something before Microsoft does, and they can still exclude you from the desktop because they don't (yet) compete with you. So much for first-mover advantage.

Microsoft has to provide developers with information on its application programming interfaces—at least those APIs developers need to exercise their rights under the agreement. But there's a Catch-22: If a developer actually uses the APIs, it must provide its code back to Microsoft. This could allow Microsoft to use any innovation created by third parties. So how much innovation will happen?

Under the agreement, Microsoft would be required to disclose these APIs at the time of the "last" beta release of new Windows OS code. Since Microsoft gets to decide which release is the "final beta," it could, essentially, release the final beta on one day and release the code a week or two later, giving it a significant time-to-market advantage.

Microsoft retains the ability to discriminate against Internet content providers, and the settlement would allow indirect discrimination against software vendors

through arrangements with hardware companies. All the previous double-talk seems minor compared to this: The settlement would allow Microsoft to terminate licensing agreements first—and defend its actions later. Microsoft may also continue to manipulate pricing schemes and discounts. In these ways, Microsoft has lost little of its ability to keep hardware companies in line.

Even if I ignore all the gotcha's outlined above, the proposed settlement really doesn't change very much. If Jackson's break-up order was an empire-shattering 9 on the Richter scale, then the settlement proposal is a 2.1—usually called a microquake, and barely felt unless you're right on top of it.

Sincerely,  
Mark Lambert  
2082 W. Thaxton Circle  
Riverton, UT 84065

MTC-248

**MTC-00000249**

From: Tom Wilson  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/6/01 2:43pm  
Subject: The settlement

Dear Sir/Madam,

As a concerned consumer and Information Technology professional, I would just like to say I am disappointed to see that justice is for sale in America. This settlement is nothing more than a slap on the wrist for Microsoft and a slap in the face to American consumers and citizens. This settlement proves that money can buy anything, even justice. Microsoft paid to put an administration in place that would let it continue to be a monopolistic company and got exactly what it wanted. A Justice Department that was more interested in keeping Microsoft as a profitable campaign contributor and keeping the big money party donations flowing than they were about the well being of American consumers. Shame on you. A government for big business by big business is the mantra in Washington DC.

Tom Wilson  
1231 Fourth Ave  
Dayton, KY 41074  
Radac Corporation  
(859) 581-7500  
(859) 581-3724(fax)

MTC-249

**MTC-00000250**

From: Eugene L. Willey  
To: Microsoft ATR  
Date: 11/6/01 2:59pm  
Subject: Microsoft anti-trust settlement

You are recreating a monster. The Microsoft plan is to dominate the information technology field with inferior, unstable and vulnerable products. You cannot run a government that utilizes such products. At a time when homeland security is front and center, this ruling sends a signal that the information industry will be dominated by a fundamentally flawed system architecture. His code is secret because its flaws cannot be exposed without his ruination. Everyone that uses Microsoft products knows that they crash and that each crash produces unintended and unpredictable consequences. Most of the recent virus attacks center on

Microsoft products because they are the weakest. Linux/Unix are superior in every way but all PC's come with Windows so the beat goes on. The handling of this case will go down in history as a dark and perhaps sinister page ... Gene

MTC-250

**MTC-0000251**

From: Johnson, Brian E  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/6/01 3:08pm  
Subject: Settlement with Microsoft

This is just one of thousands of responses to the settlement (see below). Most people who use a computer for anything other than to read E-mail are very disappointed with how easy Microsoft got off. I think we will see the most aggressive crushing of the competition that we have ever seen by Microsoft now that they know they can get away with it.

Sincerely,  
Brian Johnson  
Stability and Control Flight Test Engineer  
The Boeing Company  
206-655-5727

Jeremy Allison & Andrew Tridgell:  
Analysis of the MS Settlement and What It Means for Samba.

Nov 6, 2001, 08 :28 UTC (21 Talkback[s])  
(11251 reads)

(Other stories by Jeremy Allison & Andrew Tridgell)

The Samba Team would welcome Microsoft documenting its proprietary server protocols. Unfortunately this isn't what the settlement stipulates. The settlement states 'E Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section 111.1), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

Sounds good for Samba, doesn't it. However, in the "Definition of terms" section it states "Communications Protocol" means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.

Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol

and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.

The holes in this document are large enough for any competent lawyer to drive several large trucks through. I assume the DoJ lawyers didn't get any technical advice on this settlement as the exceptions are cleverly worded to allow Microsoft to attempt to evade any restrictions in previous parts of the document.

Microsoft has very competent lawyers, as this weakly worded settlement by the DoJ shows. It is to be hoped the the European Union investigators are not so easily fooled as the USA.

A secondary problem is the definition of "Reasonable and non-Discriminatory" (RAND) licensing terms. We have already seen how such a term could damage the open implementation of the protocols of the Internet.

If applied in the same way here, Open Source/Free Software products would be explicitly excluded.

Regards,  
Jeremy Allison,  
Andrew Tridgell,  
Samba Team.

MTC-251

**MTC-0000252**

~uoj .gov @ inetgw  
Microsoft ATR,antitrust @ ftc.gov @  
inetgw,Ralph @essen.  
Date: 11/6/01 3:14pm  
Subject: Microsoft Hegemony: Freedom Plus Power  
CC: letters @latimes.com@ inetgw,letters @  
sjmercury.com@i.

MTC-252

Re: 3 More States Back Microsoft Settlement

"Free country—states free to oppose settlement, Microsoft free to charge any price, consumers free to take it or leave it, ha ha ha ha. Freedom alone—that is quaint... freedom plus power—that is winning combination, hiccup ... Kind of looks like more power comes more freedom... watch out, ball roll down tilted playing field accelerating to my benefit, ha ha ha ha ha ..."

MTC-252

**MTC-0000253**

From: StGeorgeV @ aol.com@ inetgw  
To: Microsoft ATR  
Date: 11/6/01 3:56pm  
Subject: Microsoft Settlement Issue

Dear Sirs:  
It is my understanding that the Microsoft settlement includes a provision that Microsoft will be required to turn over the

Windows source code to competitors and potential competitors.

If this is true, I believe that this will allow terrorists and hackers to more easily get into computers using Windows. It gives them a roadmap to get into systems and bring them down.

If I am right, then I believe Microsoft should NOT be required to provide the source code to others.

I am just an interested civilian.  
Thank you for Listening,  
Robert Hicks  
3118 Gracefield Road Apt. #T23  
Silver Spring, Maryland 20904  
301-572-7747

MTC-253

**MTC-0000254**

From: Peter Nigrini  
To: Microsoft ATR,ASKDOJ  
Date: 11/6/01 4:15pm  
Subject: Microsoft consent Decree

Your negotiation settlement of the Microsoft Case is a outright betrayal of the trust placed in you by the American people. I urge you to reconsider and fulfil your responsibilities to protect consumers for monopoly control of the software/operating system industry.

Peter Nigrini  
Projection and Lighting Design  
244 E 7th St. #16  
NYC NY, 10009  
T212.475.2978  
M9 17.488.1097  
F253.660.9919

MTC-254

**MTC-0000255**

From: Chris Welsh  
To: Microsoft ATR,piu@doj.ca.gov @inetgw  
Date: 11/6/01 4:38pm  
Subject: Regarding the Microsoft Settlement  
United States Department of Justice:  
State Attorneys General:  
United States District Judge Colleen Kollar-Kotelly:

I object to the proposed Microsoft settlement. I believe that it will require too much government involvement and its enforcement will be too expensive. I doubt that it will correct the damage done by Microsoft or cause them to reform their behavior.

I propose a simpler, cheaper remedy which will be effective and fair: Revoke some of Microsoft's patents and copyrights. Give them back to their rightful owners or to the public.

This remedy would return the competitive system to its natural state by freeing Microsoft's competitors to produce interoperable products without the threat of lawsuits. It would also strongly deter future anticompetitive acts by entities which value their patent and copyright privileges.

This remedy would be fair because it would both reduce Microsoft's ability to profit from their crimes and seize the assets used as tools to commit those crimes. The value of many of Microsoft's works was created mainly by depriving consumers of any alternative choices. Consumers and computer vendors should be allowed the right to freely duplicate the existing

Microsoft works. Those works are inferior to the work which would have been produced in a freely competitive marketplace.

It would be trivial to implement this remedy. The court would simply select an appropriate set of patents and copyrights, declare them void, and refuse to enforce them. The selection could be limited to only those patents and copyrights directly involved in criminal acts, or the court could deny Microsoft all patent and copyright privileges for some period of time.

As a general rule, an anticompetitive monopolist should never be granted extra power to prevent competition through patent and copyright. To the contrary, a market entity's access to legalized monopoly protection should be inversely proportional to its size. This would lead to a stable market of medium sized producers and would maximize competition and innovation.

Finally, I want to suggest that every computing product or service offered for sale, whether from Microsoft or not, should be accompanied by a warranty [see note 1]. The warranty should clearly document the product's input and output, including the type, purpose, and format of all files and network resources used. While this is not currently law, the court should require it of Microsoft from now on.

Note 1: Because source code describes exactly what a program does, unobfuscated source code should be considered a sufficient warranty for software products.

Thank you for your good work. I hope you are able to find a fair solution in the best interest of society.

Sincerely,  
Chris Welsh  
Sunnyvale California

MTC-255

**MTC-0000256**

From: Nathan Ebresman  
To: Microsoft ATR  
Date: 11/6/01 4:42pm  
Subject: Microsoft settlement

Dear sir or madame,

As a concerned citizen, I urge you to not settle the antitrust case against Microsoft giving them (as I see it) only a slap on the wrist. I am asking you to break them into an two parts, one for applications and the other for operating systems, because I see that as the only real way to truly level the playing field in the industry as they have routinely mocked the court system throughout the course of the trial.

Thank you for listening.

Nathan Ebresman

MTC-256

**MTC-0000257**

From: Brad Wellington  
To: Microsoft ATR  
Date: 11/6/01 4:52pm  
Subject: Microsoft

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and

illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Brad Wellington  
Software Engineer

MTC-257

**MTC-0000258**

From: Thomas Farrell  
To: Microsoft ATR  
Date: 11/6/01 8:44pm  
Subject: Proposed microsoft settlement

Hi,

I have read with horror the news stories about the DOJ's proposed settlement with Microsoft. While I would be pleased to see the case settled, as a computer professional I know it is vitally important that Microsoft be brought under control in order for the computer and software industry to have a future.

I don't believe the proposed settlement will do anything to help prevent Microsoft from further extending its monopolies or crushing its potential competition out of business. There are way too many loopholes. Microsoft gets to say way too much about what it will or will not do under the proposed settlement.

Furthermore, since Microsoft has already been found to be a lawbreaking organization, I don't trust them to obey whatever settlement they may agree to, and would expect there to be very harsh penalties specified for noncompliance. I don't believe the proposed settlement has such penalties.

Finally, because Microsoft has already been found to have broken the law, as a taxpayer I expect them to pay for all of the government's legal costs and the court's costs incurred in this case. I find it unconscionable that the DOJ would allow Microsoft to settle without reimbursing the taxpayers expenses.

In short, I am deeply upset that the DOJ has agreed with this proposed settlement, and strongly protest allowing it to go forward.

Thomas M. Farrell  
Somerville, MA

MTC-258

**MTC-0000259**

From: Stunt Car

To: Microsoft ATR

Date: 11/6/01 8:53pm

Subject: You guys are weak as piss.

DoJ,

You guys should change your name. As you are currently being misrepresented by calling yourselves anything to do with Justice.

I'm glad the Organization I work for is costing a shift away from Microsoft product.

Then again your entire nation is pretty pathetic. About to be wiped out by an enemy who lives in a cave a rides donkeys. And you need my small countries support as you are too incompetent or scared to do it yourselves. LOL.

Even I'm beginning to tire of having to support a nation with no real idea what is going on. But I guess we won't be seeing much of you once your stock market collapses. As a nation that can not even properly generate enough electricity you are starting to sound like another backward and corrupt administration I've been hearing about.

Anyway I'm prepared to reverse my opinion if I can have some of your payola from Microsoft. Please send in cash.

Keep up the sham. And remember when trying to relax, don't take a deep breath anymore.

CYA .... stuntcar

MTC-259

**MTC-0000260**

From: jc@wt6.usdoj.gov @inetgw  
To: Microsoft ATR  
Date: 11/6/01 9:37pm  
Subject: Your Settlement.

I don't understand why you let Microsoft off so easily. My impression is that Microsoft is a monopolist of the most predatory sort and they need to be controlled if the software industry is to flourish. They are sleazy, greedy, grasping and give capitalism a bad name.

In contrast to AT&T which used its monopolistic power to give good service to the US for many years, Microsoft has used its power to sell inferior Operating Systems that inconvenienced their users for years and used the profits to drive competitors out of business.

I always considered myself to be a Republican, but I don't believe that any business should be allowed to drive out other businesses with the most underhanded of methods, especially in the face of all of the laws that are designed to allow competition to flourish.

Do your job, guys. You were elected to uphold the laws, not to give Microsoft a free ride.

John Cox

MTC-260

**MTC-0000261**

From: Kie Muzyka  
To: Microsoft ATR  
Date: 11/6/01 9:56pm  
Subject: Microsoft Decision

To whom it may concern:

I am supportive of a settlement in the case. However, there are some aspects of the proposal that I do not agree with.

Provide operating system interfaces to all software suppliers—

1. This is good. However, this should hold true from now on, not be limited to 5 or 7 years.

2. This info must be made available to all software suppliers as soon as it is available to other areas within Microsoft.

Allow PC makers or retailers to replace Microsoft components with competitive components—

1. This is good, but the pricing must reflect the removal of the components. As I understand it, Microsoft can bundle their components and set a price. PC maker can remove components selectively, but must still pay the same price to Microsoft. This is not good! Where is the motivation for any action?

This is exactly one of the reasons that OS/2 failed in the marketplace. The OS/2 user had to pay for OS/2 & Windows.

If these aspects of the settlement are not corrected, then the settlement is worthless.

Kie Muzyka  
823 South Peytonville  
Southlake, Texas 76092  
817-481-6354

MTC-261

**MTC-0000262**

From: biburton@mac.com@inetgw

To: Microsoft ATR

Date: 11/6/01 10:52pm

Subject: AtATgram: Nine Say Yea, Nine Say Nay (11/6/01)

Brian <blburton@mac.com> is sending you a scene from As the Apple Turns! Scene 3378 follows:

Nine Say Yea, Nine Say Nay (11/6/01)

Sometimes we really love living in Massachusetts. Sure, the taxes may be on the high side, but at least our money gets us an attorney general that won't roll over and play dead like a certain Bush-administration Justice Department we could mention.

Whereas the feds are looking to end the three-year run of "Redmond Justice" not with a bang, but a whimper of a settlement so full of loopholes you'd think it was a breakfast cereal, not all of the eighteen states involved with the case are willing to roll with that particular punch.

The states had until today to decide whether or not to sign on with the proposed settlement, and according to a CNET article, fully half of them have refused to cave that easily.

Massachusetts Attorney General Tom Reilly has been saying for days that he wouldn't sign, and stuck to his guns; he and the attorneys general of eight other states have therefore managed to split "Redmond Justice" into two shows. The "classic" story will continue with settlement hearings, as the feds and half the states feverishly try to get the heck out of Dodge; meanwhile, an as-yet-unnamed "Redmond Justice" spinoff will follow the continuing litigation as nine states push for a resolution that actually, you know, accomplishes something. It's antitrust fun for the whole family!

Funnily enough, an Associated Press article describes Microsoft attorney John Warden as "frustrated" that half the states are pushing forward and quotes him as saying, "The issues in this case have been beaten to death and they have been beaten to death by

people who are worn out." Awwwww. . . Is middle John-John all tuckered out? Since Microsoft's strategy all along has been to stall until the issues become moot and the government changes hands, maybe the company should have hired a lawyer with a little more stamina. Suck it up, John, because it ain't over yet.

You're in this for the long haul.

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit:

<<http://www.appleturns.com/scene/?id=3378>>

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<<http://www.appleturns.com/episode/?date=11/6/2001>>

As the Apple Turns: <<http://www.appleturns.com/>>

This Scene: <<http://www.appleturns.com/scene/?id=3378>>

This Episode: <<http://www.appleturns.com/episode/?date=11/6/2001>>

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MTC-262

**MTC-0000263**

From: Bob Rattner

To: Microsoft ATR

Date: 11/7/01 9:00am

Subject: Humbug!!

Dear Mr. James,

In re: Microsoft, you sir, are a liar and a coward. How much graft did you accept from Mr. Gates for your spineless support of his agenda? You are a disgrace to the word 'justice'. Shame, shame, shame!!!

Bob Rattner  
43 Nieman Ave.  
Lynbrook, NY 11563

MTC-263

**MTC-0000264**

From: Raymond Blum

To: 'Microsoft.atr(a)usdoj.gov'

Date: 11/7/01-9:08am

Subject: Inadequate controls for Microsoft

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham

Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Raymond Blum  
Systems Engineer

MTC-264

**MTC-0000265**

From: Tom Friedland

To: 'Microsoft.atr(a)usdoj.gov'

Date: 11/7/01 9:48am

Subject: proposed settlement

Dear Antitrust Division,

I teach a course at Rutgers University that is studying the Microsoft case. Please email me a draft of the Proposed Settlement. I hope to use it in my class Monday of next week.

Thank you,  
Tom Friedland  
MTC-265

**MTC-0000266**

From: Chris Lee

To: Microsoft ATR,American Atr

Date: 11/7/01 9:49am

Subject: MS SELL-OUT: STUPIDITY reigns in DoJ

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: ASKDOJ,president@whitehouse.gov@inetgw,vice.presid...

THANK GOD FOR THE "STATES" TO SAVE THE PEOPLE FROM THE SELL-OUT BY DoJ & GeoW!!! The questions arising from this so-called "settlement" is "Did GeoW and his DoJ political appointees receive something UNDER THE TABLE?" and "Should there be an investigation for possible CONFLICT OF INTEREST or FRAUD"?

THERE'S SOMETHING NOT RIGHT IN WASHINGTON!!!!

THANKS FOR NOTHING GeoW & cronies!!!

November 6, 2001, Breakaway states nix Microsoft pact, Joe Wilcox, CNET News.com—WASHINGTON—Several states have refused to accept an agreement between the Justice Department and Microsoft, choosing instead to press further antitrust litigation against the software company.

The settlement agreement, to which nine of the co-plaintiff states have now given their support, remains essentially unchanged from the proposal put forward by the Justice Department and the software giant on Friday. Any changes would be only clarifications and not a substantive reworking, according to the government.

Connecticut Attorney General Richard Blumenthal, who did not sign onto the proposal, said that the settlement is a

"triumph of hope over history," a deal that is "good but may not be good enough."

Many outside the case, from consumer groups to Microsoft competitors and antitrust specialists, have said that the deal goes easy\*\* on the software titan.

Said Blumenthal: "My present intention is to proceed in the litigation." Tuesday's refusal, however, does not mean that those states will not come to terms with Microsoft at a later date.

"We in Iowa continue to look at the agreement. We move on with the litigation, (but) we are open to settlement talks," said Iowa's attorney general, Tom Miller, who also has not signed the deal.

"We congratulate the states that settled." Miller said that the case's mediation process "produced some real progress," especially regarding its disclosure of technical information on servers. Other concerns remain about the dictates for Microsoft, including safeguards for PC makers and openness to third-party applications.

The federal government brought suit against the software maker in 1998, and subsequent court decisions found Microsoft to be a monopolist that used its dominant position in operating systems to unfairly compete against other software makers and gain favorable deals with PC makers. A federal judge had ordered Microsoft split into two companies and the imposition of other strong remedies.

An appeals court in June threw out the breakup order, but in remanding the case to a lower court upheld the monopoly ruling and ordered that new remedies be set in keeping with that ruling.

U.S. District Court Judge Colleen Kollar-Kotelly, a relative newcomer to the case, was randomly assigned at the end of August. On several occasions since then, she has said that a settlement would be in the best interests of the country.

On Tuesday, the Justice Department expressed satisfaction with the recent progress toward a settlement and expects more states to sign on.

"We are very pleased with the results thus far," said Charles James, assistant U.S. attorney general. "This settlement is good for consumers and the tech economy."

The other states that have not signed onto the settlement proposal are California, Florida, Kansas, Massachusetts, Minnesota, Utah and West Virginia. Also in the group is the District of Columbia.

"We made every effort to reach a compromise to address the states' concerns and allow everyone to move forward, Microsoft Chairman Bill Gates said in a statement Tuesday. "Yesterday, at the request of the states, we made some additional revisions to clarify the proposed decree and better capture the intent of the parties."

Earlier in the day, Microsoft indicated its willingness to keep working toward a settlement with the remaining states, even as it expressed a hope that the well-worked matter would be more or less closed Tuesday.

"Microsoft will never refuse to listen," said John Warden, an attorney for the company. "The issues in this case have been beaten to death... by people who have been worn out."

Going forward

The case now will proceed on two tracks. One track will involve public comment as dictated by the Tunney Act, and the other will be continued litigation with the states not agreeing to the settlement.

"I'm going to be going forward from this point on two parallel tracks," Kollar-Kotelly said. Mediation among the parties ceased with Tuesday's hearing.

The Tunney Act requires that the judge would review the deal to ensure that it is in the public interest and is not politically motivated.

Before Kollar-Kotelly holds a hearing in keeping with that law, there must be a 60-day period of public comment after the proposed settlement is published in the Federal Register, which should take place within the next two weeks. After the public comment period, there will be 30 days for the government to respond, meaning that the next phase should conclude in February.

One observer said that the remaining states face an uphill battle in their continuing opposition to Microsoft, given the loss of their allies and worries about limited resources.

"The states can't lose any more, other than the enormous expense of continuing the battle," said Bob Lande, an antitrust professor at the University of Baltimore Law School. "With California, they have \$3.7 million assigned to their war chest. The question is, will that be enough?"

"We're very confident that there will be sufficient resources" to continue the process, said Connecticut's Blumenthal, who left the door open to settlement farther down the road.

Earlier in the day, the 18 state attorneys general were divided into three groups: One wanted to accept the settlement as it is, the second was undecided, and the third wanted to litigate. That split remained after several days of intense discussions that continued into the early hours on Tuesday.

"An extraordinary amount of work was done over the weekend," said Brendan Sullivan, the lead attorney for the states. "They negotiated until (12:30 PT) this morning, and a redline (amended) version was dispatched to the Justice Department and the remaining states at (5:30 PT) this morning."

Mediator Eric Green, a professor at Boston University, said that the states "worked through the night until the break of dawn this morning." The states that have joined in the settlement are Illinois, Kentucky, Louisiana, Maryland, Michigan, New York, North Carolina, Ohio and Wisconsin.

The Justice Department and Microsoft delivered their settlement proposal, in the form of a consent decree, to Kollar-Kotelly last Friday to meet a court-ordered deadline. The states complained that they weren't given adequate input into the negotiations leading up to that settlement and that the proposal offers Microsoft too much wiggle room.

Microsoft's industry foes continued to find fault with the settlement Tuesday.

"The state attorneys general who today rejected the settlement agreement between Microsoft and the Department of Justice were right to do so, and we support them," Paul

Cappuccio, AOL Time Warner's general counsel, said in statement. "That agreement fails to protect consumer choice and promote competition, by leaving Microsoft free to continue to abuse its monopoly."

\*\*Rivals, others lament Microsoft deal  
By John G. Spooner, Stephen Shankland, and Joe Wilcox

Staff, CNET News.com  
November 2, 2001, 1:20 p.m. PT  
<http://news.cnet.com/news/0-1003-200-7758623.html?tag=prntfr>

Consumer groups and Microsoft competitors reacted to Friday's proposed antitrust settlement with disappointment and skepticism.

The reaction to the deal reached by the software titan and the Justice Department in the landmark case boils down to one simple sentence: Microsoft got off easy.

"They seem to have done pretty well with the settlement with the DOJ," said James Love, director of the Consumer Project on Technology. The organization, formed by Ralph Nader in 1995, focuses on intellectual property rights, among other issues.

"We're disappointed," he said. "We would have expected to see more pop" in the settlement.

Earlier court decisions found Microsoft to be a monopolist that used its dominant position in operating systems to unfairly compete against other software makers and gain favorable deals with PC makers. A federal judge had ordered Microsoft split into two companies and the imposing of other strong remedies.

An appeals court in June threw out the breakup order, but in remanding the case to a lower court upheld the monopoly ruling and ordered that new remedies be set in keeping with that ruling.

AOL, Sun dismayed AOL Time Warner, which owns the Netscape Communications browser that was at the heart of the antitrust charges that surfaced in the mid 1990s, responded to the settlement deal with dismay.

"In its current form, today's proposed consent decree, like the one entered in 1994, does too little to promote competition and protect consumers, and can too easily be evaded by a determined monopolist like Microsoft," Paul T. Cappuccio, executive vice president and general counsel at AOL Time Warner, said in a statement.

The proposed settlement, he said, "fails to fulfill the promise of the unanimous decision from the U.S. Court of Appeals condemning Microsoft's extensive illegal conduct and requiring an effective remedy to prevent its reoccurrence."

AOL Time Warner's negative reaction to the settlement is not surprising. The company has sparred on numerous occasions with Microsoft and recently walked away from high-profile discussions to embed its America Online service in Windows XP. Its Netscape unit competed with Microsoft in the Web browser market and brought evidence of anti-competitive behavior to the attention of regulators.

Sun Microsystems lambasted the proposed settlement as "more narrow and less punitive" than the proposal rejected by the Department of Justice in March 2000 and said

it merely "reinforces the status quo, and will do nothing to restore competition and innovation in the marketplace." "Throughout the last century, the U.S. economy has profited greatly from sound antitrust enforcement," Sun Chief Executive Scott McNealy said in a statement. "Today's agreement signals a retreat by the federal government, and a defeat for consumers."

The proposed settlement, Sun said, is a blow to consumers and the technology industry and "a wholly inadequate response to Microsoft's major and continuing antitrust violations and to the two levels of Federal Court that found Microsoft guilty of violating U.S. antitrust law."

The other view: A "home run  
But not everyone is opposed to the settlement.

Dick Arney, majority leader of the U.S. House of Representatives, issued a statement calling the settlement a "home run for consumers" and urged the state attorneys general who are co-plaintiffs in the case to avoid dragging out the proceedings. The states have the ability to contest the settlement. "Businesses should not be afraid that when they create popular products, they'll be saddled with endless litigation," Arney said.

Matthew Szulik, chief executive of Linux seller Red Hat, also took a contrarian tack, saying that Microsoft faces limitations on its behavior either through legal channels or in the unfettered marketplace.

In the absence of a strong settlement, Microsoft's own behavior—for example, its increasing software prices—will help hasten its decline.

"By their own actions, they've put themselves in a bit of a trap," Szulik said. "I can't see them escaping this trap without damaging their long-term prospects."

Microsoft will be forced out of its proprietary ways regardless of the settlement, because companies increasingly networked computer systems can only be built on open communication standards, he added.

"In an enterprise environment, there will be requirement to interoperate with other forms of computing."

Criticism of the settlement began to swell on Thursday as word of the impending deal leaked out.

Trade groups opposing Microsoft's monopoly behavior distributed the last proposal prepared by U.S. District Judge Richard Posner before earlier settlement talks collapsed in April 2000.

The Computer & Communications Industry Association (CCIA) was one of the groups canvassing in Washington on Thursday using Posner's final settlement draft to attack the negotiations.

"This is a total capitulation," said CCIA President Ed Black. The government is "settling for something less than what they could have had a year and a half ago. Since then they succeeded in having Microsoft found to be a monopolist (and) they had a unanimous Court of Appeals ruling in their favor with very strong language."

CCIA is one of the groups expected to challenge the settlement as not being in the public interest.

Tying products together

The Software & Information Industry Association (SII) on Thursday also urged the Justice Department and the state attorneys general to reject the settlement.

Ken Wasch, the SIIA's president, said in a statement that the "settlement agreement, stunningly, will not change either Microsoft's business practices nor its software implementations one iota."

He added: "The purported settlement permits Microsoft to continue to technically tie the monopoly product of the Windows operating system to various middleware products, in direct contravention to the findings of fact affirmed unanimously by the Court of Appeals."

The settlement proposal does make some concessions regarding "middleware—including Web browsers, e-mail clients, media players and instant-messaging applications. PC makers will have more freedom to offer such products from companies other than Microsoft, but a similar development over the summer resulted in few, if any, such offers."

The Windows operating system emerges largely untouched, and Windows XP will be free of any far-reaching restrictions.

The Progress & Freedom Foundation, a body that studies technology's effect on public policy, warned in a statement that the settlement does little to prevent Microsoft from "continuing monopolization."

President Jeffrey Eisenach said that, with the deal, the Justice Department "proposes to enter into a settlement that fails to meaningfully address any of the court's findings. It's an embarrassment for the Justice Department, a disservice to the law and an affront to the DC Circuit."

MTC-266

**MTC-0000267**

From: cww@westling.com@inetgw  
To: Microsoft ATR  
Date: 11/7/01 9:55am  
Subject: One small voice

I would like to strongly protest the proposed settlement with Microsoft. It does not go far enough to substantially change the competitive landscape and in effect, cedes a continuing monopoly to Microsoft. Several things would have to be addressed to have a meaningful effect for those of us who have to try to make a living with alternatives.

Preload agreements which force any computer buyer to accept a copy of Windows whether they want it or not must be abolished. Microsoft File formats must be added to the disclosure of APIs to allow competitive products to interoperate and compete.

Pricing must be decoupled from exclusivity agreements, on paper or implicit. Pricing should be the same for everybody and a line item, not buried into the price of a computer.

As for remedies, There is an easy solution that would accomplish many goals and remove the burden of enforcement. It would avoid all the evasive and delaying manoeuvres and put MS in the position of wanting to be good citizens.

The US government should simply remove Microsoft from the approved vendors list and leave it off until behavior is acceptable. Not

only would this send the right message, it would directly impact the competition issues by providing an opportunity for the suppressed competitors to recover. I suggest that Open Source software be a component to preclude any corporation from achieving monopoly status again. This is far more rational and pragmatic than suing MS on the one hand and being their largest customer (hidden by contractors) on the other

I don't suppose one computer guy is very important, but I have lived the computer industry for 30 years of so and qualify as an expert.

Regards  
cww

MTC-267

**MTC-0000268**

From: Byron York  
To: Microsoft ATR  
Date: 11/7/01 10:38am  
Subject: Pathetic

It is pathetic how the DoJ has surrendered to Microsoft. Goes to show what a couple million dollar donation to the Republican party can get you. Is that against the law? Clinton was investigated for all types of spurious reasons. Why is there not an investigation into Bush and Ashcrofts collusion with Microsoft? Executives from Microsoft met in the WHITE HOUSE!!!!

When is there going to be a bribery investigation of Ashcroft and Bush? It is obvious that Microsoft bought their way out of the suit. There is \*NO\* way that anybody would \*WIN\* the battle then surrender the war. What the heck is going on?

I thought that the Department of Justice was about JUSTICE. Not about who has the most money to buy the form of 'justice' that they want. I have lost all faith in the legal process in this country. To have \*9\* federal judges declare Microsoft an abusive monopoly and then to have the DoJ, which is supposed to be looking out for the consumer, capitulate right before the miracle is absolutely DISGUSTING.

Why don't you go have some more backroom meetings with Microsoft. I am sure that is completely within the guidelines of the Bar. Your division of the DoJ should be ASHAMED.

MTC-268

**MTC-0000269**

From: Viktors  
To: Microsoft ATR  
Date: 11/7/01 11:58am  
Subject: National security diminished by settling Microsoft case

I believe that the current settlement direction with Microsoft is a grave mistake. Diversity in operating systems and other computer software is essential for reducing the threat of cyber-attacks. Furthermore, giving one company, Microsoft, the ability to remotely monitor and control all computer activity is extremely dangerous, while also making it easier for an enemy to find a weakness that could be used to attack a much larger population of computers.

I am a long-time IT professional, but am writing as a private citizen. I know that whomever is reading this probably is not intimately familiar with all of the software

details and would not understand an in-depth analysis. So I will just point out a few items, in high level terms, as best I can. I assume someone would contact me if they want to discuss more details.

Software can be viewed in many ways as an analogy to biological evolution. One of the dangers that biology has taught us is that the less diversity there is, the more vulnerable the population is. Likewise, operating system software and other office software that is used so widely that it is in almost every computer makes it easier to create a devastating cyber attack. Because the internals of the Microsoft software is seen by few eyes, it is more likely to contain numerous vulnerabilities, that clever hackers can exploit. This argues for breaking up monopolies in the IT industry so that there are more software choices for customers and so that any attack will harm a smaller population. In fact, ideally, the operating system and other security sensitive software source code should be viewable by everyone. This quickly leads to fixing the vulnerabilities, rather than hiding them, as with proprietary software. Microsoft will never publish their software source code, and thus will continue to put our IT infrastructure at greater risk, to the extent that they remain an operating system (and desktop office suite) monopoly.

What concerns me more, is that Microsoft's direction with XP is to give them more ability to "upgrade" user's software remotely, even without them knowing it. This may be nice for Microsoft, but it give Microsoft potentially unlimited "big brother" power over everyone's computer. But, even worse, once that update capability is hacked by less friendly people, they can use it to create cyber terror much easier than today.

I can already see numerous ways of working around the settlement agreement. Microsoft's latest XP operating system is an example. Even though they "publish" the interfaces, they require me to register my software for use with their interfaces, otherwise I will not be given the encryption keys required to talk through their "published" interfaces. In general, I think the "settlement" will only let Microsoft reinforce its monopoly while making our IT infrastructure more vulnerable to cyber attacks. Please let me know if anyone needs to discuss this further.

-Viktors Berstis, Austin Texas

MTC-269

**MTC-0000270**

From: Mike Whalen  
To: Microsoft ATR, attorney general @ state.mn.us @ inetgw  
Date: 11/7/01 12:08pm  
Subject: MS Settlement

Dear Sirs,

I would like to register my displeasure with the settlement reached by the DOJ and Microsoft regarding their antitrust violations. What the settlement provides is nothing more than carte blanche for Microsoft to continue its anti-competitive behavior; in fact, this settlement makes it more straightforward (and legal) for Microsoft to pursue this behavior then it was previously. To wit:—Microsoft must allow applications & middleware onto the desktop that have

distributed over 1 million copies and have been in business for greater than one year.

This clause allows large, established competitors to Microsoft to be used. However, what about new competitors? They will not be given the chance to be placed on the desktop. If such a clause was in place when companies like AOL were in their infancy, it would have been more difficult for them to reach their present size.

This clause does not help the companies that most need protection from Microsoft. —Microsoft must disclose all new APIs to developers by the time of the last beta release of the operating system.

Ridiculous; you haven't defined a time window for the last beta'. Microsoft could release the last beta immediately before shipping the operating system.

—Microsoft must disclose all undocumented APIs to developers; however, if developers request this information, they must provide their source code back to a 3rd party approved by Microsoft.

As a developer, I wouldn't dream of giving Microsoft my source code; they have shown no compunction from stealing ideas from other companies and individuals.

The antitrust trial spelled this out in great detail. Therefore, this clause is completely ineffectual.

Besides, who is Microsoft going to approve as the third party?

—Microsoft does not need to disclose any APIs related to

1. Security
2. Anti-virus
3. License enforcement

I can think of credible reasons why developers may need to know these APIs.

For Microsoft's upcoming .NET, a major portion of the API is related to security and authentication. In fact, it is central to any developer wanting to use .NET for future development of Windows products and services.

By spelling out these specific instances of 'violations', you allow Microsoft more latitude to continue its anticompetitive behavior, rather than less. Microsoft can credibly state that many of its APIs related to "back-end" services, such as COM+ and .NET services are related to security and authentication. These are the thrust of new development at microsoft, and access to these APIs is critical to producing successful new applications. Microsoft can also continue to discriminate against smaller, newer competitors, stifling innovative products and preventing them from being displayed on the desktop. Microsoft also has the ability to get at the source code(!) of any developer who requests information on their APIs. I believe that this will cow most, if not all, developers from requesting information; they would have to provide, in essence, their most valuable property in return: it is akin to giving away your most precious business plans to your largest and most aggressive competitor. What sane company would do so? I urge you to reconsider this mistaken and shortsighted decision.

Thank you for your time,

-) Mike Whalen

Doctoral Candidate in Computer Science  
University of Minnesota

MTC-270

**MTC-0000271**

From: Halim Chtourou  
To: Microsoft ATR  
Date: 11/7/01 3:44pm  
Subject: Microsoft case comments

To Whom It May Concern,

I am deeply concerned by the terms of the U.S. Department of Justice's settlement with Microsoft in this case. I believe that the proposed settlement, and most likely any proposed settlement, is not being tough enough on Microsoft. The settlement contains many loopholes that will allow Microsoft to continue to their illegal and anti-competitive behavior which would only result in more permanent harm to the computer industry and future lawsuits costing even more tax payer money. Although it may be difficult to plan and initially execute, the plan to breakup Microsoft has been the ONLY viable solution I have seen to this case. The breakup of Microsoft is truly the only way to correct the terrible crimes that Microsoft has committed against nearly anyone in the world that has used and worked with a computer. Microsoft can be broken up without major impact to businesses and the economy. The first divisions to be separated should be relatively unrelated entities such as Microsoft's operating system and application software division, MSN, and Microsoft's X-Box division. These three divisions should be separate companies that are not allowed to use their influence to help each other, as Microsoft is currently using it's Windows monopoly power to help them gain users of MSN and their X-Box. Look at MSN for example. What other major national internet service provider ONLY functions with Windows-based computers? I don't believe there are any others. How does the proposed settlement prevent Microsoft from doing things like this? I don't believe that it does.

After separating these core divisions, Microsoft's operating system and application software units can be separated into two or more separate companies. Without the monopoly of Windows to leverage, Microsoft Office may actually face competition in the marketplace and be forced to strive towards innovation—something Microsoft claims to be fighting for, but very rarely actually does.

I urge you, please consider not only what this settlement will mean for the future of Microsoft and their monopoly, but also look at what they have done in the past, how they have continuously flaunted their power in the face of government attempts of restriction, and how they have greatly harmed competition and innovation in the computer industry.

Thank you for your time,

Halim Chtourou

Information Systems Technology and  
Digital Media Student at Albright College,  
Reading, PA.

MTC-271

**MTC-0000272**

From: Nobody  
To: Microsoft ATR  
Date: 11/7/01 3:54pm  
Subject: A Linux Today story has been

mailed to you!

This message is sent to you from Linux Today (<http://linuxtoday.com>) Miguel Sosa, [esteban\\_sosa@yahoo.com](mailto:esteban_sosa@yahoo.com) has requested that we send you this article.

You can find this story online at: [http://linuxtoday.com/news\\_story.php3?ltsn=2001-11-06-005-20-OP-MS](http://linuxtoday.com/news_story.php3?ltsn=2001-11-06-005-20-OP-MS) Jeremy Allison & Andrew Tridgell: Analysis of the MS Settlement and What It Means for Samba.

The Samba Team would welcome Microsoft documenting its proprietary server protocols. Unfortunately this isn't what the settlement stipulates. The settlement states:

"B. 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 111.1), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

Sounds good for Samba, doesn't it. However, in the "Definition of terms" section it states:

"Communications Protocol" means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors.

If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.

The holes in this document are large enough for any competent lawyer to drive several large trucks through. I assume the DoJ lawyers didn't get any technical advice on this settlement as the exceptions are cleverly worded to allow Microsoft to attempt to evade any restrictions in previous parts of the

document. Microsoft has very competent lawyers, as this weakly worded settlement by the DoJ shows. It is to be hoped the European Union investigators are not so easily fooled as the USA.

A secondary problem is the definition of "Reasonable and non-Discriminatory" (RAND) licensing terms. We have already seen how such a term could damage the open implementation of the protocols of the Internet. If applied in the same way here, Open Source/Free Software products would be explicitly excluded.

Regards,  
Jeremy Allison,  
Andrew Tridgell,  
Samba Team.  
[http://linuxtoday.com/news\\_story.php3?ltsn=2001-11-06-005-20-OP-MS](http://linuxtoday.com/news_story.php3?ltsn=2001-11-06-005-20-OP-MS) (The sender's internet address was 64.175.29.2 18 MTC-272

#### MTC-0000273

From: Bob Slate  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/7/01 7:29pm  
Subject: Caveats: experience from the EEC settlement against IBM

To Whom It May Concern:

With regard to the current action/settlement with Microsoft (which I have not followed in detail), and possible EEC actions against Microsoft, it brought to mind some caveats which might be of interest given my previous job at Amdahl Corporation with a parallel with an anti-trust settlement by IBM with the EEC.

In 1984, IBM settled an anti-trust action by the EEC by agreeing to the "Undertaking" which allowed for competitors to request interface information so that products of competitors could "attach" to those of IBM. This information was to be provided within 120 days of IBM making an announcement of a product using those interfaces. Amdahl was a competitor of IBM, manufacturing System/390 plug-compatible mainframes. Amdahl was able to make interface requests and receive such information, sometimes with very onerous charges. After 10 years (around 1994), IBM decided to drop the Undertaking, claiming that it had adopted it unilaterally, rather than it being imposed. In the subsequent years, the prices of the interface specifications skyrocketed: several page specifications cost hundreds of thousands of dollars, and 100+ page specifications cost several millions of dollars. IBM oftentimes delivered specifications YEARS after they shipped their products, which made life difficult when the market required that a new product be delivered every year. It was easy to fall behind and lose customers. Losing customers meant less revenues, and less revenues made it tough to foot the bill for expensive specifications which ended up being a sizeable component of an engineering budget.

By 2000, IBM's competitors in the System/390 mainframe arena had dropped out of the market. Today IBM enjoys a monopoly again in that market segment. A lesson to be learned here is that competition can thrive only when barriers to competition are not onerous. A monopolistic entity with vast financial resources can charge onerous fees

for interface specifications, making it impossible for very small software companies to obtain the information that they will need to create products needed for their survival.

The setting of the prices of the interface specifications cannot be under Microsoft's control. Reasonable time limits for delivery of complete interface specifications must be established by an independent body.

Thank you for your attention.

Bob  
Bob Slate, Director,  
[Rslate@extremenetworks.com](mailto:Rslate@extremenetworks.com)  
Engineering Development <http://www.extremenetworks.com>  
Extreme Networks  
3585 Monroe Street  
Santa Clara, CA 95051  
CC: Bob Slate

MTC-273

#### MTC-0000274

From: Terry Linhardt  
To: Microsoft ATR  
Date: 11/7/01 8:05pm  
Subject: proposed settlement

You sold us out. You sold out the consumers of the United States. You know how I feel? I feel like I have been told to drop my trousers, bend over, and get ready to let Bill Gates stick me where the sun never shines. And personally, I think that whoever came up with the proposed settlement should drop \*their\* pants, and may I suggest I have a place for that settlement.

Thank you for your consideration of my email.

Terry R Linhardt

MTC-274

#### MTC-0000275

From: xCarolFantasiezz@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/7/01 8:48pm  
Subject: Danke nochmal.

Hi gruss Dich, ich will mich eigentlich nur ganz schnell fur Deine Hilfe bedanken. Ohne Dich hatt ich des nie gepackt mit dem Video auf meine Homepage. Schaus Dir mal bitte an und sag mir was ich da noch besser machen kann. <a href="http://fantasie.nightsites.com">Zum Video</a> Du kannst aber auch bei AOL Kennwort <http://fantasie.nightsites.com> eingeben. Ich dank Dir noclmal wie verruckt..

Carol

MTC-275

#### MTC-0000276

From: George  
To: Microsoft ATR  
Date: 11/7/01 9:44pm  
Subject: Microsoft anti-trust..

To the A.G. of the United States of America, the Dept. of Justice, et al.,

A Federal Judge found Microsoft "GUILTY" of being an illegal monopoly. And you then let them dictate the punishment. As one "of the people, by the people, for the people" I have just two questions

First...how do you sleep at night?

Second...now that you have helped them screw the American people can we expect at least a kiss from you (now that you're done kissing Bills ass ) or from Microsoft. Or

should we just look for the hundred dollar's on the night stand when we get up in the morning?

Now so as to make sure that I have made my point, I will put it into plain, simple, American English

Now that the American people have been fucked by you and Microsoft. Do we at least get a kiss, or should we just expect to be paid like a cheap whore?

If the latter is true, please put mine into an account to help pay down the defficate that the present administration is running up.

Lastly, please remember where the following sayings come from. Then go back and do the job you are paid for.

"We the People . . ."

"When in the course of human events  
Signed

One really pissed off American,  
George S. Bogart Jr,

MTC-276

**MTC-0000277**

From: LBier49@aol.com@inetgw

Date: 11/8/01 2:47am

Subject: (no subject)

Ashcroft and Associates,

At least MS admits it is soft. Shame on you. The worst monopolist since the era of the trusts and you cave. And that assessment is not from some neophyte, but from a JD-MBA, Rutgers Class of 1975, who has been practicing for 26 years. Again, shame. While Penfield may have shown unusual commentary form, most of what he said was accurate. Bad taste. Bad appearing. Sure. But was it the worst taste or conduct with a federal judge? Come on. In the real world many federal judges run rough shod over parties. However, that is another issue. Windows is flawed as are all operating systems by their nature. That is why MS is periodically coming out with new operating systems. But when they integrate their products and exclude competing products without legitimate business reasons, they are using their monopoly power.

I guess we are going to have to leave it to the State's Attorney General and the Europeans.

Politics, and I mean by that the Bush administration, has sided with the monopolists and their cronies and against the American people. I can only hope that the American people will make you and your cronies pay politically. I know MS is paying you a lot. How much did the company "contribute" to your political bedfellows and causes? SHAME, SHAME, SHAME

CC: Microsoft ATR,ag@state.ca.us @inetgw,oag@state.tx.u...

MTC-277

**MTC-0000278**

From: Jim Hill

To: Microsoft ATR

Date: 11/8/01 2:57am

Subject: Shame on you!

You have caved in. You have submitted to political pressure, economic pressure, whatever the heck it was. And in the process, you have bound the feet of the personal computer industry and the software industry. You have allowed Microsoft to dictate the terms of whatever growth will occur from

here; you have basically screwed the pooch on this one. I have no faith in this government any more.

James Hill  
Fairfax, CA

MTC-278

**MTC-0000279**

From: Max Lybbert

To: Microsoft ATR

Date: 11/8/01 3:04am

Subject: proposed settlement

Since the proposed settlement to the United States et. al. v. Microsoft cannot be implemented without seeking public comment, let me go on record opposing this agreement between Microsoft and the Department of Justice. With all due respect to the people who negotiated the settlement and their intentions, no evidence exists that the agreement won't be violated like every one of the previous agreements Microsoft has entered into with the Department of Justice. Believing that Microsoft intends to abide by this agreement, or that the threat of extending the provisions of the agreement two years if Microsoft doesn't abide by it will keep Microsoft honest is wishful thinking.

A better settlement should be proposed. Otherwise I will spend the next two years ashamed of the officials I elected, and I will work to vote them out of office, along with their appointees.

MTC-279

**MTC-0000280**

From: Christian Loweth

To: Microsoft ATR

Date: 11/8/01 10:54am

Subject: Microsoft settlement

It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?

Christian Loweth  
New Port Richey FL

MTC-280

**MTC-0000281**

From: Eugene L. Willey

To: Microsoft ATR

Date: 11/8/01 1:17pm

Subject: Secret code in windows

As I understand the settlement with Microsoft, Microsoft may maintain as secret and proprietary certain critical parts of their operating system. The vision of critical parts of our government using systems that have code known only to Mr. Gates is totally unacceptable to me as a citizen. A prerequisite for use in the government of any operating system should be that use of the system can have no unintended consequences. The only way such a premise can be true is for all operating systems used by our government be in the public domain. This used to be the law, The law apparently has been changed so that government offices can be infested by secret systems . . . Please consider these remarks.

. . . Gene

MTC-281

**MTC-0000282**

From: Eugene L. Willey

To: Microsoft ATR

Date: 11/8/01 1:34pm

Subject: Government use of Microsoft software

Is it constitutional for our government to allow contractors to supply goods such as software that does not disclose its code to our government. The code for the operating systems being used by our government will be known only by Mr. Gates. This is dangerous in the extreme. To give a citizen such extraordinary power is wrong and perhaps criminal. Our government is free to use Public software which does not violate any disclosure rules. These comments are meant to be constructive. I hope you will give them some consideration. . . .

Gene (Eugene L. Willey, 314 West 14th Street Hastings, Ne. 68901 (402-463-5121))

MTC-282

**MTC-0000283**

From: Jak Crow

To: Microsoft ATR

Date: 11/8/01 4:05pm

Subject: Microsoft settlement

Are you people insane? Your "settlement" will do—NOTHING—to protect consumers and competitors. In fact, since you apparently haven't read your own settlement document, you should be aware that Microsoft can "interpret" its way out of all your deals. If this is allowed to pass, I wouldn't discount the possibility that the DoJ has been bribed into throwing the case, and I hope the DoJ gets investigated for this farce.

MTC-283

**MTC-0000284**

From: xxOl2

To: Microsoft ATR

Date: 11/8/01 6:45pm

Subject: Federal Register Citations / MS (US Dist. Ct DC 98-1232)

Dear Sir/Ma'am:

Please indicate the Federal Register citation for the Department's Proposed Final Judgement, and Proposed Final Consent Decree in the Microsoft case. (US Dist. Ct. DC 98-1232), at your earliest convenience.

Thank you,

Mike Dvorak

m.t.dvorak@att.net

MTC-284

**MTC-0000285**

From: Nicky Morrow

To: Microsoft ATR

Date: 11/8/01 7:15pm

Subject: Comment on Doj vs MS

Dear Sir/Ma'am,

I'll keep my comment very short: Please pass on to your boss that it will be a cold day in hell before I vote republican again. Is it clear what I think about the MS settlement?

Nicky Morrow

MTC-285

**MTC-0000286**

From: John R. Cox

To: Microsoft ATR

Date: 11/8/01 10:54pm

Subject: Your settlement is a travesty.

Paul Thurott's Wininfo website called your settlement a travesty of justice. I wouldn't consider them a radical anti Microsoft site;

just the opposite. I personally consider it a pretty mild comment.

At least 3 of the richest men in the world made their money by a blatant monopoly. They didn't reinvest any of the money to make it any more of a quality product than it had to be and the unreliability of Windows is legendary. The American people (and the world) were cheated as a result. They used their money underhandedly to drive competitors out of business and only invested money where it would crush a competitor.

There are good monopolies but Microsoft is not one of them.

There are laws designed to protect us from that kind of behavior. You are responsible for enforcing those laws and you failed to do so. I know you have an ideology, but you also have responsibilities.

You guys make me ashamed to be a Republican. Perhaps it's time to think about how you can recover some credibility.

Have a nice day.

John Cox

MTC-286

**MTC-0000287**

From: bryce @chmls05 .mediaone.net @inetgw

To: Microsoft ATR

Date: 11/9/01 10:39am

Subject: Settlement toothless

Dear DOJ;

I'm disappointed by the proposed settlement. It does nothing, means nothing.

What the industry really needs is for Microsoft to stop undermining industry standards.

Microsoft extensions to industry standards are the biggest threat to competition and to a level playing field.

In addition, DOJ should insist that Microsoft publish certain file formats—notably Word and Excel—that are now so utterly dominant that it's impossible to build a product without interoperating with them.

Bryce Nesbitt

170A Coolidge Hill

Cambridge, MA 02138

CC: bryce@obviously.com@inetgw

MTC-287

**MTC-0000288**

From: Michael Kuske

To: 'Microsoft.atr(a)usdoj.gov'

Date: 11/9/01 11:32am

Subject: Is this Microsoft Sweepstake illegal?

To whom it may concern,

I have a question. Is the following Microsoft sweepstakes illegal? I recently ran across a sweepstakes that Microsoft is sponsoring (<http://www.msnpeakperformance.com>).

It was my understanding that it was not legal to force people to use your products as a condition of entering such a contest. If you look at the site, this is clearly the case here. Either you download and use their product (.NET Passport) or you can't enter. There is no alternative entry method provided. Don't have a computer? You are barred from entering. Your computer uses different (non-Microsoft) technology? You are barred from entering. Don't want Microsoft's .NET technology on your computer? You are barred from entering.

You would think with the trouble Microsoft has had recently that they would be sensitive to this type of issue. Then again they have had a history of thumbing their nose at the law, haven't they.

Thanks,

Michael Kuske

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MTC-288

**MTC-0000289**

From: walkera@fosterfarms.com@inetgw

To: Microsoft ATR.governor@governor.ca.gov @inetgw

Date: 11/9/01 2:13pm

Subject: Antitrust

ATR,

I was sad to see that Microsoft case has gone from almost a break up of the company to a slap on the hand indicating everything they have done or planning to do is ok and does not impede technology in the world. I believe the court may have better understanding of these issues were they more computer oriented/related in their field to see the repercussions Microsoft has put upon us. Don't get me wrong, I use Microsoft but am limited to only using Microsoft due to their thwarting of the market. I attempt to use other software types and vendors but are limited to the "May not work with Microsoft." Have you seen the new XP and passport software? It has to be the most monopolistic, big brother approach I have ever seen. The fees charged by Microsoft for the latest software scheme also forces a company to only use their software for a long period of time. I thought great I just wont use Passport because I don't want my personal info shared with Microsoft—when I tried for support they said it was required to have passport filled out before continuing. Did you ever wonder why other countries ie China have banned Microsoft within their country? There is no longer competition in the market. A break-up would have spurred more competition and economic growth.

Anyhow as a general citizen I thought I would express my feelings hoping to relay that not only the states, but millions of people are under the mafia-like' stronghold that Microsoft has put upon us and we don't like it.

If you'd like peoples opinion, post it on the web in visible places—not hidden in the Judgment court orders.

Adam Walker

slamcorp @mediaone.net

559-274-1196

Standard disclaimer: All statements made in this email are on my own behalf and not my employer.

MTC-289

**MTC-0000290**

From: root @ wt6.usdoj.gov @inetgw

To: Microsoft ATR,antitrust @ftc.gov @inetgw,Ralph @essen . . .

Date: 11/9/01 2:18pm

Subject: Microsoft Hegemony: Dreams Of Plundering

CC: letters @latimes.com @inetgw,letters @sjmercury.com @ i . . .

MTC-290

Re: Microsoft: Find a Real Fix

One key provision, for example, supposedly requires Microsoft to disclose coding . . . Read the fine print, however, and you'll discover that Microsoft only has to disclose. . . .

It's not necessary to list the many fatal loopholes to see the conservative intent. To the conservative, competition, consumer rights, and the integrity of the system are all trivial luxuries not worth the fight.

Rather for them, preserving the USA's economic hegemony on the world stage, and cultivating Wall Street superstars, are the only substantial goals.

The REAL fix for competition, consumer rights, and the integrity of the system, is releasing the commodity OS into the public domain where it belongs.

"Conservatives preserve throne which I plunder and dream of plundering it themselves one day,

Dallah

willing . . ."

**MTC-0000291**

From: William J. Taylor

To: Microsoft ATR

Date: 11/9/01 2:19pm

Subject: Settlement conditions

I am not a lawyer, but I am a CPA and over the 25 years that I've been in accounting I have read a number of lawsuits and other legal agreements. It seems to me that the settlement with Microsoft only requires them to do what the law has provided all along, with the exception, to use an automobile analogy, that there will now be someone in the back seat to tell them they're speeding. It doesn't mean that they will slow down, they are just more aware of what they are doing.

Therefore, I feel that unless the court imposes potential severe penalties on the Board of Directors of Microsoft, that the course of Microsoft slowly pushing out competitors wherever it feels there is money to be made, or where it perceives a potential threat will continue unabated or possibly accelerate.

I, therefore, recommend, that the Board of Directors of Microsoft be subject to immediate jail time if at any time Microsoft is found to have violated the terms of the settlement. This would include all current and all future directors. Only by making the Board responsible in a way that will have immediate and substantial impact will on themselves will there be any hope of the settlement agreement being honored.

MTC-291

**MTC-0000292**

From: root@wt6.usdoj.gov @inetgw

To: Microsoft ATR,antitrust @ftc.gov @inetgw,Ralph @essen . . .

Date: 11/9/01 2:45pm  
 Subject: Microsoft Hegemony: Stupid Change Rules'

CC: letters @ latimes.com@ inetgw ,letters @ sjmercury.com

"You want change rules of game every year like stupid NBA? Stick with original rules of game. Original rules is Microsoft retain gargantuan advantage of owning industry standard OS bestowed in 1982 by profit Ronnie Reagan, peace be with him . . .

MTC-292

**MTC-0000293**

From: Chris Lee

To: Microsoft ATR,ASKDOJ

Date: 11/9/01 3:25pm

Subject: U.S. Settlement Leaves Microsoft More Entrenched

To CASHcroft & lackeys:

Does anyone in the GeoW DoJ understand the LAW? Is anyone ashamed of this gross sell-out of the "people" to the ILLEGAL MONOPOLIS, MicroSUCK???. The settlement as written is ludicrous, considering the people WON IN THE COURT OF LAW, plus, in the APPEALS COURT!

A citizen/consumer/voter,  
 Chris

U.S. Settlement Leaves Microsoft More Entrenched

By Rob Pegoraro

Friday, November 9, 2001; Page EOJ

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.1' 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.

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MTC-293

**MTC-0000294**

From: Brad Wellington

To: Microsoft ATR

Date: 11/9/01 4:14pm

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Brad Wellington  
 Software Engineer

MTC-294

**MTC-0000295**

From: Joan Hanegan

To: Microsoft ATR

Date: 11/9/01 5:38pm  
Subject: MICROSOFT COMMENT

Why can't this be over? Our country is based on free enterprise... but only to a certain point? You can create it, nurture it, sweat and worry over it, spend all of your life, time, and your own money on it, but when it finally pays off the government wants to say "you can't do that"! If, and when, someone else makes a product that out-performs Microsoft's, then they can be in the "winner's circle"! Until then, oh well.. .get over it and get back to work. Why is the United States spending my tax dollars on this? I did not have a say so in this legal dispute!

I'm sorry, but I just feel that the US is telling us that we cannot succeed. This is not an issue of whether Microsoft, or Bill Gates, pays their taxes... it is a few little guys crying that Bill has all the marbles. Guess what, he won them fair and square. It sounds just like my 6 years that wants to re-write the rules when he's losing..and what would that teach him? Son, you don't have to work for your rewards, just cry loud enough and the US govt will get them for you! PLEASE!

Thanks for hearing my comments on the situation and I truly hope that this can come to a speedious conclusion.

I. Hanegan of Baton Rouge  
MTC-295

**MTC-0000296**

From: Ken Krechmer  
To: Microsoft ATR  
Date: 11/9/01 5:38pm  
Subject: The use of standards to increase competition

Gentlepersons,  
The new judgment of November 2, 2001 no longer requires splitting the company. However, the same approach is used to have Microsoft publish its operating system application programming interfaces (APIs) to allow other companies to develop compatible products. Microsoft maintains their very successful operating system monopoly through the use of these proprietary APIs, as well as aggressive marketing. Publishing APIs does not render them open. It is not even clear in this judgment how these APIs are described: software program code, written specification, formal description language, or? Open standards appear to be necessary to create open interfaces. For a discussion of the history of monopolies and standards, the problems that are not resolved by published APIs and how open standards may be used to maintain both competition and competitive advantage please see <http://www.ses-standards.org/library/krechmerbaskin.pdf> for a copy of Microsoft Anti-Trust Litigation—The Case for Standards' the first prize paper at the World Standards Day proceedings.

Ken Krechmer  
Senior Member IEEE  
Fellow International Center for Standards Research University of Colorado, Boulder  
Technical Editor Communications Standards Review

MTC-296

**MTC-0000297**

From: Rally for America

Date: 11/9/01 5:57pm  
Subject: Rally for America in Austin—Free Concert & Laser Light Show

[l7a2fd.JPG] For more information on the Rally for America, visit: <http://www.rally4america.com> For the program, visit: <http://www.rally4america.com/program.html> Speakers at the Capitol will include several Texans who lost loved ones in the September 11 attacks. Admission is free to both the Capitol event beginning at 4:00 pm and the Waterloo Park Benefit Concert and Laser Light Spectacular beginning at 5:45 pm. Donations will be taken for the Rally for America Memorial Fund and 100% of the proceeds will be used to build a memorial in Austin to the victims and heroes of September 11. Free parking is available at the Capitol Visitors Garage in the block bounded by 12th and 13th and San Jacinto and Trinity. This garage is only one block from both the south steps of the Capitol and Waterloo Park. Please contact [info@rally4america.com](mailto:info@rally4america.com) or (512) 476-8787 with any questions about this event. We would be most appreciative if you could forward this message to your friends and colleagues. Note: If you do not wish to receive messages about the Rally for America in the future, please send a message to [info@rally4america.com](mailto:info@rally4america.com) requesting to be removed from the list.

MTC-297

**MTC-0000298**

From: Sam Bennett  
To: Criminal Division, Microsoft  
ATR, American Atr, NEWCA...  
Date: 11/9/01 8:18pm

Subject: Stand up and be counted:  
STAND UP AND BE COUNTED FOCAL VERSE: "HE WHO IS NOT WITH ME IS AGAINST ME, AND HE WHO DOES NOT GATHER WITH ME SCATTERS." HE REPLIED, THOSE WHO HEAR THE WORD OF GOD AND OBEY IT." LUKE 11:23, 28.

The message for today is: "STAND UP AND BE COUNTED" Scripture: Luke 11:23,28; Matthew 1:18-2:23; John 15:5; Proverbs 8:14, 21-22; Proverbs 1:7; Proverbs 3:7; Psalms 10:2,4, Proverbs 16:18; 2 Chronicles 7:14; Matthew 5:11, 44; Matthew 10:23; Matthew 23:34; Luke 11:49; John 5:16; John 15:20; Revelation 20:10, 12, 13; Ephesians 2:8-9; James 2:18, 26; Isaiah 54:6; Matthew 24:42, 44; Matthew 24:36; Matthew 24:38-39; Isaiah 34:1-4; Isaiah 60:12; John 12:48; John 3:16, Luke 9:60 (Scripture is from the NIV).

ARE WE WARRIORS WHEN WE SERVE OUR LORD AND MASTER? DO WE COWER DOWN WHEN WE HEAR THE WORD ?ACLU?, OR ?I?M GOING TO FIRE YOU FOR READING THE BIBLE OR SAY ANYTHING ABOUT CHRIST IN THIS BUILDING." PERHAPS YOU ARE AFRAID TO PASS OUT BIBLES ON THE STREET WHERE YOU MIGHT BE ARRESTED?

ARE YOU AFRAID TO PASS OUT CHRISTIAN LITERATURE TO SCHOOL CHILDREN, OR DEFY SOMEONE WHO REFUSES TO ALLOW YOU TO DO THE WORK OF THE LORD. ARE YOU ASHAMED TO LET PEOPLE KNOW YOU ARE A CHRISTIAN? DO YOU, OR WILL YOU STAND UP BOLDLY AND SPEAK OUT

ABOUT JESUS CHRIST, OR DO YOU SAY NOTHING, AND GO WITH THE FLOW OF SOCIETY WHO SITS ON THEIR HANDS AND RESTS ON THEIR BLESSED ASSURANCES, AND ALLOWS PEOPLE TO DIE AND GO TO HELL EVERY DAY?

FOLKS, IF YOU ANSWERED YES TO ANY OF THESE, I HAVE ONE THING TO SAY ? ?YOU SHOULD BE ASHAMED OF YOURSELF .? GOD GAVE HIS SON TO THE WORLD IN THE FORM OF A LITTLE BABY BORN TO A HUMBLE, JUST MAN, AND A VIR- TEOUS AND PURE WOMAN, A VIRGIN AS GOD'S WORD TELLS US IN MATTHEW 1:18-2:23. HE CAME INTO THIS WORLD FOR THE SOLE PURPOSE OF DYING FOR THE SINS OF HUMANKIND. GOD BLESSES US THROUGHOUT OUR LIVES WITH SO MUCH? WERE A NATION OF WASTEFUL, UNGRATEFUL, OPPORTUNIST WHO SIEZE THE MOMENT TO ACCRUE WEALTH FROM ADVERSITY AND DESPAIR; DID YOU SEE ALL THESE ?LITTLE SHOPS OF PATRIOTISM? THAT SPRING UP ON STREET CORNER EVERYWHERE? WHY DON'T THEY SELL "JESUS" SHIRTS AND DISPLAY THE SAVIOR WE ARE SUPPOSED TO LOVE AND SERVE. WHY WASN'T THE SALVATION ARMY CALLED WHEN THE WORLD TRADE CENTER AND PENTAGON WAS ATTACKED? THEY DO INDEED OFFER THE WAY OF SALVATION AS WELL AS PROVIDING COM- PASSION AND THINGS FOR THE WELL BEING OF PEOPLE IN NEED. THIS BOMBING HAS BECOME BIG BUSINESS TO SOME IN THIS NATION. AND BY ALL MEANS LETS SEE THAT THE DOGS ARE TAKEN CARE OF AS WELL. DOESN'T MATTER TO SOME THAT THERE ARE HUNGRY FOLKS WHO NEED TO BE FED; LETS FEED THEM DOGS. GOD NEVER CREATED A DOG WITH A SOUL AND NEVER WILL.

FOLKS, WE ARE REALLY A NATION OF PROUD, PATHETIC PEOPLE WHO LOVE FLIRTING WITH DISASTER. WE FLAP OUR WINGS, STICK OUT OUR CHEST AND SAY, ?WE ARE AMERICA, THE MIGHTEST NATION ON THE FACE OF THE EARTH, AND WE CAN WHIP ANYONE!? CAN WE? WE ARE PATHETIC BECAUSE WE PLACE OUR TRUST IN WHAT MAN SAYS. MAN IN FACT CAN DO NOTHING WITHOUT GOD'S FAVOR EXTENDED TO HIM.

JOHN 15:5 TELLS US, 21 AM THE VINE, YOU ARE THE BRANCHES; IF A MAN REMAINS IN ME AND I IN HIM, HE WILL BEAR MUCH FRUIT; APART FROM ME YOU CAN DO NOTHING." WE ARE A PROUD AND PROFANE (SECULAR) PEOPLE! ARE YOU PROUD? GOD'S WORD TELLS US IN PROVERB 8:13 ?TO FEAR THE LORD IS TO HATE EVIL. I HATE PRIDE AND ARROGANCE, EVIL BEHAVIOR, AND PERVERSE (UNREASONABLY WRONG/ SELF WILLED) SPEECH. WHAT IS THE LORD SAYING HERE? EXACTLY WHAT YOU HEAR! PROVERBS 1:7 AND 3:7 SAYS, ?THE FEAR OF THE LORD IS THE BEGINNING OF KNOWLEDGE, BUT FOOLS DESPISE WISDOM, AND DISCIPLINE. DO NOT BE WISE IN YOUR OWN EYES, FEAR THE LORD AND SHUN EVIL."

WE HEAR ABOUT ARMADA'S, NAVAL BATTLE GROUPS, 13-52 AND STEALTH BOMBERS OF THE AIR FORCE, MIGHTY

FIGHTING MAN OF THE USMC, AND THE APACHE ATTACK HELICOPTERS OF WHAT MEN SAYS IS THE MIGHTY US ARMY. THEY ARE MERE PLAY TOYS IN THE EYES OF GOD. I HATE TO BUST YOUR BUBBLES FOLKS; ALL THE POWER OF ALL WEAPONS OF ALL NATIONS PUT TOGETHER DOES NOT HAVE THE POWER OF ETERNAL GOD. COMPARED TO THE POWER OF OUR MOST HIGH GOD, ALL THESE PUT TOGETHER AND JOINED WITH ALL NATIONS, DON'T HAVE ENOUGH POWER TO BLOW THEIR NOSE.

AMERICA IS A PROUD NATION. THE WORD OF GOD SPEAKS OF PRIDE. 49 TIMES ?PRIDE? APPEARS IN THE HOLY BIBLE. LET ME JUST GIVE YOU A FEW THINGS THE BIBLE SAYS ABOUT PRIDE, AND THESE ARE FROM THE KING JAMES VERSION. PSALMS 10:2: ?THE WICKED IN HIS PRIDE DOTH PERSECUTE THE POOR, LET THEM BE TAKEN IN THE DEVICE THAT THEY HAVE IMAGINED.? PSALMS 10:4: ?THE WICKED THROUGH THE WICKEDNESS OF HIS COUNTENANCE, WILL NOT SEEK AFTER GOD; GOD IS NOT IN HIS THOUGHTS.? AND, THE ONE I THINK APPLIES TO THE SITUATION THE UNITED STATES IS IN NOW. PROVERBS 16:18: ?PRIDE GOETH BEFORE DESTRUCTION, AND AN HAUGHTY (PROUD) SPIRIT BEFORE A FALL.? IN EACH OF THOSE 49 VERSES, NOT ONE OF THEM I DON'T BELIEVE IS USED POSITIVELY TO HONOR GOD. A PROUD INDIVIDUAL CANNOT EFFECTIVELY WORSHIP GOD. PRIDE; ITS EVIL, PROFOUND, AND UNHOLY TO THE LORD. HE DOESN'T SAY, ?BE PROUD, COME, AND HUMBLE YOURSELF BEFORE ME. PRIDE IS NOT USED IN HIS INSTRUCTIONS, AND EVIL CAN'T COME IN THE PRESENCE OF OUR HOLY FATHER GOD. HE IS HOLY, AND CANNOT LOOK ON SIN. HE TURNED HIS BACK ON JESUS WHILE HE HUNG BETWEEN HEAVEN AND HELL BECAUSE HE COULD NOT LOOK ON SIN. IT HAS BEEN OVER 30 DAYS SINCE THE BOMBINGS BY WHICH 3 PLANES CAUSED THE DEATH OF THOUSANDS. THE FOURTH CRASH IN PENNSYLVANIA CAUSING DEATH TO MANY. DO WE HATE THOSE THAT DID THIS? UNFORTUNATELY WE HAVE TO SAY YES. IS BIN LADIN HATED? YES. BUT, I TELL YOU WE HAVE TO ASK FORGIVENESS FOR HIM FROM THE GOD WE SERVE; THE TRUE AND LIVING GOD. DID NOT JESUS ASK FOR FORGIVENESS OF THOSE WHO CRUCIFIED HIM; "FATHER FORGIVE THEM, FOR THEY KNOW NOT WHAT THEY DO." LUKE 23:34

PEOPLE ARE MOURNING THE DEAD, HOLDING VIGIL, AND PRAYING FOR THOSE WHO HAVE GONE. IF THEY WENT INTO ETERNITY LOST, THERE IS NOTHING WE CAN DO FOR THEM. ALL THE PRAYER SAID FOR THEM FROM NOW UNTIL THE END OF TIME, WILL DO NOTHING FOR THEM. IF THEY WENT INTO THE KINGDOM OF GOD, THEY HAVE REACHED THEIR REWARD, ANT) THEY ARE FAR BETTER OFF THAN WE. WE ARE NOT GOING TO CHEAT OLD MAN DEATH, AND WE CAN'T GET AROUND IT.

FOLKS, GOD'S WORD SAYS IN LUKE 9:59-60, THAT JESUS SAID TO A MAN ON

A ROAD "FOLLOW ME," THE MAN SAID, "LET ME FIRST GO AND BURY MY FATHER." BEFORE HE WOULD FOLLOW THE BECKON CALL OF DISCIPLESHIP, SOMETHING ELSE HAD TO BE DONE. JESUS SAID UNTO HIM "FOLLOW ME AND LET THE DEAD BURY THEIR OWN DEAD." ARE WE READY TO YIELD AND FOLLOW CHRIST COMPLETELY, OR WILL WE BURY OUR DEAD FIRST?" THIS COMMAND OF THE SAVIOR WAS FOR THEM TO GO AND PROCLAIM THE KINGDOM OF GOD. LUKE 9:60

FOLKS, PEOPLE SPEAK WITH THEIR LIPS. BUT, THEIR HEART IS INDIFFERENT TO GOD. WE SAY "ALL THIS MISERY, DEATH, AND DESTRUCTION IS REALLY BAD." WE THINK ?THAT COULD HAPPEN TO ME, BUT I CAN SERVE THE LORD ANOTHER TIME. ?THERES A YANKEE BASEBALL GAME AT THE OLD PARK TONIGHT. I HAVE BOUGHT TICKETS AND I AM GOING.? "THE CHURCH SERVICE IS GOING ON, BUT I'M GOING TO SKIP IT THIS TIME.? ?THERES A BAR WHERE THE GANG HANGS OUT, SO I'LL STOP AND SEE IF THEY ARE THERE, AND PROBABLY HAVE A COOL BREW.

I KNOW I CAN GET A COLD ONE AT THE PARK ? BOY WHAT A LIFE, AND WHAT A NIGHT OF ENJOYMENT I'M GONNA HAVE WHEN I GET THERE! SOUND FAMILIAR? COULD NOT THAT MONEY HAVE BEEN SPENT TO SEND A BIBLE OUT TO SOMEONE WHO HUNGERS FOR THE WORD OF GOD? WHAT ABOUT THE PERSON ON THE STREET WHO IS HUNGRY FOR A MEAL AND MAY NOT HAVE EATEN FOR AWHILE. NOTHING WENT TO THEM, AND GOD WAS NOT PRAISED OR HONORED. GOD MOST LIKELY WON'T EVEN BE GIVEN A THOUGHT.

JESUS IS COMING AGAIN. GOD IS SAYING, ?AMERICA TIME IS RUNING OUT; I LOVE YOU SO MUCH, BUT I WILL NOT ALLOW YOU TO CONTINUE IN YOUR WICKED WAYS. IF YOU WILL NOT HEED MY CALL, I WILL BRING YOU TO YOUR KNEES, AND I REALLY HAVE THE POWER TO COMPLETELY ANIHILATE YOU.? FOLKS, IF WE ARE TO BE A CHRISTIAN NATION, A SEPARATED LIFE FROM SECULAR SOCIETY IN OUR DAILY LIVING IS WHAT OUR LORD COMMANDS US TO DO. 2 CHRONICLES 7:14 TELLS US THE WAY THIS NATION CAN CONTINUE TO HAVE THE FAVOR OF OUR HEAVENLY FATHER. ?IF MY PEOPLE WHICH ARE CALLED BY MY NAME, SHALL HUMBLE THEMSELVES, AND PRAY, AND SEEK MY FACE, AND TURN FROM THEIR WICKED WAYS, THEN WILL I HEAR FROM HEAVEN, AND WILL FORGIVE THEIR SIN, AND WILL HEAL THEIR LAND.?

GOD'S WORD SAYS WHAT HE WILL DO, ITS SET IN STONE, AND HIS WORD IS ABSOLUTE IN AUTHORITY; HE DOES NOT NEGOTIATE, AND IT'S DIRECTIVE IN NATURE. HE SAYS, "WHAT I SAID IS WHAT I MEAN; MY WILL IS TO BE AND WILL BE DONE. AMERICA WILL DO WHAT I SAY, OR AMERICA WILL BE DESTROYED.

FRIENDS, GOD'S WORD GIVES US HIS CHARGE. ARE YOU AFRAID TO STAND UP AND BE COUNTED? ARE YOU AFRAID TO TELL SOMEONE THAT JESUS LOVES

THEM? WHY? DO YOU NOT SERVE A RISEN SAVIOR? ARE YOU AFRAID OF LOSING YOUR JOB BECAUSE OF IT? ARE YOU AFRAID TO BE PERSECUTED? IF YOU ARE GOING TO BE A SERVANT OF GOD AND FOLLOW JESUS CHRIST YOU WILL BE PERSECUTED. HE GAVE US THAT PROMISE IN THE GOSPEL OF MATTHEW, LUKE, AND JOHN. MATTHEW 5:11,44, 10:23, 23:34; LUKE 11:49; JOHN 5:16, AND 15:20 ARE JUST A FEW PLACES.

JESUS SAID IN JOHN 15:20, EXACTLY HOW IT IS TODAY; THE BAD NEWS IS THAT ITS NOT GOING TO GET ANY BETTER; RATHER IT'S GOING TO GET WORSE. ?REMEMBER THE WORD THAT I SAID UNTO YOU, THE SERVANT IS NOT GREATER THAN HIS LORD. IF THEY HAVE PERSECUTED ME, THEY WILL ALSO PERSECUTE YOU; IF THEY HAVE KEPT MY SAYING, THEY WILL KEEP YOURS ALSO.? AMERICANS, WERE SUPPOSED TO HAVE AWAKENED YEARS AGO; SOME ARE STILL ASLEEP, AND WORSE SOME NEVER WILL; WAKE UP—"FOOLISH, FOOLISH, PEOPLE!"

IF FOLKS ARE GOING TO JUST SIT BY PASSIVELY AND BE CONTENT TO GO WITH THE FLOW, satan IS GOING TO HAVE HIS WAY WITH THEM. I FOR ONE AM NOT WILLING TO DO THAT! CHRISTIANS ARE ALREADY WEARING LEAD SHOES WADING IN A TORRID UPHILL STREAM, AND THE PERSECUTION OF CHRISTIANS IS CONTINUING. IT WILL CONTINUE TO GET WORSE ? LOOK AROUND AND READ REVELATION; YOU ARE AT A BIRTHDAY PARTY COMPARED TO WHAT IS GOING TO COME FOR PEOPLE WHO ARE NOT RIGHT WITH THE LORD.

THE ONLY HOPE ANYONE HAS IS TO TURN TO THE LORD; SEEK HIM. REPENT OF THEIR SINS, AND ASK FOR MERCY, NOT JUSTICE, NEVER JUSTICE. THEN FOLKS CAN HAVE PEACE IN A SINFUL WORLD. WILL YOUR LIFE AS A CHRISTIAN BE EASY ? NO. WILL YOU BE ABLE TO HAVE PEACE IN YOUR HEART AN)) MIND? ABSOLUTELY! JESUS OVERCAME THE WORLD, AND SO CAN FOLKS OVERCOME ADVERSITIES IN THEIR LIFE. THERE IS NO OTHER WAY YOU WILL EVER BE ABLE TO DO THAT ON YOUR OWN.

FOLKS, satan WAS DEFEATED LONG AGO AND HE KNOWS HIS GOOSE HAS BEEN COOKED. "HE WILL BE THROWN INTO A LAKE OF FIRE ANT)

BRIMSTONE WHERE THE BEAST AND FALSE PROPHETS. THEY SHALL BE TORMENTED DAY AND NIGHT, FOREVER AND EVER. REVELATION 20:10. ARE YOU GOING TO GO WITH HIM? IF PEOPLE ARE LOST IN SINS AND DON'T TURN FROM WICKEDNESS THEY ARE ON THEIR WAY. YOU SAY YOU 'RE NOT WICKED;? YOU SAY YOU ARE A JUST AND RIGHTEOUS PERSON, A RIGHTEOUS DOOD AS IT WERE, AND YOU HAVE NO SINS TO CONFESS AND YOU DON'T NEED CHRIST IN YOUR LIFE! WELL, FRIEND I BEG TO DIFFER WITH YOU; YOU ARE WRONG BECAUSE GOD'S WORD SAYS SO. I JOHN 1:8 SAYS, "IF WE CLAIM TO BE WITHOUT SIN, WE DECEIVE OURSELVES AND THE

TRUTH IS NOT IN US." "AND I SAW THE DEAD, SMALL AND GREAT BEFORE GOD; AND THE BOOKS WERE OPENED WHICH IS "THE BOOK OF LIFE;" AND THE DEAD WERE JUDGED OUT OF THESE THINGS WHICH WERE WRITTEN IN THE BOOKS, ACCORDING TO THEIR WORKS." REVELATION 20:12. AND THE SEA GAVE UP THE DEAD WHICH WERE IN IT; AND DEATH AND HELL DELIVERED UP THE DEAD WHICH WERE IN THEM, AND THEY WERE JUDGED EVERY MAN ACCORDING TO HIS WORKS." REVELATION 20:13. YOU CAN'T PAY A PRIEST ENOUGH TO EVER FORGIVE YOU; HE DON'T HAVE THAT POWER, NO MATTER HOW MANY HAIL MARYS YOU SAY. THERE ARE NOT ENOUGH THINGS YOU COULD WORK AT TO PAY FOR YOUR SALVATION. GOOD DEEDS ALONE WILL NOT ALLOW YOU GO INTO HEAVEN. BEING A METHODIST, CATHOLIC, JEWISH, BAPTIST, BUDDHIST, MUSLIM, OR ZIONIST WON'T GET YOU ONE INCH CLOSER TO HEAVEN. IF YOU ARE COUNTING ON GOING TO HEAVEN JUST BY YOUR DENOMINATION OF FAITH, YOU AREN'T GOING TO MAKE IT. YOU HAVE GOD'S WORD ON IT, AND HIS PROMISE.

A PERSONS DENOMINATION OF FAITH NEVER GOT ONE PERSON INTO HEAVEN, AND IT NEVER WILL—BUT, IT HAS SENT SO MANY TO HELL. SALVATION, GOD'S GIFT OF HIS SON, AND THE DEATH OF JESUS ON CALVARY FOR ALL PEOPLE'S SINS IS THE ONLY WAY YOU MAY HAVE ETERNAL LIFE. EPHESIANS 2:8–9 SAYS, "FOR BY GRACE ARE YE SAVED THROUGH FAITH, AND THAT NOT OF YOURSELVES; IT IS THE GIFT OF GOD, NOT OF WORKS. LEST ANY MAN SHOULD BOAST?"

IN JAMES 2:18 WE ARE TOLD, "YEA, A MAN MAY SAY, THOU HAST FAITH, AND I HAVE WORKS; SHEW ME THY FAITH WITHOUT THY WORKS, AND I WILL SHEW THEE MY FAITH BY MY WORKS." IN VERSE 26, "THE BODY WITHOUT THE SPIRIT IS DEAD, SO FAITH WITHOUT WORKS IS ALSO, 'WE ARE TOLD BY JAMES THE BROTHER OF JESUS. IF YOU ARE TRYING TO GET TO HEAVEN ON YOUR OWN WORKS, YOU JUST HAVEN'T GOT A CHINAMANS CHANCE. NOW IF YOU THINK YOUR DEEDS ARE RIGHTEOUS ENOUGH TO GET YOU TO HEAVEN, I CALL YOUR ATTENTION TO ISAIAH 64:6. "ALL YOU HAVE BECOME LIKE ONE WHO IS UNCLEAN, AND ALL YOUR RIGHTEOUS ACTS ARE AS FILTHY RAGS; AND WE ALL DO FADE LIKE A LEAF AND OUR INIQUITIES, LIKE THE WIND, HAVE TAKEN US AWAY." NO OUR DEEDS WITHOUT CHRIST IN OUR LIVES ARE NOT RECOGNIZED? THEY ARE NOT LIKE A LAY AWAY PLAN? WHEN YOU PAY ALL YOUR PAYMENTS THEN THEY BECOMES YOURS. JESUS CHRIST'S DEATH ON THE CROSS, HIS ACCEPTANCE OF YOU, YOUR REPENTANCE OF SIN, AND ASKING CHRIST INTO YOUR LIFE HUMBLED AS A LITTLE CHILD WILL GIVE YOU ETERNAL LIFE? THERE IS NO OTHER WAY. JESUS CHRIST IS COMING AGAIN. WHEN? MATTHEW 24:42, AND 44 GIVES US THESE INSTRUCTIONS: "WATCH THEREFORE: FOR YE KNOW NOT WHAT

HOUR YOUR LORD DOTH COME. THEREFORE BE YE ALSO READY: FOR IN SUCH AN HOUR AS YE THINK NOT, THE SON OF MAN COMETH. JESUS TOLD US IN MATTHEW 24:36. "BUT OF THAT DAY AND HOUR KNOWETH NO MAN, NO, NOT THE ANGELS OF HEAVEN, BY MY FATHER ONLY." YES, ONLY GOD KNOWS WHEN CHRIST'S COMING IS GOING TO BE.

IN THE DAYS OF NOAH, SO IT WILL BE AT THE COMING OF THE SON OF MAN. FOR IN THE DAY OF THE FLOOD, PEOPLE WERE EATING AND DRINKING, MARRYING AND GIVING IN OF MARRIAGE, UP TO THE DAY NOAH ENTERED INTO THE ARK; AND THEY KNEW NOTHING ABOUT WHAT WOULD HAPPEN UNTIL THE FLOOD CAME AND TOOK THEM ALL AWAY. THAT IS HOW IT WILL BE AT THE COMING OF THE SON OF MAN. SO YOU ALSO MUST BE READY, BECAUSE THE SON OF MAN WILL COME IN AN HOUR WHEN YOU DO NOT EXPECT HIM." MATTHEW 24:38–39, AND 44.

FOLKS, WHAT GOD SAID IN THE OLD TESTAMENT IS MEANT FOR TODAY ALSO. LISTEN TO ISAIAH 34:1–4 "COME NEAR YOU NATIONS AND LISTEN. PAY ATTENTION YOU PEOPLES! LET THE EARTH HEAR, AND ALL THAT IS IN IT, THE WORLD, AND ALL THAT COMES OUT OF IT! THE LORD IS ANGRY WITH ALL NATIONS; HIS WRATH IS UPON ALL THEIR ARMIES. HE WILL TOTALLY DESTROY THEM, HE WILL GIVE THEM TO SLAUGHTER, THEIR SLAIN WILL BE THROWN OUT, THEIR DEAD BODIES WILL SEND UP A STENCH, THE MOUNTAINS WILL BE SOAKED WITH THEIR BLOOD, ALL THE STARS OF HEAVEN WILL BE DISSOLVED, AND THE SKY ROLLED UP LIKE A SCROLL; ALL THE STARRY HOST WILL FALL LIKE WITHERED LEAVES FROM THE VINE. LIKE SWIVELED FIGS FROM THE FIG TREE. ISAIAH 60:12 SAYS, "FOR THE NATION AND KINGDOM THAT WILL NOT SERVE YOU THEY SHALL PERISH; YEA, THOSE NATIONS SHALL BE UTTERLY WASTED. AMERICA, WORLD; WAKE UP, LISTEN, AND REPENT! FOLKS, GOD'S WORD IS THAT BY WHICH WE WILL BE JUDGED. JESUS SAID IN JOHN 12:48, "HE THAT REJECTETH ME, AND RECEIVETH NOT MY WORDS HATH ONE THAT JUDGEH HIM; THE WORD THAT I HAVE SPOKEN, THE SAME SHALL JUDGE HIM IN THE LAST DAY. JESUS TELLS US IN LUKE 11:23, 28; OUR FOCAL SCRIPTURE: "HE WHO IS NOT WITH ME IS AGAINST ME, AND HE WHO DOES NOT GATHER WITH ME SCATTERS." "BLESSED RATHER ARE THOSE WHO HEAR THE WORD OF GOD AND OBEY IT."

FRIEND, THIS IS THE MESSAGE FOR TODAY. IF YOU HAVE NOT MADE A STAND, A COMMITMENT FOR CHRIST; NOW IS THE TIME. SATAN DOESN'T WANT ANYONE TO DO THAT. HIS DESIRE IS FOR EACH PERSON TO PUT OFF ACCEPTING CHRIST. IF HE CAN GET A PERSON TO DO THAT, THEN HE CONTROL THAT LIFE, AND THEY WON'T COME TO KNOW THE LORD. AND IF THAT PERSON THEN DIES IN THEIR SINS, SATAN HAS THEM RIGHT WHERE HE WANTS THEM? HIS GUEST FOR ETERNITY. SATAN KNOWS HE CAN'T

WIN; HE WANTS TO TAKE AS MANY WITH HIM AS HE CAN. ARE YOU GOING TO BE ONE OF HIS COMMOANIONS FOR ETERNITY?

GIVE YOUR HEART AND SOUL TO THE LORD AND DON'T LET SATAN CLAIM YOU FOR HIS OWN. JESUS DIED FOR ALL PEOPLE, GOD LOVES YOU SO MUCH THAT HIS ONLY SON WENT TO THE CROSS TO DIE A HORRIBLE DEATH SO THAT ALL COULD HAVE ETERNAL LIFE THAT WOULD ACCEPT IT. DON'T TURN CHRIST AWAY. "FOR GOD SO LOVED THE WORLD, THAT HE GAVE HIS ONLY BEGOTTEN SON, THAT WHOSEVER BELIEVETH IN HIM SHOULD NOT PERISH BUT HAVE EVERLASTING LIFE. JOHN 3:16 WHOSEVER IS YOUR FRIEND IF YOU NEED THE SAVIOR TURN TO HIM NOW. IF YOU need Christ in your life, please don't turn Him away. Don't delay accepting Christ as your Lord and Savior. Each and everyone of us will make a decision for or against Christ sometime in our life-time. We will either accept Jesus Christ and reject the devil, or we will accept the devil and reject Christ.

Romans 5:8, 10 tells us: "God demonstrated His own love for us in this: while we were still sinners, Christ died for us. Since we have been justified by His blood, how much more shall we be saved from God's wrath through Him?" Come accept Christ, now is the time of His favor. Please don't turn Him away?

Today is the day of salvation. John 6:37 says, All the Father giveth me shall come to me; and him, that cometh to me I will in no wise cast out. John 3:36 tells us, "he that believeth on the Son hath everlasting life; and he that believeth not on the son shall not see life, but the wrath of God abideth on him."

Jesus patiently awaits you to come to Him. "Behold I stand at the door and knock; if any man hears my voice and open the door, I will come in and sup with him and he with me." Revelation 3:20. For all have sinned and come short of the glory of God. Romans 3:23.

For the wages of sin is death, but the gift of God is eternal life, through Jesus Christ our Lord. Romans 6:23 For God so loved the world, that He gave His only begotten son, that whosoever believeth in Him, should not perish but have everlasting life. John 3:16. This is the Roman road to salvation. You have a decision to make if you are lost. You will reject or accept Christ sometime; today perhaps or in the future. Come, the master calls, come to know Jesus as your Lord, and accept the Salvation He offers you as a free gift. If you need a Bible, please go to: [www.bible.com](http://www.bible.com). There are Bibles in about 50 languages, and 13 versions. Another site to visit is: [www.blueletterbible.org](http://www.blueletterbible.org). This one is amazing as to what it contains; Hymns, dictionary, and so much more! Please visit my web site at: [www.ourchurch.com/member/w/](http://www.ourchurch.com/member/w/) [www.thereshope.com](http://www.thereshope.com); you can also access the Bibles from there. Christ loves peoples of all the nations of the world. He proved that in a way no one has ever equaled. He could have said, "just forget this thing about dying. I am not going through all of this." I shudder to think what would have happened if He would have done that. Christ died a horrible

death on Calvary because He loved us so much. Just ask Christ into you're life; you will never regret it I thank you for your time, God bless you! I will be praying that you too will come to know Christ, if you need a Savior. If you are a born again Christian, go out and share the word of God and your experience with someone who is yet to have done this, and try to win a soul for Christ. The fields are white to harvest and the laborers are so very few. I'll be praying for you friend. —Sam—

MIC-298

**MTC-0000299**

From: Kyle Lussier  
To: Microsoft ATR  
Date: 11/10/01 12:41am  
Subject: Ashcroft on Larry King / Microsoft Case

Hi Ashcroft, and staff,  
I saw you (Ashcroft) on Larry King. While I can understand your desire to fight terrorism. Isn't that what the new Homeland Defense office is for?

Saying that you dropped the Microsoft case to focus on terrorism is a total bunch of after the fact crap. The only reason you are saying that is because you are now realizing how big of a mistake you made, and are trying to hide behind the mistake behind terrorism. We wont let you. I didn't realize that a bunch of idiots flying planes into the WTC cause federal and civil laws to be suspended. I will not support anyone who believes that laws designed to protect consumers, entrepreneurship, and the fundamental availability of the American Dream within the United States can be selectively enforced. Don't give me the crap about being too busy to enforce anti-trust. The reality is, it took more effort to go out of your way and cut a side deal with Microsoft than just doing \*nothing\* and letting the legal system work, the way it is designed to, and the way it should have been. When a total consumer oriented guy like Ralph Nader who has no affiliation with high technology stands up and says this is horrible for consumers, I don't know how you can say, with a straight face that it was good for consumers.

Your imperialist, Al Capone like decision to stomp on an on-going analysis and investigation tells me you guys are either idiots that don't understand the issues, or you are anti-entrepreneur. So which is it? Again, I do not wish to offend the people within the DoJ who worked hard on the Microsoft case, I salute you, applaud you, and sympathize with you. I know you didn't sign the agreement. I am holding Bush and Ashcroft directly responsible for their actions, not you. I know the DoJ has many wonderful staff, and I appreciate, so very much what they have done for America.

I am holding Bush and Ashcroft responsible for their actions, and I am counting the days until 2004 to campaign against them and get them booted from office to be replaced by people who believe in capitalism, the American Dream.

You may have made a feudalistic, unethical dictatorial friend in Microsoft, but you have made an enemy of high tech. That's some 10 million people versus 30,000 or so Microsoft employees. Pretty stupid if you ask me.

Regards,  
Kyle Lussier, President Tel 770 222-0991  
lussier@AutoNOC.com Fax 770 222-0998  
AutoNOC http://www.AutoNOC.com  
CC: ASKDOJ,president @ whitehouse.gov @ inetgw,vice.president...  
MTC-299

**MTC-0000300**

From: Michael A. Alderete  
To: Microsoft ATR  
Date: 11/10/01 1:53pm  
Subject: U.S. v. Microsoft: Security provisions  
From <<http://www.msnbc.com/news/655131.asp>>

James rejects these criticisms and says the decision to protect Microsoft's security provisions was "one of those 'duh' issues." He continues: "Microsoft has security protocols. Are we going to tell everyone how they work? Do you want people to get access to your credit-card information when you shop on line?"

You obviously don't understand electronic security and encryption. The only security systems that work are those where everyone knows how they work. Depending on keeping the mechanism secret GUARANTEES that the security will eventually be broken. Requiring the mechanism to remain secret means the security system is not very strong. There's plenty of security systems which are publicly documented and well-understood, and which still stand up to attack. Maybe you've heard of DES, AES, and other current encryption systems.

History is riddled with security systems which were kept secret, and then were broken. Recent examples are CSS for DVDs, various watermarking techniques for digital music, and Microsoft's Passport system. The most famous example is Enigma, the "unbreakable" cipher system used by the Germans in WWII. Have you heard of WWH?

Don't hide your settlement loopholes behind the word "security," because it's a lie, and eventually people will recognize it as a lie, and hang you for it.

Michael A. Alderete  
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MTC-300

**MTC-0000301**

From: root@wt6.usdoj.gov @ inetgw  
To: Microsoft ATR,antitrust @ ftc.gov @ inetgw,Ralph @essen...  
Date: 11/16/01 2:17pm  
Subject: Microsoft Hegemony: Mafia Monster Bribery  
CC: letters@latimes.com @ inetgw,letters @ sjmercury.com @ i...

Re: Microsoft Makes Offer to Holdouts  
Join in the settlement signed last week by the Justice Department and nine other states and the company will pay all litigation costs they have run up so far, including attorneys fees. The states have 10 days to accept the offer.

Bush's Mafia Monster, Microsoft, attempts to bribe litigators into chucking their principles. It is the profound lack of it's own principles that causes Bush's party to bribe

the defenders of productivity, justice, integrity and of course, principles...

the Justice Department yesterday filed a formal defense of the agreement, arguing that it provides consumers with 'prompt, certain and effective protection from the software giant's anti-competitive practices.

Considering the Mafia Monster's modus operandi, this is just wishful thinking and lip service— nothing more.

While the court system's inherent flaws would postpone relief for at least two years this is no license for the continued abuse that is assured we will witness by this settlement.

"You whine about bribery after government ok murder, rape and torture, I think you simply like to whine..."

MTC-301

**MTC-0000302**

From: dmazzoni @dydimus.dreanhost.com @ inetgw  
To: Microsoft ATR  
Date: 11/16/01 2:18pm  
Subject: My opinion on the MS/DOJ settlement

I'm not all that happy with the MS/DOJ settlement. Rather than get angry, though, I'd like to suggest a small change to the terms of the settlement that would make me a lot happier: Right now there is no penalty for Microsoft if it does not comply with the terms of the settlement. It seems to me that this panel of three experts that oversees Microsoft's compliance should have the power to extract fines from Microsoft for every incidence of noncompliance.

Otherwise the whole settlement seems silly. Microsoft agrees not to do certain things—but there's no agreed consequence if it does so anyway! I'm especially concerned that Microsoft will find a way to obey the letter, but not the spirit, of the settlement—and that is why a third part must have the ability to punish Microsoft for ignoring this settlement.

Thanks very much for accepting the public feedback via this email address. It means a lot to know that even if you don't agree, you've heard my opinion.

Dominic Mazzoni  
Research Programmer  
Pasadena, CA

MTC-302

**MTC-0000303**

From: brian hanson  
To: Microsoft ATR  
Date: 11/16/01 2:18pm  
Subject: Microsoft Settlement

As a user of home pc's the Microsoft/Dol settelment does nothing to force Microsoft from attempting to manipulate the type of software that I use, let alone stopping the predatory tactics which allow Microsoft from entering new areas of innovation and driving the originators out of business.

This settlement is a farce. Mircosoft knows it and the Dol knows it. What is worse, as long as the present administration remains in power, Microsoft knows that even if it flagrantly breaks the agreed-upon remedies, the DoJ anti-trust division will look the other way.

The settlement should be scrapped. The courts need to be the instrument of punishment if meaningful change in

Microsoft's monopolistic and predatoristic ways are going to happen.

It is shameful that the DoJ is allowing itself to become nothing more than an apologist for the Bush Administration. The proposed settlement is not even a slap on the wrist, and as such, the DoJ should be embarrassed to have any association with it.

Brian Hanson  
3806 Powercat Lane  
St. George, KS 66535

MTC-303

**MTC-0000304**

From: Gary Prideaux  
To: Microsoft ATR  
Date: 11/16/01 2:19pm  
Subject: Microsoft Settlement

It looks like Microsoft's power reaches deeply into the justice department! After years of watching Microsoft use their sheer size to destroy numerous companies, many of whom told their story during testimony, I find it unfathomable to accept the judgment as proposed!

By not punishing Microsoft, you are granting them free rein to carry on business as usual. I am sure they have targeted the companies that tried to stand up to them during the trial as their next victims.

Hopefully someone will rise above the Microsoft political contributions and allow justice to prevail. Or will it be left to the states to punish this behavior? If we catch bin Laden, and he promises not to kill any more Americans, will you let him off too?

MTC-304

**MTC-0000305**

From: JD  
To: Microsoft ATR,microsoftcomments@doj.ca.gov @ inetgw,...  
Date: 11/16/01 2:20pm  
Subject: Microsoft Vs. DOJ Case

Break them up. Make them open their source-code, not let them come out with a new product for the next eight years, and force them to use standard protocols, and standard formats, as well as make them open them. This is a monopoly we are talking about. NOT just some large company. The Baby-Bells are STILL monopolys and these criminals in Redmond should pay for breaking the Law.

Microsoft should NOT be let off lightly no matter how much money they have. I don't care how many states were paid off, or how many government officials were bought. Something MUST be done to punish them. You fry criminals for murder in an electric chair, but those who harm on a wide-scale basis in the industry, suffers nothing. Why? Because they have all this money? Because the government enjoys swimming in their room of dollar bills?

The release of XP should have been stopped, for privacy violations of U.S citizens, but nothing was done. It seems like nothing is being done to stop them even now! I, as a citizen of this country DEMAND that REAL action (Above) be taken against them. That they be slammed harder than Bell/AT&T, and prevent them from monopolizing a market in the future.

J.D. Meadows  
Linux & BSD Systems Administrator

128 CR 753  
Tupelo, Ms  
38801

MTC-305

**MTC-0000306**

From: slawso@artic.edu @inetgw  
To: Microsoft ATR  
Date: 11/16/01 2:20pm

I believe that harsher penalties should be imposed on Microsoft. Currently the consumer market for a PC is approximately 90% for Microsoft. Apple, Linux, BE, and a few even smaller others are scraping for the remaining 10%. I also think that Microsoft should be held responsible for software that it releases that might compromise personal information. For example Microsoft passport has been cracked into three or more times already. Once using email via hotmail (another Microsoft owned company). The Code Red internet virus scare was only affecting Microsoft machines running their 115 software with the language set to English. It seems to me that our industries dependance on this company is too great. Clearly they should be presenting the best possible software, and responding to security holes in a timely manner. If our industry was built on some diversity then not all areas of the economy would be taken under at once. Then there is the forced passport signup with Windows XP. Or that at Starbucks.com one's only option for paying online is to use microsoft passport. Then there is the xbox, another microsoft invention to take over the privacy of the consumers home. Completely compatable with microsoft windows, games will be easily ported, etc. Users are already posting pictures on the web about the xbox's "green screen of death" which everyone is familiar with the blue version on previous microsoft products. Contrast this with Sony's playstation or Nintendo's gamecube who have near perfect track records so far in the game console area. They know and understand that consumer quality is of upmost importance. I believe that Microsoft just doesn't care. Take for example microsoft's new play per use software licensing idea. Where users with be forced to upgrade their software at a cost, whether they want to or not. Or how about Microsoft's exclusion of the java virtual machine from Windows XP? They are making it easier for users who may not know alot about compters to get hooked on j# and the .net system, instead of even knowing what java is and then choosing. Microsoft forces smaller companies to use their standards, and file formats. Recently I found that the search engine in windowsXP will refuse to find files that have extentions not registered with Microsoft. ie: a file.png might never be found. Try reading the End user license agreement for microsoft frontpage, maybe some freedom of speech issues there.

Regardless I think that Microsoft should be held responsible for its products, and should be forced to provide the best possible system they can. If eventually we have to use Microsoft products, then I will quit using computers all together and find a job painting houses or something.

my two bits,  
Shawn

MTC-306

**MTC-0000307**

From: root  
To: Microsoft ATR  
Date: 11/16/01 2:21pm  
Subject: Microsoft settlement  
CC: daly @ idsi .net@ inetgw.remotjob@yahoo.com inetgw,s...

Your Honor, the Court and the Department of Justice,

I am lead to believe that this address is the proper place to forward opinions on the ongoing Microsoft trial. Please find mine attached.

Conclusions: If the Court decides to follow thru with this settlement we will be back in the situation we had in 1995. The world will be waiting another 5 years until Microsoft's behavior requires yet another monopoly trial. A quick settlement that does not resolve the root cause of the problem is not in the public interest.

Prosecute and restrain the bundling, tying, code-mingling. This issue is the "root cause" and if this is not restrained there will be no effective market for software. I understand that the higher Court has changed the criteria but this item MUST be pursued and restrained. IBM was forced to "unbundle" it's hardware and software. It was further required to publish interface specifications. Why can't such a remedy apply to Microsoft?

Microsoft should be required to ship every application in a separate, shrink-wrapped form that can be installed or removed at will. This is clearly technically possible because it is what every competitor must do. The playing field should be level and require the same behavior by Microsoft.

A three person "oversight" panel that is unable to report concerns to public review is useless as an effective vehicle for restraint. It is also too small to police any judgement.

Who I am: I'm a programmer with 30 years experience. I've worked on software ranging from applications (e.g. Axiom, a computer algebra system), languages (ECLPS, an expert systems language), compilers (AMLX, a robotics automation language), operating systems (VM1370, writing the free storage algorithm) and networking (Pinger, an network monitoring software package).

Biases and Affiliations: I've worked for IBM Research, Approach (Microsoft NT consulting), Centrport (Web Advertising) and Worldcom (Networking).

What my interest is: Microsoft has a pervasive effect on me and the industry that has been my career. I've watched the changes over the last 30 years and I have concerns about the long term health of this industry.

Sources of information: I've read every available published report from the courts including the original trial and the Court of Appeals. I've read every press release and article I've been able to find on the web.

My position on the proposed settlement:  
(a) I'm appalled.

(b) I do not believe that the proposed settlement represents an effective remedy for past actions, including actions infringing the original 1995 settlement.

(c) I do not believe that the proposed settlement will be an effective deterrent to future infringing actions.

(d) I do not believe that the proposed settlement will enable other companies to compete against Microsoft.

(e) I do not believe that the negotiation team for the Justice Department understands how easily the proposal can be circumvented.

(f) I do not believe that the proposed "three person" oversight team will in any way act as an effective watchdog for Microsoft.

Comments and Opinions on the proposed settlement:

(a) I'm appalled.

Any negotiation can be measured by the fact that it finds a middle ground between opposing forces. Except for Microsoft I find, and hold the opinion that, this proposed settlement is widely seen as unjust, unfair, unworkable and outrageous.

The argument has been given that this trial will last another year or two and that it is in the "public interest" to settle this trial now. If the current behavior is so damaging that we require relief immediately rather than full and fair relief why doesn't the DOJ just request a restraining order from the Judge?

Why are we not fixing the "root cause" of the Microsoft problem? I'm technically skilled enough to advise you that THE KEY ISSUE that needs to be restrained is the bundling (integration, or to use Microsoft's misuse of the word: "innovation"). The Appeals Court remanded this issue to the lower Court to be resolved. If you don't pursue this issue you have NOT solved the problem. The software market will NOT thrive and consumers (and myself) will be harmed.

Why is there no discussion of XP and future operating systems? It is clear to me, as an expert in the field, that XP is a glaring example of using bundling, tying and code-mingling (none of which are technically justified) to pursue monopoly maintenance. It is not acceptable to ignore XP as part of any settlement. If the DOJ decides to follow thru with this settlement we will be back in the situation we had in 1995. The world will be waiting another 5 years until Microsoft's behavior requires yet another monopoly trial. A quick settlement that does not resolve the root cause of the problem will be not in the public interest. It will simply delay justice another 5 year.

(b) I do not believe that the proposed settlement represents an effective remedy for past actions, including actions infringing the original 1995 settlement.

Microsoft agreed with the DOJ and the Court in 1995 that it would take steps which would stop it's infringing behavior. Moments after the agreement was signed Bill Gates publicly declared that he could effectively ignore the agreement. Which he did. Claiming the right to "innovate" but pursuing a technically unjustified scheme of bundling Microsoft has continued to build and maintain it's monopoly position.

This proposed settlement is not even accepted yet and Bill Gates has already stated that he is happy that "this issue is behind us". Microsoft will not willingly change it's behavior to pursue something that is not in it's best interest. Indeed, to make such a change would be illegal as the company is required by law to operate in the best interest

of it's stockholders. The new settlement MUST be coercive. This one requires behavior changes that have no effect on the market or future infringing behavior. It restrains prior but abandoned behavior.

(c) I do not believe that the proposed settlement will be an effective deterrent to future infringing actions.

At the heart of this case is the issue of bundling, tying and code-mingling. Microsoft has NO TECHNICAL JUSTIFICATION for this. The pure reason for such actions is to tie one product to another in such a way that they are both required by design but not by function.

Microsoft should be required to ship every application in a separate, shrink-wrapped form that can be installed or removed at will. This is clearly technically possible because it is what every competitor must do. The playing field should be level and require the same behavior by Microsoft.

(d) I do not believe that the proposed settlement will enable other companies to compete against Microsoft.

According to the proposal Microsoft is capable of deciding what parts of the system will be available for publication. There are no outside experts to question their "judgement". How are we to know that some portions of the code and API are "security related? Microsoft said so.

Surely you jest. Does the Court believe that statements about infringing actions by Microsoft should be taken at face value? Is the oversight panel capable of reviewing the reputed many million lines of code to dispute the claim? If the review panel disputes the claim and the DOJ disagrees will anyone ever know? Will the public be informed? Will it be entered into Court records? Without proper API and interface specifications it is not possible to write competing code. Without restraining Microsoft against changing published specifications a competitors code is at the mercy of changes it cannot control but Microsoft can. Microsoft should, like IBM before it (the disk drive case), be required to publish specifications of their APIs. They should be required to maintain backward compatible specifications in the case of changes.

Microsoft should also be required to ship products in a separate, shrink-wrapped form through channels that are available to competitors. If the programs are installed by OEM manufacturers then the shrink-wrap versions should be shipped with the equipment. It should be possible to install and uninstall every application. This is not only technically possible (contrary to Microsoft's testimony) but is exactly the situation faced by every competitor. Without at least these controls there is no competition.

(e) I do not believe that the negotiation team for the Justice Department understands how easily the proposal can be circumvented.

Programming is a subtle art. I've been doing it for 30 years. Given the proposed settlement I could easily make it worthless. While I have great respect for the legal skills of the Court and the DOJ I feel that neither party understands how easily the proposed

restraints are ignored and how little effect they can have to ensure effective competition. Bill Gates is technically savvy enough to be aware of this. He is making a mockery of the Court and you don't even understand how.

(f) I do not believe that the proposed "three person" oversight team will in any way act as an effective watchdog for Microsoft. If a breakup is not the final result of this proceedings then the Court MUST ensure that there are a sufficient number (much more than 3) of technically capable people to provide oversight to any final ruling.

Microsoft claims (though it is obvious nonsense technically) that XP has many millions of lines of code. I know that the API specifications number in the many thousands. Surely the Court does NOT believe that a 3 person panel, one of which is appointed by Microsoft, can possibly police a judgement.

With all due respect,

Tim Daly  
daly@idsi.net  
Nov 16, 2001

MTC-307

**MTC-00000308**

From: THami 247@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 2:13pm  
Subject: Microsoft Litigation

Great job on the Microsoft settlement. This country needs innovative people like the inventors at that company to retain incentives to forge ahead into new endeavors. I am now proud of our Justice Department again. I live in California, and will ask our state to butt out of the case now.

Thomas E. Hammack

p.s. (to State of California) BUTT OUT !!!!!

MTC-308

**MTC-00000309**

From: Nathan S. Van Curen  
To: Microsoft ATR  
Date: 11/16/01 2:25pm

Subject: If you are just going to give Microsoft a slap on the wrist why don't you just make windows 2000 50

If you are just going to give Microsoft a slap on the wrist why don't you just make windows 2000 source code public domain. If Microsoft has a superior product then the new operating systems built off the source code will not be successful. But if Microsoft is inferior as I believe, the open source industry will take over. Level the playing field and then let market decide. I'm sure that I'm not the only person that knows that this is the best solution. please leave the politics out of this decision. There is still time to change the DOJ's place in the history of the software industry.

Thanks

Nathan Van Curen

MTC-309

**MTC-00000310**

From: Marc Brumlik  
To: Microsoft ATR  
Date: 11/16/01 2:29pm  
Subject: Microsoft Litigation

I could not resist making a comment here. I have been in the computer industry since

1979 and have watched with horror and amazement and amusement as Microsoft has consumed or trampled on one company or idea after another. They have become the company they are today through years of abusive practices that have left consumers with a product (in Windows) that is in some ways the sum of many good products and ideas that were either bought or stolen from other companies, and at the same time far less of a product that they would have today had Microsoft had to compete and innovate through these years. A simple and glaring example of the lack of quality consumers have been forced to accept as status quo is the fragility of all Microsoft's operating systems through Windows 98, which they themselves now admit in touting the new XP version. That this unreliability is apparent in only Microsoft's product line and not inherent to computers in general can plainly be seen in the fact that Unix and Linux operating systems running on the same computer hardware are hundreds of times more stable.

One of the earliest examples of Microsoft's boldness in intellectual property theft was with the case of Stack Electronics. I have often wondered, as this lengthy trial progressed, why nobody seems to remember how blatantly Microsoft stole that company's only product and simultaneously "added a new feature" to MSDOS version 6 that made that version a must-have upgrade from version 5. Had they not "acquired" that feature, version 6 upgrades would have had lackluster sales and history would have been much different. At that time, Unix was still a big player in the market, as was DR-DOS (remember how THAT disappeared?—another story altogether) and other true competitors.

If you do not recall, Stack electronics had a wildly popular program that created more space on hard drives by compressing the data stored on it. About half a year prior to Microsoft's release of MSDOS version 6, they pre-announced that it would have a disk compression feature built in. This set the stage for the death of Stack electronics because their sales immediately dried up. When Microsoft finally began shipping version 6, it literally included Stack Electronic's product unchanged! Stack sued Microsoft and won, but the settlement vastly understated the amount of revenue the company had lost considering the huge number of copies of their software that was now distributed with every single copy of DOS sold. This was, in part, because their recent sales were seen as miniscule (thought the reason was obvious—that the pre-announcement had killed the company months earlier). Then, Microsoft had the audacity to counter-sue Stack over the fact that the compression software had tied itself into MSDOS through some undocumented software features (very similarly to the way current software vendors need certain information about Windows "API" in order to make their product work seamlessly). Amazingly Microsoft won this suit, resulting not only in their ownership of the product they had stolen, but also ownership of 15% of Stack Electronics itself!

History has repeated itself, over and over, in front of anyone who has been watching.

In my opinion, no settlement that is based on legal language and the responsibility of continued enforcement could possibly succeed. Aside from the diligence and technical expertise required, the fact that such offenses take so long to pursue and resolve means that, as in the past, the damage is done and Microsoft has succeeded in its goal far in excess of what any reasonable penalty could undo.

I do not think that splitting the company is necessarily the solution. However, I do think that one thing which should be done is to require them to publicize the API's to Windows so that a third-party software vendor can create a product that is integrated into Windows as cleanly as a Microsoft product. Failing to do that would be like allowing an auto manufacturer to create a car that requires a new and undisclosed fuel which can only be purchased from the manufacturer. It could be called "innovative", but it prevents the consumer any choice in purchasing and it prevents competition for fuel suppliers.

Marc Brumlik  
Tailored Software, Inc.  
marcbrumlik@hotmail.com

MTC-310

**MTC-00000311**

From: Nilan, Jon  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 2:29pm  
Subject: Microsoft Antitrust Case

Microsoft, and every other software company, must give programmers equal access to the codes needed to make their software work with Windows and every other program. Isn't the preceding statement the end result to this case. Will this case effect other industries rights to produce proprietary products and eliminate competition that will eventually destroy product quality for consumers. The software companies that choose not to make operating system programs should not dictate, through our government, to those that do make operating system programs. The next case will be GM suing Ford for not allowing a GM product to be installed on a Ford product. Aside from the tactics Microsoft used to manipulate oem's and those actions they should be punished for, this and every other company in the future should not be regulated by our government to force one company to use another's products. I do not want to be forced to by an inferior product because its the only one available.

MTC-311

**MTC-00000312**

From: Dustin Vargas  
To: Microsoft ATR  
Date: 11/16/01 2:35pm  
Subject: PUNISH THE FELON MSFT

.NET is MSFT's next monopoly tool. YOUR JUDGEMENT is a JOKE.. you all should be ashamed with that deal. ITS like OJ all over again.... guilty but nothing u can do about it.. .so lemme get this straight \* .MSFT was FOUND GUILTY OF 4 FELONOUS CRIMES BUT YET NO PUNISHMENT?? JUST SUPERVISION?? PS. VOTING DEMOCRAT NEXT YEAR

MTC-312

**MTC-00000313**

From: Edward Wustenhoff  
To: Microsoft ATR  
Date: 11/16/01 2:37pm  
Subject: Settlement

I think it is obvious that Microsoft will not be able to change its behavior as long as "Justice can be bought. Its in the nature of the Beast.

I believe the American Justice system is in deep trouble. Too many times we see that rather than doing justice, the exact letter of the Law is followed not the intend.

That is why nobody votes anymore, thats why nobody believes being a juror is an honor and that's why politician are perceived to be the new aristocracy.

The settlement confirms the above again. If the justice department had any courage and a real will to represent the people's interests, MSFT would have been put under a lot more scrutiny and Windows XP would not have been allowed to be released. I will not buy XP, but tell me, what alternative do I have?

Oh and its not MSFTs "innovation" that has put them where they are:  
Windows = comes from Apple  
Browser = Comes from Mozilla & Netscape  
Streaming Media = real networks  
etc....

I hope the Europeans will do a better job..  
My 2cts.  
Edward

MTC-313

**MTC-00000314**

From: Robert Low  
To: Microsoft ATR  
Date: 11/16/01 2:40pm  
Subject: Microsoft Settlement.

Hello.

The proposed settlement does absolutely nothing to Microsoft, which is why they agreed to it. Any changes are cosmetic and of no real value to consumers or industry.

The only "proper" decree was breaking the company into 5 separate companies that could only communicate with each other via a public internet newsgroup (or similar.) The original decree of two parts was barely acceptable, and, as I read the reversal, only based on the the Judge's extra-curricular comments. It could have been, and should have been reinstated without question.

There needs to be a punitive component, as well as a guide for corrective action. With the current agreement, you have thrown away BOTH components!

Very upset  
Bob Low

MTC-314

**MTC-00000315**

From: Brian Sullivan  
To: Microsoft ATR  
Date: 11/16/01 2:41pm  
Subject: M\$oft

Don't settle with Microsoft, they make crap products that cost too much and dominate the industry.

Thanks,  
Brian Sullivan  
President Vitamincart.com

MTC-315

**MTC-00000316**

From: Gary Prideaux  
 To: Microsoft ATR  
 Date: 11/16/01 2:43pm  
 Subject: Microsoft Settlement

It looks like Microsoft won again! All those resources have now conspired to make everything work out to their advantage. It looks like they will now be able to continue their practices of tanking competitors by stuffing more non-operating system additions to their product.

It looks like Mr. Gates' contributions to the current administration have paid off. Hopefully the individual states will look at the case with a more open mind.

MTC-316

**MTC-00000317**

From: Jim Dompier  
 To: Microsoft ATR  
 Date: 11/16/01 2:47pm  
 Subject: Microsoft Settlement (Unhappiness)  
 Hello,

I am totally flabbergasted by the DOJ toothless answer to a company that has brutally abused its power in the marketplace which has ultimately led to damaging consumers and costing this country millions of dollars, needless to say the countless companies that were ruined by this beast.

What a JOKE! Microsoft must be laughing their way all the way to their bank accounts over this one.

Jim Dompier  
 3075 Ala Poha PL 504  
 Honolulu, Hawaii 96818

MTC-317

**MTC-00000318**

From: bbc@bealenet.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 2:49pm  
 Subject: you have failed to do your job

First, let me say that it was obvious to many software professionals that Microsoft had violated the consent decree. Of course Internet Explorer was separate from the operating system, and had been bundled! At the same time that Microsoft was bundling Explorer with Windows, it was providing Explorer for Apple's MacOS. Obviously, if Explorer was available as a separate product for another vendor's operating system, and could so easily be added to another vendor's operating system, then it had been added to Microsoft's operating system as well. The fact that Microsoft's engineers had wedded Explorer tightly or loosely to Windows was not relevant. They provided an application as a product for another company's operating system, and included that same application with their own operating system, obviously in violation of the consent decree. Any discussion of whether or not it could be easily removed from Windows is unimportant. They agreed not to bundle, and then they did bundle.

Next, the fine for contempt of court, when Microsoft failed to comply with Judge Jackson's orders, was too small by an order of magnitude or so. An easy and effective strategy for Microsoft, rather than relying on lawyers, would have been to simply take its sweet time in "separating" Explorer from Windows, and simply pay the fine. What was

the fine, \$1 million per day? Say that Microsoft simply had taken 6 months to essentially do nothing but gain even more market share from Netscape and others by continuing to bundle Explorer with Windows. Put this seemingly large amount of money in its proper perspective by comparing this to the marketing money that Microsoft cheerfully spent promoting each release of its Windows operating system. You will see that \$180 million would be an acceptable price for the "product launch" of Explorer. In the future, judges contemplating fines should not rely on history, but on the problems in front of them at the moment.

Moving right along, to the next legal disaster. . . Splitting Microsoft should have been allowed as a remedy. It should have never been taken off the table.

In fact, Microsoft should have been split into separate parts. At the very least, one company should have been given the applications, and another the operating systems. Probably other parts should have been split off as well. Among other reasons to choose this remedy it has the benefit that it would be obvious to the government whether or not Microsoft was complying with it. The current settlement does not have this nice property, and I predict more legal action against Microsoft will be indicated, if not taken, before too long.

There remains no great incentive for Microsoft to provide Office on OS platforms other than its own, other than the threat of more legal action. Microsoft Office (and Word in particular) is a de facto standard and requirement in the business community. Allowing Microsoft to force the rest of its software on us by attaching it to the Office suite is wrong, expensive, and harmful to the consumers. For example, the success of Apple's MacOS operating system is dependent on the availability of Microsoft's Office suite. The likelihood of that availability continuing would be improved if the people selling Office did not have an interest in seeing sales of Windows 2000, Windows XP, etc also increase. Notice that Office is not available for any version of Unix other than MacOS X. Why is this? Given that Microsoft has gone to the expense of porting Office, why would they not make the modest additional effort to port it to other versions of Unix? Certainly Microsoft could sell more copies of Office, if it would also sell to the entire Unix market (including Linux). The existence of a market for the Office suite on the Unix operating system is evident from the existence of StarOffice, a poor knockoff, created initially by a single person, without much funding, and since purchased and adopted by Sun Microsystems. But for Microsoft to port and sell Office for Unix would mean less sales of Microsoft Windows. This linkage needs to go away. Microsoft Office is expensive enough already as it is, without the consumer being obligated to also pay for Windows, and incur additional network effects from also being tied to that operating system.

I wonder, though, as I bother to write all this, what the point is, in even trying to make this letter as informative and clear as it is (which is not very, yet). You have already settled. What remains?

Ben Chase  
 Software Engineer  
<http://www.bealenet.com>

MTC-318

**MTC-00000319**

From: Lonnie Mullenix  
 To: Microsoft ATR  
 Date: 11/16/01 2:51pm  
 Subject: Microsoft's monopoly.

It is very interesting to see that Microsoft is still controlling the outcome to their anti-trust case.

Even if a person wants to Special Order a computer from Compaq, you have to take a version of Windows as the operating system.

When someone in the government can explain WHY Microsoft has the power to dictate what operating system I can get on a NEW COMPUTER and why Microsoft is the only supported OS for nearly all ISPs and then make me believe that Microsoft DOES NOT have a monopoly!

As an American consumer, I should be able to walk into ANY computer store and buy a computer with ANY OPERATING SYSTEM I WANT, pre-installed. Until that day comes, you will never convince me that the government is doing anything to prevent Microsoft from perpetuating their current monopoly in the computer industry. And as such, keeps my opinion of government lawyers and judges pretty much where it has always been.

PAWNS OF BIG BUSINESS WITH TOTAL DISREGARD FOR THE AMERICAN WORKING MAN.

Thanks,  
 Lonnie

Well, Windows Got Me Again. Need new address book entries, etc.

MTC-319

**MTC-00000320**

From: Bob Porporato  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 2:51pm  
 Subject: Microsoft should be penalized for their actions

I am extremely disgusted in the outcome of this Microsoft trial. Microsoft has clearly broken the rules and yet they continue to only get their hand slapped.

I would like to remind you of other instances where Microsoft has not played fair or followed the State and Federal laws. When I worked for Borland in the early 90's, Microsoft was accused of stealing our code(reverse engineering the compiled code) in a Borland Conference in Palm Springs. Microsoft at first denied any wrong doing but then came out with a public apology. Awhile later, Microsoft was accused and convicted of stealing (compression or anti-virus?) code(incorporating another vendor's product) from a small Carlsbad(Southern CA) software company into their OS without permission or an agreement license. Microsoft was arraigned(tried), lost, and slapped with a small fine. Microsoft responded by investing in the company! If Microsoft can't steal or cheat their way out, they buy them!! With the anti-competitive browser case, Microsoft was found guilty of anti-competitive tactics(and monopoly?). The outcome: No break up of the company and now a settlement.

I hope people realize we should be setting an example for the next generation and current set of businesses in US and the world—Illegal or wrongful business tactics is not acceptable. They are clearly a monopoly and have been wrongfully hurting other businesses. Instead it looks like Microsoft is being let off the hook for other business reasons—we need the taxes they generate or...

I urge you—Do the right thing!! Since they were convicted of wrong doing, throw the book at them!!! Please do not settle on this issue—this action only sets the wrong statue for other businesses inside and outside of the US and for individuals(both the current generation and the upcoming generation).

Bob

Disclaimer: The views represented in this email do not reflect the views of my company and are solely the views and opinions presented by me.

MTC-320

**MTC-00000321**

From: Steve Hayhurst

To: Microsoft ATR

Date: 11/16/01 2:54pm

Subject: Microsoft settlement

This is not a settlement. Microsoft has shown clearly that they are predatory, that they will not honor the rules, and can not be trusted. Witness after witness from Microsoft found themselves caught in flat out lies about events, strategies, and conversations.

The states have rejected the "settlement" for what it is—more worthless than the 1995 agreement which Microsoft ignored. This new "Settlement" does not resolve anything—and, with what we have seen with the release of XP, Microsoft continues to force it's predatory behaviors into new areas of the industry with arrogance and nose thumbing at the rest of us and the government.

While I am disappointed in Judge Jackson's behavior, I found his rulings to be accurate. The DOJ did a masterful job of proving Microsoft's predatory behavior AND their violation of the 1995 agreement. Now, the DOJ is throwing in the towel—even though Bill is sitting on the mat with a bloody nose.

Why should Microsoft be any different than the rest of us? If I chose to make a legal agreement, then break it, I would be fined for breaking that agreement.

WHERE IS THE FINE FOR MICROSOFT????!

DO NOT ALLOW MICROSOFT TO GET AWAY WITH THIS! It will only be tougher the next time, and there will be a next time unless the fine is severe enough. Frankly, based on their record, I bet there will be a next time regardless.

Regards,

Steve Hayhurst

email: shayhurs@accessone.com

site 1: http://

www.accessone.com~shayhurs

site 2: http://mywebpage.netscape.com/shayhurs/index.htm (3D work)

MTC-321

**MTC-00000322**

From: Lee Warren

To: Microsoft ATR

Date: 11/16/01 2:54pm

Subject: Decision

Here's my 2 cents for what is worth:

This is a blasphemy of justice. "This settlement might help restore some competition if implemented as they read, but whose definitions are so full of loopholes and exceptions that imagining the agreement restraining Microsoft is like imagining river restrained by a hair-net." 1

1. MWJ, 11/10/21

Thank You

Lee Warren

MTC-322

**MTC-00000323**

From: Scott Anderson

To: Microsoft ATR

Date: 11/16/01 3:02pm

Subject: settlement

I am a small software developer that is creating a product that would directly compete with Microsoft. From carefully reading the settlement, it is clear that with it in place I will have no chance of being able to fairly compete with Microsoft. They will never let me package my technology with Windows and if I did they would use their monopoly to crush me the same way the are attacking products that currently compete with their browser, media player, instant messenger, and digital media tools. I cannot get any financing for my venture because of this. I have to assume that some sort of deal was made between the Justice Department and Microsoft because it is inconceivable to think that the "experts" at Justice could be so ignorant to think that this will solve anything. Microsoft has never been able to introduce any home grown innovations. They steal or purchase their innovations. Pretty soon there will be no one left to steal from or buy out and Microsoft will be able to do as they please and tax the internet.

This is exactly why we need campaign finance reform legislation now. Microsoft bought this settlement.

Scott Anderson

CTO, mediaComponents.com

San Francisco

MTC-323

**MTC-00000324**

From: Worldlist@aol.com@inetgw

To: Microsoft ATR

Date: 11/16/01 3:03pm

Subject: On MS

Good day!

I believe one of the biggest problems with us developers is that MS will bundle.

The OS is now only a small part of the Windows software. All the bundling of the other software is what's putting us out of business.

Example: MS sees that a program is doing very well. So, in it's next release. It bundles a clone of the competitors software. And of course being free with the OS, puts the other company out of business. How can you compete with free? Example: ZIP is the biggest download on the Internet. So what did MS do. It included ZIP in XP. For free! This will put about 5 top companies out of business.

That's all they have to do to put someone out of business. Just clone it. Include it in

Windows for free. End of competitor, end of story for those companies.

The OS should be nothing but the OS. And when you have a monopoly on the OS, you have the advantage of bundling any software you want to put out the competitors.

Mike O'Rourke

Brandyware Software

MTC-324

**MTC-00000325**

From: Paul N. Schatz

To: microsoftcomments@doj.ca.gov @inetgw

Date: 11/16/01 3:11pm

Subject: I strongly urge you to continue your pursuit of more

I strongly urge you to continue your pursuit of more stringent anti-trust penalties against the Microsoft corporation. The present half-hearted settlement proposed by the Federal Government seems more informed by political considerations rather than looking out for the welfare of consumers. As we speak, Microsoft continues with the same unlawful anti-competitive practices for which they have already been cited by the Federal courts, a citation upheld at all levels. The proposed Federal settlement will have very limited effect on this continuing anti-competitive behavior of Microsoft.

Paul N. Schatz

Paul N. Schatz, Professor Emeritus

Chemistry Dept, University of Virginia,

McCormick Road

Charlottesville, VA 22901

ph 804-924-3249 (office); 804-293-4810 (home)

fax: 804-924-3710

CC: Microsoft ATR

MTC-325

**MTC-00000326**

From: Scott Russell—Network Engineer

To: 'microsoft.atr(a)usdoj.gov'

Date: 11/16/01 3:12pm

Subject: I believe the government is blowing this all out of proportion. Microsoft now

I believe the government is blowing this all out of proportion. Microsoft made an excellent product, and should not have to share. If consumers do not like Microsoft products there are alternatives. Don't blame Microsoft for lazy consumers that do not want to research any alternatives. Other companies can write software for Microsoft Windows Operating System, and they sell it every day. If you don't like the software, don't buy it.

Scott Russell

Network Engineer

The Forecast Group

909-987-7788

MTC-326

**MTC-00000327**

From: Allan Bonadio

To: Microsoft ATR

Date: 11/16/01 3:13pm

Subject: not enough

As many others have reiterated, I'm telling you that the Microsoft settlement is not enough to keep them under control and competitive. I am a programmer and I can see things that most of these decision makers can't see.

There's a provision that says that Microsoft must publish their APIs. Well, Microsoft

already publishes their APIs. They send tons of DVD's full of gigabytes of information to all the programmers who sign up for their developer program (\$1300 apiece). This has been going on for many years.

But this is never enough. There's always secrets about MS Windows that they don't reveal to programmers, and this allows their applications to have an unfair advantage in the marketplace. I've seen it myself and I've talked to countless programmers who confirm the same thing.

There is a group who makes software called "Wine", they allow Windows software to run on Linux. If Microsoft really revealed ALL of their APIs, then Wine could run any Windows software, because the programmers work from the APIs. And, in fact, they can run Windows software from Adobe and many other companies, no problems, because these companies abide by the APIs that Microsoft publishes—they play fair.

The only software that Wine can't run is applications from Microsoft—because Microsoft does NOT play fair. Microsoft programmers use unpublished APIs to gain an unfair advantage that no other company can compete against.

Please consider strengthening this settlement—THAT's what's good for the economy, rather than letting off one corporation that's sabotaging the rest of the computer industry. Haven't you noticed that Microsoft is the only computer company that's not had layoffs?

"Come to the edge," he said. They said, "We are afraid".

"Come to the edge", he said. They came.

He pushed them... And they flew—

Guillaume Apollinaire

MTC-327

**MTC-00000328**

From: Hal Widlansky  
To: Microsoft ATR  
Date: 11/16/01 3:23pm  
Subject: re: settlement

To whom it may concern,

As a member of the technology community and a user of many Microsoft products, I feel the need to give you feedback on the proposed "settlement" with Microsoft.

First, let me be absolutely clear: I think the proposed settlement is \*A JOKE\*. It's completely inappropriate, given the facts of the case and the realities of the industry. It does not even begin to address the grievances brought against the company. Given the outcome of the trial and appeal, one would have assumed any settlement would have included SOME sanctions and SOME forced changes in the behavior of the company. It suffers from the same weaknesses as the 1995 settlement, being worded as to apply ONLY to Windows XP. All MS has to do is rename the product next year, and all bets are off.

The settlement, as it is currently written, only requires miniscule changes in the way the company was doing business before the trial started and does not begin to address the realities of the monopoly-driven market. It's clear that whoever negotiated this deal does not understand the technology industry to the extent required. If that's not the case, then the government has suddenly lost interest in punishing the guilty.

Please consider at least giving them a slap on the wrist. The current deal represents more of a pat on the head.

—Hal Widlansky  
CIO, RuckusGames  
310-553-0900

MTC-328

**MTC-00000329**

From: Christian BAYER  
To: Microsoft ATR  
Date: 11/16/01 3:25pm  
Subject: Microsoft

Hi,

It is my sincere hope that some party will allow the process of justice to continue. The Microsoft corporation has seriously suppressed innovation and competition in the software industry. It has been clearly found that the company has operated in an illegal manner, much to the detriment of consumers and competitors. It is my hope that these violations result in penalties of the greatest severity allowed by law. As one of the many who has been harmed by the illegal and immoral actions of the Microsoft corporation I have expectations that the justice system should perform it's function. The Microsoft corporation flagrantly abused it's monopoly and continues to do so. The company's behavior is making a mockery of the charges brought against it. The new Windows XP operating system incorporates programs which take the violations the company has been found guilty of to a new level. The taxpayer dollars spent on the legal proceedings should not be wasted. The criminal behavior of the Microsoft corporation should not be allowed to continue and it's past behavior should be severely punished, for the greater good of those who have suffered from Microsoft's foul deeds. Thus far no remedy I have heard of begins to address the crimes Microsoft has committed.

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MTC-329

**MTC-00000330**

From: Cal Chany  
To: Microsoft ATR  
Date: 11/16/01 3:35pm  
Subject: M\$ Settlement

I see this as another OJ Simpson trial ...proof that if one has lot's of money, one can get away with murder.

M\$ will continue their strangle hold on the consumer and corporate America. They will continue unfair practices ... dose the DOJ actually expect 3 auditors to keep M\$ on the straight and narrow? Osama bin Laden the millionaire terrorist supporter sees to it that thousands of people are killed with planes. We sent special forces after him and his kind. Billionaire Bill Gates and company (a US Terrorist/Monopoly if there ever was one), does not kill people ... he just bleeds them of their hard earned money by deceptive

practices, terminates competition by buying or squashing them out of existence. This is fair?

I'm working on switching to Linux rather than sending any more money to M\$.

Cal Chany, Ph. D.  
Assistant Professor  
Section of Ob/Gyn Research  
Rush Medical Center  
1653 W. Congress Pkwy, J5818  
Chicago, IL 60612  
312-942-6377 (phone)  
312-942-2771 (fax)

MTC-330

**MIC-00000331**

From: rumall@earthlink.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 3:43pm  
Subject: NO to settlement!!

I am gravely disappointed with the Justice department settlement with Microsoft. As a consumer I don't want to be given only one choice of products. Reject the settlement and procede with more severe penalties than the slap on the wrist currently proposed.

Thank you.

MTC-331

**MTC-00000332**

From: R. M. Panoff, Ph.D.  
To: Microsoft ATR  
Date: 11/16/01 3:47pm  
Subject: The settlement is as fraudulent as you are!

Sirs/Madams:

This settlement will do nothing to help the consuming public or the education system; rather, it will enable Microsoft to continue to perpetuate a fraud: lousy software that requires undue service and support, and will be harmful to public and private education. It is not just their monopolistic tactics: their insidious attempts to force all education developers to "do it their way" are famous. They repeatedly "break" features in their browsers, or fail to support them, so that developers will be forced to buy server services from them. They are actively trying to kill Java as a platform-independent language, which will cripple the education and scientific communities as we work to build QUALITY COURSEWARE that will run on any platform and any browser. To wit: all of the award-winning course ware that we have developed AT GOVERNMENT EXPENSE for the Department of Defense Schools will be rendered useless if this settlement is approved. Microsoft will be able to kill off anyone's use of any browser but its own, will further suppress Java and its implementations, and will corrode the value of the good work already done.

I would welcome the opportunity to prove my assertions and to demonstrate for you exactly what their monopolistic practices have already done and will likely continue to do in the future. Stop lying that this is in the public interest. You have no idea what the public interest is if you believe this to be the case.

Robert M. Panoff

MTC-332

**MTC-00000333**

From: Adrian Quinonez

To: Microsoft ATR  
Date: 11/16/01 3:48pm  
Subject: Your proposal

Your proposed settlement for the Microsoft case is embarrassing to say the least. I can't help but worry about the future of real competition in the U.S. I keep hoping that someone in your office will raise a voice to say how wrong this agreement is. Microsoft is stifling competition. Microsoft is hindering if not completely preventing innovation, unless it fills its own wallets. I am really hoping that the court sees that this agreement is not in the best interest of anyone except for Microsoft. This agreement does nothing to punish Microsoft or for that matter hinder its ability to prevent any competition in anything that Microsoft might have a hand in. This agreement is an embarrassment. Its no agreement at all, its just a license for Microsoft to continue to do everything it has been doing with out any thing being done. Its as if this whole case was for nothing. And at then end Microsoft will continue to do what it have always been able to do. Kill innovation. What this agreement is saying, is that innovation can only come from Microsoft.

I will write to as many people as I can to fight against this agreement. I Believe it is wrong for the Long tem economy, it is wrong for the tech sector, it is wrong for the common user, and it is wrong for America.

Adrian Quinonez  
Delias MIS  
435 Hudson St  
New York NY 10014  
2125906555

MTC-333

**MTC-0000334**

From: Steve Brooks  
To: Microsoft ATR  
Date: 11/16/01 3:51pm  
Subject: The Settlement will change nothing  
There is little or nothing in the proposed MS antitrust settlement which will prevent MS from using its proven monopolistic power to dominate new marketplaces, specifically in the internet marketplace.

A case in point: One week before the settlement was announced, Microsoft disabled access to the msn.com portal to all non-Microsoft browsers. Although they later reversed this decision due to universal pressure, there is nothing in the proposed settlement to stop MS from this clear use of monopolistic power. After years of dismissing and sabotaging Java, Microsoft will deploy their C# (C-Sharp) language with the same goals as those of Java. This new language doesn't provide any features or benefits that haven't been available with Java, with the exception that Microsoft will now have the ability to ensure that new Web applications will operate properly only on Windows-based platforms. There is nothing in the proposed settlement to prevent Microsoft from co-opting the software development industry in this manner.

The excitement and promise of the World Wide Web were based in the platform independant nature of web applications. The Browser and the Java programming language are tools which were developed to enable this vision to be achieved. Microsoft has, and

will continue to, do all in its power to ensure that they will control the development of the internet in the same way that they have controlled the desktop computing marketplace.

Steve Brooks  
Healdsburg, CA  
stbrooks@altavista.com  
References:  
C# and Java:  
<http://news.cnet.com/news/0-1003-200-4603136.html>  
<http://news.cnet.com/news/0-1003-201-4591145-0.html>  
Microsoft disabling msn.com access:  
<http://news.cnet.com/news/0-1005-200-7655334.html>  
<http://news.cnet.com/news/0-1005-200-7660935.html>  
<http://news.cnet.com/news/0-1005-200-7667367.html>  
MTC-334

**MTC-0000335**

From: chuck@sonar.cpssoft.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 3:51pm  
Subject: Proposed settlement not long and strong enough, in my opinion

I am mainly concerned about the short term of the proposed settlement. After one or two years into the agreement, manufactures will again face uncertainty over potential Microsoft retaliation for promoting competing products. The five year term is hardly a large enough time window to allow competing products to establish themselves.

Also, the spirit of the proposed settlement is fine. However, we can be sure that Microsoft will largely ignore the spirit of the settlement, and with continual legal stonewalling, largely circumvent the proposed measures.

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B3M 2B8 902-443-9392 (H)

MTC-335

**MTC-0000336**

From: Jeff Hassler  
To: Microsoft ATR  
Date: 11/16/01 3:52pm  
Subject: Microsoft 'settlement'  
This so called settlement is a complete travesty.

It does absolutely nothing to prevent their continued predatory practices and destruction of fair competition and does absolutely nothing to punish Microsoft.

Microsoft has ripped off the public for hundred of billions of dollars and you fools want to let them keep the resources they unlawfully gained and continue to rip us off.

You must work for the government; no one else would hire idiots like you!

MTC-336

**MTC-0000337**

From: Dailey, Paul  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 3:52pm  
Subject: I am writing to voice my displeasure with the settlement with Microsoft. The  
I am writing to voice my displeasure with the settlement with Microsoft. The resolution

was no more than a slap on the wrist. As Judge Sporkin said "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained." This will not be beneficial for the consumer or the economy. Any undergrad level economics class will teach that a monopoly is never good for the consumer or the economy. Look at what happened with telecomm.

Thanks,  
Paul F. Dailey  
MTC-337

**MTC-0000338**

From: Ken Gilmore  
To: Microsoft ATR  
Date: 11/16/01 3:52pm  
Subject: settlement does nothing to help consumers

The proposed settlement doesn't force MS to do much except look for ways to get around the toothless provisions.

What would truly benefit consumers would be to force MS to make and sell a basic operating system that does not include any software or features except those needed to access the computer hardware and allow other programs to run. The focus should be on stability and security.

There are many good, capable, and innovative programs available from third-party developers. Many are completely free. They are designed to do a job well, with no hidden agendas. I use Mozilla for browsing the web, Pegasus Mail for email, Xnews for reading Usenet newsgroups, etc. There are extremely capable free programs out there for manipulating digital photos, for working with sound and video, for writing letters, keeping a database, tracking finances, etc. Most people are unaware of these other options; they end up just using whatever came with Windows. The result is a huge competitive advantage for MS, and little incentive for MS to innovate or make their products secure. Why should MS care about making their email program immune to viruses when they have 95% of the market share? Answer: they don't care. The result is billions of dollars in losses for business and home users due to viruses and other security risks. There is no need to tie the browser, email program, media player, or any other software to the operating system. The only reason MS does it is to force their programs on consumers and gain market share. Consumers benefit from competition and choice. They would benefit greatly from a stable and secure basic operating system.

Please reconsider the sanctions against MS. Consumers are being robbed of innovation and choice.

Kenneth Gilmore  
2331 Mills Road  
Jacksonville, FL 32216

MTC-338

**MTC-0000339**

From: Larry Simmers  
To: Microsoft ATR  
Date: 11/16/01 4:03pm  
Subject: oppose proposed MS settlement  
Renata Hesse,

In regards to the proposed settlement, the text of which I read at: <http://>

www.usdoj.gov/atr/cases/f9500/9549.htm I wish to register my very strong dissatisfaction with the government wimping out and essentially letting Microsoft promise not to do such illegal acts any more. Letting them get off with violations of the law without any penalties and nothing stronger than another version of the consent decree of '95 is laughable. Years from now when the government has to go after MS again for their monopoly over PDAs, set-top boxes, or web-browsing cell phones people will point to this as when the DOJ should have achieved a meaningful settlement.

In particular the section on "Enforcement Authority" appears to be meaningless. "Enforcement by the United States or plaintiff States may include any legal actions or proceedings that may be appropriate to a particular situation, including petitions in criminal or civil contempt, petitions for injunctive relief to halt or prevent violations, motions for declaratory judgment to clarify or interpret particular provisions, and motions to modify the Final Judgment" Except for state or federal action finding Microsoft in contempt of the order, I don't see how this so called enforcement creates any different situation than if Microsoft was never found to have violated the law.

Even though I'm from MA I'm a registered Republican and supported President Bush's election. I am disgusted that he would cower to industry this badly. I believe in minimal government intrusion in industry but have personally experienced the downside of Microsoft's monopolistic control of PC/Windows usage. I set up a Passport account to provide follow on information to a serious error report that Windows XP sent to Microsoft. When I did so I was also set up with Windows Messenger and was online, without my knowledge or consent. It was only because I noticed the icon in the systray change that I even knew I was online. I had to find the information to hack a system file to allow me to remove Windows Messenger from my system, and this is the kind of thing MS will keep doing.

It wasn't necessary to settle this weakly to remove any negative effect of this anti-trust case on the economy.

Larry Simmers  
Dedham, MA  
Lsimmers@mediaone.net

MTC-339

CC: Lany Simmers

MTC-339

**MTC-0000340**

From: Grimj12342@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 4:03pm  
Subject: no penalty?

I'm not sure if this is the correct message to send to the young people of this nation (or to the people of the rest of the world). The message that seems to be too easily gleaned from the Justice Department decision not to penalize Microsoft for past wrongs is that if you are a large enough corporation then all you have to do is promise not to do the things you've been doing wrong for the past 15 years in the future and all will be forgiven. What would the effect be if this sort of reasoning were applied equally to all? Drug

dealers, murders, money launderers, white collar criminals, basically anyone that has ever done anything legal would be able to say, "I'm sorry. I won't do it anymore. Can I go now? Thanks." A bully in the schoolyard is being allowed to keep the money it has beaten out of the other school children as long as he doesn't do it again. This is all very disturbing. Situations like this make it difficult to be "proud to be an American." Corporate profits seem to be the focus of this administration, not the health and well-being of its citizens. After reading as much as possible about this proposed settlement I feel embarrassed for this nation.

Regards.

MTC-340

**MTC-0000341**

From: Damian Murtha  
To: Microsoft ATR  
Date: 11/16/01 4:04pm  
Subject: WAKE UP

It makes me sick to think what the DOJ was thinking when they came out with this deal. Power lies with the control of the API's. It's like giving a test to two people and telling one of the two they can write the test. The person who wrote the test is going to do better. One phrase I have heard that makes me mad is "It's better for the country to end this case". It maybe better for the country in the short run, but not for the long run. If it ends with this settlement the states will have wasted six years and millions of dollars. "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained."—Stanley Sporkin

Damian Murtha

MTC-341

**MTC-0000342**

From: Rusty Neff  
To: Microsoft ATR  
Date: 11/16/01 4:04pm  
Subject: Microsoft settlement

I would like to applaud the Justice Dept. for reaching a settlement with Microsoft that is fair, and will actual benefit consumers.

Many of the supposed remedies put forth by MS competitors have no benefit to consumers. In most cases, the consumer would be harmed. And that's what anti-trust is really all about . . . consumer benefit. Not welfare for competitors as MS competitors seem to believe.

The concept that tying additional products to the operating system is harmful to the consumer is pretty weak to begin with. Maybe people don't remember the wonderful days when fonts were not part of the OS. I do, and it was a royal pain. Fonts were purchased separately (from a variety of sources, I might add) and were not always compatible with certain programs or printers. There was a lot of competition, but no benefit to the consumer.

E-mail is another example . . . with competing programs and lots of incompatibilities. It was nearly impossible to e-mail attachments to someone with a competitive program in the early 1990s.

If the Internet and computing are ever going to be fully functional for people like my mother (75 years old) software must be

bundled. Don't even think about having her install add ons, plug-ins and the like . . . all in the name of competition. Why should she be forced to deal with arcane technical matters just to satisfy Real Networks, Sun Microsystems and their ilk?

If people want an alternative to Microsoft's operating system, they can buy a Mac, or install Linux. I've lived through PC program choice at the very basic level in the workplace from 1982 onward. Anyone who says those were the good old days obviously wasn't there. An operating system with continual added functionality is WONDERFUL, as long as consumers have the ability to add on any additional software they choose.

Rusty Neff  
200 SW Scheuner Dr.  
White Salmon, WA 98672  
phone: 509-493-3947  
fax: 509-493-8556

MTC-342

**MTC-0000343**

From: usbgvap  
To: Microsoft ATR  
Date: 11/16/01 4:07pm  
Subject: Settlement

I for one believe that the entire anti-trust suit was initiated erroneously. Microsoft did nothing that any other company would do to protect its product. The concept that they didn't provide access to Netscape and other internet software was false. They did not include that software in the windows program but they did provide that any internet software program could be used in windows. This the same as saying WordPerfect did not include Microsoft word in their program. The internet software and Windows are produced by the same company, Microsoft and they packaged them together which to me makes sense.

A company starts from nothing and becomes the major supplier of a computer operating system. I thought that was the idea of free enterprise, if you built a better mouse trap everyone will flock to your door. Microsoft built a better computer operating system and everyone bought it. The competition could not build a better system to compete so the government steps in to slap them down with a law suit. That is not the free enterprise system I know.

I think the entire suit should be thrown out an let Microsoft get on with designing more and better software.

Keith Melick

MTC-343

**MTC-0000344**

From: Helga Kocurek  
To: Microsoft ATR  
Date: 11/16/01 4:08pm  
Subject: MS Deal is reprehensible

MS has a history of writing buggy programs. The reason that MS is so successful is its tendency to use shady deals to eliminate the competition.

Your deal will hurt all of us, we will be forced to deal with more and more buggy code.

Helga Kocurek

MTC-344

**MTC-0000345**

From: Greg Dainard  
 To: Microsoft ATR  
 Date: 11/16/01 4:09pm  
 Subject: Proposed Microsoft Antitrust Settlement

I believe Microsoft has not changed their attitude. I believe they looked for any simple, little thing they could do to assuage the government lawyers at little to no real cost to them.

What is needed is to fashion a remedy that Microsoft will understand. I propose we take some dollar amount from Microsoft—say 5 or 10 billion dollars—and divvy it up among corporations hurt because of Microsoft's documentable actions prior to October 25, 2001 (date of Windows XP release). That big wad of cash in their bank account didn't happen because they played nice, and we need to make sure they understand that those who don't follow the rules don't get rich.

Companies who should receive at least part of the settlement: Sun, for the MS Visual J++/Java for Windows garbage that MS pulled Netscape, because MS gave away a product for free that Netscape was successfully charging for Real Audio and other audio playback software which is now likely to get killed by the WMA features integrated into XP Be (now out of existence), but who had a brilliant OS killed because of Microsoft's illegal stipulation to hardware makers that they couldn't install more than one OS on a box. Some of this should also be given to the Linux crowd.

Adobe, for the screwing John Warnock took over the PostScript licensing that MS preempted when they created TrueType fonts and probably many more . . .

The existing remedy as proposed is simply not sufficient.

Sincerely,  
 Greg Dainard  
 gdainard@kingwoodcable.com  
 CC: thurrott@win2000mag.com@inetgw

MTC-345

**MTC-0000346**

From: Jones, Dave  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 4:11pm  
 Subject: Let competition reign free . . .

Greetings,

First off, allow me to thank you for setting up this e-mail address. I've wanted to voice several opinions on this ongoing trial for quite some time and never really had a place to send them.

Next, let me say in brief, do NOT let Microsoft off the hook.

As a long-time computer user (since around 1984), and computer professional, I can attest to the monopolistic practices of Microsoft. Unfortunately, in my opinion, I don't think the trial went deep enough into the technology and the practices Microsoft uses to eliminate competition. Seeing however as this process is winding down, it doesn't make much sense to lay out a point-by-point letter to you now.

I would like to make mention of a recent tactic Microsoft tried to pull to lock more users and companies into spending more money and being more ingrained into Microsoft products. Several months ago

Microsoft announced that they would be invalidating all licenses on any of their OS products that were older than Windows ME (for home users) and Windows 2000 (for business users). This means that a user of Windows NT4 would no longer be able to receive support from Microsoft, nor would Microsoft continue to develop upgrades and software patches for the OS to fix things like security holes because, in their eyes, the product was no longer valid. This equates to buying a car with a 10 year 100,000 mile warranty, taking it into the dealer shop two years later to have a hazardous defect repaired and not being able to get any parts for it because the company "discontinued the model."

Fortunately, based on public opinion (which obviously wasn't very positive) Microsoft decided to revoke their plans and statement for the time being to re-evaluate their decision. However, the point remains, Microsoft was saying "You buy our latest and greatest stuff, or you're screwed." Even though, at least on this day, Microsoft has not gone forward with this business practice, the fact that they started the ball rolling (i.e., public announcements were made, letters of notice sent to corporations, etc) to force people to upgrade shows just what a bully they are.

That's the most recent item I can think of to bring to your attention. I could obviously go on about how their forcing/tying of software makes my job harder, and my home computing experience less than enjoyable most of the time. How their "Trade Secret" OEM licensing scheme forces manufacturers to put only Microsoft OS's and Software on PC's they sell, eliminating choice at the consumer end. How they force software developers to "comply or die" just to get their software to run somewhat decently on the Windows OS platform. Yes, I could go on about it, but I'm sure you've heard it all before.

In closing, I'd just like to reiterate, Microsoft needs to change. And since they don't seem to be willing to do it on their own, someone needs to change them. If they were willing to force their customers to upgrade even after a guilty verdict was brought upon them, it's obvious they aren't afraid. I have faith in you, my government, our government, to do what is right and strike some fear into Microsoft.

Very Respectfully,  
 David Jones

Des Moines, Iowa

MTC-346

**MTC-0000347**

From: Eric Benedict  
 To: Microsoft ATR  
 Date: 11/16/01 4:14pm  
 Subject: Microsoft capitulation decree . . .

To whom it may concern:

I noticed on a cnn web page that this email address was set up to collect comment on the pending agreement between Microsoft and the US DOJ et al. Based on the agreement which I have read and the public statements by the DOJ, I don't expect that there is much interest in my commentary; however, since there is a non-zero chance it might have an impact on reviewing the agreement, I'm writing this letter.

I am not a lawyer, but I can read and understand what the literal meaning of text is, and am quite capable of thinking inspite of the presence of "legalese". . .

I am against the agreement as it currently stands. Microsoft has been found guilty of illegal practices (and accepted previous consent decrees of similar actions {which it subsequently violated}). This agreement does not contain any punitive actions against Microsoft. While I would be disappointed in the lack of punitive action(s), I would accept such an agreement provided that it provides suitable mechanisms to prevent future improper behavior. As written, this agreement starts to provide such protections; however, they are effectively nullified by the vagueness of several exceptions. The ability to exercise the exceptions is left to the discretion of Microsoft and so this agreement provides no real check on Microsoft's behavior.

In particular, the Final Judgement III.D states that Microsoft must provide to ISVs, IHVs, etc., the API's and related documentation to allow for 3rd parties to interoperate with a Windows Operating System Product. This sounds good; however, in III.J.2(b) and (c) Microsoft does not have to release this information to someone who in Microsoft's opinion does not have a reasonable need. Furthermore, (d) states that someone who receives this information has to agree to submit to a 3rd party (of Microsoft's approval) their program for testing, at that person's expense. Combined, these exceptions pretty much allow Microsoft to exclude numerous and legitimate 3rd parties by either declaring carefully written standards or only approving 3rd party verifiers with excessive fees (and pricing out low budget developers).

Next, in III.H.2, Microsoft is supposed to allow users, et al., to designate a non-Microsoft Middleware product to be used in place of a Microsoft Middleware product. This also sounds good; however in III.H.3's second paragraph there are two exceptions: 1 where the Middleware product would be interacting with a sever maintained by Microsoft or 2. that the 3rd party product does not implement some feature consistent with a Windows Operating System Product. Since Microsoft again gets to control what is required, they can assure that there is always at least one "required" feature which only their Middleware provides. It is true that they must provide the specifications to any ISV who asks for the information, but only in a "reasonably prompt" manner. During the intervening time, a "technical innovation" can easily occur at Microsoft, resulting in another new technical requirement. Thus, Microsoft can quite easily and legally keep any competing Middleware Product off of their platform by careful specification writing (and updating . . .).

I am sure that there are probably several other more subtle loopholes; however, these are so glaring that I was able to find them with little effort.

Thus, the exceptions in this agreement effectively nullify the restrictions on Microsoft's behavior. I strongly encourage that this agreement be, at a minimum, amended to close these loopholes. Ideally, I

feel that this agreement should be re-written to include some form of a punitive measure given the overwhelming Findings of Fact against Microsoft. Leaving this agreement unmodified is, in my opinion, a complete capitulation to Microsoft.

Sincerely yours,  
Eric L. Benedict  
175 Lakewood Gardens Lane  
Madison, WI 53704

MTC-347

**MTC-00000348**

From: McDougal, Daren D  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 4:16pm  
Subject: Microsoft

Hello,  
I think this case has taken more time than it is worth. The facts are companies don't like Microsoft because they offer a superior product and they have their hands in everything. Microsoft offers a product that helps consumers get work done and that does not cost us an arm and a leg. That's why states like California (my home state) don't like it. Because the other companies can't make better products. Please once in for all protect all consumers and end this...

Daren McDougal  
Sacramento Customer Service Supervisor  
(800) 876-3151 Ext. 49069  
"Would somebody please tell Donald Rumsfeld to stop Squinting...He is giving me a complex".

MTC-348

**MTC-00000349**

From: Helga Kocurek  
To: Microsoft ATR  
Date: 11/16/01 4:18pm  
Subject: MS decision

The deal with MS is appalling and detrimental to all computer users.

MTC-349

**MTC-00000350**

From: tim  
To: Microsoft ATR  
Date: 11/16/01 2:11pm  
Subject: The settlement

Dear Sirs,  
I wish to voice my opinion that the proposed settlement with Microsoft is too soft to accomplish any real changes in the industry. Microsoft will still be allowed to dominate it's rivals in anti-competitive fashion. This settlement does nothing to restore the heavy damage done by Microsoft, nor does it do enough to ensure that competition will revive in the future.

Microsoft has squirmed it's way out of all the restrictions place on it in the past by hiding behind technical excuses, and that is what it will do in the future as well. You can't ask a thief to suddenly be ethical, you have to put him in jail, or punish him in some way. This tiny slap on the wrist is going to do little to protect us, and will likely embolden Microsoft to continue in it's monopolistic abuse. Thank God that some of the states have rejected your sellout agreement, and realize that more must be done, if equity is going to be restored to the computer industry.

A very unhappy constituent,

Tim Lakey  
CTO CarbonWave  
MTC-350

**MTC-00000351**

From: Kevin Evans  
To: Microsoft ATR  
Date: 11/16/01 8:56am  
Subject: Microsoft

Big surprise a big money president helps a big money defendant get off easy! Funny thing that Microsoft only exists because of antitrust against IBM and the requirement to publish their technical specifications. How come Microsoft is not required to do the same? Guess we already know. Why not just shut down the antitrust division since you guys exist in name only.

MTC-351

**MTC-00000352**

From: Jason.Xiong @fairchildsemi.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 8:56am  
Subject: Protect consumers, but not Microsoft

The settlement announcement in Nov. 2 was a disappointment but not a surprise. It is a disappointment because Microsoft is almost assured that it can keep their practice and virtual monopoly with minimal adjustment mainly for show.

MTC-352

**MTC-00000353**

From: Genewray@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 8:59am  
Subject: Microsoft Decision

Now that you have reached the decision regarding Microsoft lets get on with letting Microsoft do what it does best, produce great products. You will always have to listen to the "whiners, e.g., Sun Microsystems, and all the others that testified before Congress about how Microsoft has "done them wrong.

Really, these losers are just crying on your shoulder because their products can't compare with Windows and other Microsoft products. I wouldn't buy Microsoft's competitor's products anyway. These competing products like Linus, Unix, Sun Microsystems online servers are OK for businesses to use, but, they will never be able to lure home users like me to their products. Why switch to something harder to use when you don't have to make the change.

I am going to buy the product that I want to use, not what these "whiners" want me to buy. Press on with the decision you have made and tell the court to tell the remaining states that want to further rake Microsoft over the coals to grow up and stand down.

Thank you for the opportunity to comment on this important issue. P.S. I am certainly happy to see Microsoft's competitors losing their corporate butts in the stock market.

Gene Wray  
Chesterfield, Virginia

MTC-353

**MTC-00000354**

From: Fredrick Fogg  
To: Microsoft ATR  
Date: 11/16/01 9:00am

Subject: Microsoft Settlement

All of Microsoft's competitors keep complaining about all the software that Microsoft bundles in with their operating systems (Windows Messenger, Internet Explorer, Windows Media, etc) saying that the users will not want to buy their software because their computer will already have software to do these things already loaded. Well, being a computer programmer and a home computer user daily, I can assure you, people find software that they like and they use it, be it Microsoft or any other company. Everything that Microsoft bundles into their operating systems can be removed and other software can be loaded and used with their operating system. The choices are out there for all consumers, so why do these other businesses cry and complain about Microsoft, because Microsoft has provided and will continue to provide software that it top of the line and equal, if not better, than all the others. I use a lot of other software besides Microsoft. As a matter of fact, I like to use 3 or more different programs to do the same thing because each has its own unique abilities and I like to have them all available to me.

So it is time for other businesses to quit crying and for the government to settle this case. If you want more business, make a better product. Consumers are not stupid, they will buy the product that best suits them.

Fredrick Fogg  
MTC-354

**MTC-00000355**

From: Al Legatzke  
To: Microsoft ATR  
Date: 11/16/01 9:02am  
Subject: Comment

I believe that Microsoft has done what it could without turning the key in the lock and shutting down it's operations. I think that a person that has committed to a business and risked his money is entitled to make a profit whether it is a few dollars or a lot of dollars, it was his risk and guts that enabled this to happen and it creates jobs for thousands of people. I have a small business and it has taken several years of hard work and dedication to get to where I'm at today (still barely showing a profit) almost all of the dollars earned from this company have gone right back into it to make it what it is today.

Allen Legatzke  
legatzke@home.com

MTC-355

**MTC-00000356**

From: GH  
To: Microsoft ATR  
Date: 11/16/01 9:02am  
Subject: Microsoft Settlement Plan  
Sirs:

After a first cursory reading of your defense of the settlement agreement causes me great concern. At first glance this appears to be a sellout against this country's citizens of the most aggressive monopolist we have seen in the last 50 years.

Microsoft will effectively evade your settlement conditions and their behavior will not change. Allowing the company to continue to add features to their OS that have

nothing to do with an operating system is one of the worst forms of tying that I have seen. Your settlement will not change behavior or increase competitive pressure on the company. The DOJ has sold out. It's simple and no amount of spin can change that fact.

Gene Harris

Tetron Software, LLC  
300 Cricket Hollow  
Edmond, OK 73034  
405-359-0345

MTC-356

**MTC-0000357**

From: N. Bohr

To: Microsoft ATR

Date: 11/16/01 9:03am

Subject: Pedicabo ego vos et irumbo

These are the words that Mr. William Gates told to the DoJ. DoJ failed to understand what is going on—I pray that the Judge will toss this settlement and investigate

Mr. Charles James and his team for malfeasance.

Please have Mr. Ashcroft issue the following: Ashcroft to Restructure Justice Dept.

WASHINGTON (AP)—Attorney General John Ashcroft plans to announce a restructuring of the Justice Department, including a revamping of the FBI and the immigration service, to better fight terrorism and collect revenues for its new parent, a senior department official said Wednesday.

The five-year plan, which Ashcroft is to present in a meeting Thursday with his top deputies and other employees, as required by a secret protocol within in capitulation to Microsoft, will reflect new emphasis on preventing Open Source Coding and Linux usage. Forthwith Linux and IBM mainframe/enterprise server programmers or supporters will be prosecuted as terrorists, the official said, speaking on condition of anonymity.

The FBI has already shifted resources to focus on investigating and disrupting additional Linux attacks, though agents continue to investigate the Sept. 11 attacks and anthrax cases. IVr. William Gates, Sr. the new de facto head of the newly renamed Department of Justice has informed the soon to depart head of the soon to be renamed FBI that all investigations concerning Anthrax must be dropped. The Justice Department restructuring was in the works before Microsoft coup d'etat. All law enforcement activities will now be control in Redmond. The CIA and NSA will be joined into one unit to be named .NET.

Ashcroft will no longer report to Pres. Geo. W. Bush but to William Gates, Sr. Agents of Redmond in pre-dawn raids seized the assets and people of Oracle, SUN, and RED-HAT. Rumors of summary executions have been denied by the DoM. The Department of Microsoft is the official name of the former Department of Justice.

Along with the settlement announcement, the DoM (Formerly known as the Dept. of Justice) also has acknowledge that AAG Charles James will leave the DoM in six months to accept the role and responsibility of Microsoft's Chief Irumatist. It is reported that he will earn his \$6.3 million Cayman Is account in three months by just being in Redmont for M. Wm Gates, pere et fils and

M. Ballmer. All citizens are urged to report to the DoM any individual who is known or may know any computer language other than VB, there is a \$50,000 reward for all C or C++ programmers who are captured and killed.

MTC-357

**MTC-0000358**

From: jlapeer.mindspring

To: Microsoft ATR

Date: 11/16/01 9:06am

Subject: Microsoft Settlement

I believe the most simple, direct solution, that creates the best "Win/Win" solution for all, is to break Microsoft into at a minimum of 2 separate corporations. One cooperation would be the "Windows" operating system and the other would be all other things. The Windows Operating system would need to be defined as that code that provides the interface between Applications and the underlying hardware. It is strange that this administration advocates the removal of terrorist and terrorist actions, yet is in the process of single handedly reversing the efforts of many, over a period of time to resolve one of the most outrageous "Computer" terrorist in the last 15 years.

MTC-358

**MTC-0000359**

From: Rick E.Moore

To: Microsoft ATR

Date: 11/16/01 9:07am

Subject: You are oonce again failing to protect us.

Hello,

How many times are you going to give microsoft the benefit of the doubt. They are expanding and forcing competitors out of every space they enter. As a consumer, I am faced with no choice for many of the entertainment applications I run. They have squeezed all competition out of the pc os market space. YOU have proven this practice is the result of illegal leveraging of their monopoly. This practice is also affecting our organization at work.

I am the systems architecture manager for a 250 person architecture firm. This year we are facing 60,000 dollars in increased licensing costs based on Microsoft changing its licensing practices midstream. We have tried to minimize this costs by using servers which run unix to handle authentication and share files. These are the few areas where any platform should be able to do the job.

Microsoft has implemented proprietary services in areas where all other operating systems can seamlessly integrate. I am able to connect apple, sun, hp, and linux for free and without difficulty. Many vendors were giving away software that would allow Microsoft NT to integrate with the systems at a low cost of for free. Microsoft changed the way their servers connect with 2000 once again breaking this interpretability. We now have bought 20,000 dollars worth of software to overcome their attempts to force us to use microsoft servers. In the end we believe this will be cheaper than getting further in debt to microsoft. This software is not necessary to integrate any other vendors. Vendors which don't have a monopoly don't seem to work so hard to break connections with their rivals.

This practice is prevalent in every area that microsoft enters. How far are you going to let this go? Is this the first time Microsoft has broken a deal with you? Don't blame the economy for your inability to beat them. Microsoft is not an asset to this country and we don't need to protect it. We need you to protect us from it. Thankfully a few states have a little more integrity than you.

Exposed,

Rick Moore

MTC-359

**MTC-0000360**

From: Syd and Marty Carison

To: Microsoft ATR

Date: 11/16/01 9:07am

Subject: microsoft settlement

No kidding!! !!! You really expect us to believe that all those bribes (excuse me, campaign contribution) to the Bush Campaign have had no affect on your decision to softball the penalties for Microsoft. Your boss, the Attorney General serves at the pleasure of President Bush! I bet the professional staff is just livid. This is just another case where campaign contributions (bribes that have been deemed legal by the politicians) have affect a major government decision. Why not ask us to believe in Santa Claus or the Tooth Farie?

MTC-360

**MTC-0000361**

From: Mike Harrington

To: 'microsoft.atr(a)usdoj.gov

Date: 11/16/01 9:08am

Subject: Microsoft

Enough already, I believe that Mr Gates and company have been punished enough just in legal bills. Let's get on with life.

Mike Harrington

Network Administrator

Trek, Inc

716.798-3140 ext 232

<http://www.trekinc.com> <[http://](http://www.trekinc.com)

[www.trekinc.com](http://www.trekinc.com)>

MTC-361

**MTC-0000362**

From: Isif

To: Microsoft ATR

Date: 11/16/01 9:09am

Subject: Hello,

Hello,

I believe that requiring the option rather than being forced to have MS products (internet explorer, media player etc) installed by default is the right approach. In windows XP this had gotten much worse.

As an avid computer user, student and part time IT pro I still haven't found a way to remove media player or MSN messenger.

I think this review summarizes the glaring problems I am trying to illustrate <http://www.redhat.com/about/opinions/xp.html> This problem will only get worse unless something of large proportion is done. In this case fines aren't really the answer, if my company made 1 billion dollars a month I wouldn't really mind being fined.

Thank you for your time,

Isif Ibrahima

MTC-362

**MTC-00000363**

From: Bob Rattner  
 To: Microsoft ATR  
 Date: 11/16/01 9:12am  
 Subject: MICROSOFT SETTLEMENT

Dear DOJ,

After reviewing the Settlement Documents, I do not believe that Microsoft will be effectively constrained by the proposal, nor will its monopoly be neutralized. I urge a more detailed review of the charges, and significantly stronger penalties and controls.

As a consumer, I have little complaint about Microsoft desktop products; indeed the PC upon which I am composing this note runs Windows and other MS code. While some of the anti-competitive practices related to desktop PCs are real, and have been addressed in the proposed settlement, there is a much larger issue; a Microsoft monopoly of the browser market and the Worldwide Web.

I have two points:

1. Security Risk. Microsoft is the portal of choice for hackers, particularly those who spread viruses. Every major virus propagated in recent years has been spread through Outlook. As a nation, can we afford to allow one company to control the Internet, and allow it to be sabotaged? I think not.

2. Media Monopoly. As the Web becomes more integrated with other media (such as Television), we run the risk of having one company capture an overwhelming share of news and information services. Just as there are laws which limit the ownership of multiple media/news media by a single publisher or broadcaster, we should be protected against an Internet/Network operator's ability to control public information. In summary, the questionable marketing tactics used by Microsoft, and the effects on consumers (and our currently frail economy), are minor issues compared to their greater corporate goal of a "Microsoft Web". The time to address this is now. Microsoft should be ordered to remove its browser and network code from all PC desktops, and promote/market them separately on a CD or elsewhere. Simultaneously, Windows should be made to accommodate other browsers easily, though open source coding. Consumers are just too lazy to remove the MS options on their own, and Microsoft knows it!

Respectfully submitted,  
 Bob Rattner  
 43 Nieman Ave.  
 Lynbrook, NY 11563

MTC-363

**MTC-00000364**

From: Thomas Ellen  
 To: Dept Justice  
 Date: 11/16/01 9:13am  
 Subject: Microsoft Settlement

I am disappointed in what I have heard so far in the news in regard to the Microsoft antitrust settlement. I began using IBM's OS/2 operating system back in the mid 90's (then a joint project between Microsoft and IBM) because DOS and early WINDOWS operating systems were not powerful enough. Since Microsoft split with IBM they have undermined the use of other operating systems by consumers on PC's by their monopolistic contracts with PC

manufacturers and their deliberate writing of their software so it would not work on other systems such as OS/2. This obviously deprives consumers who would like an alternative to Microsoft Windows that choice. In terms of a settlement, I would like to see Microsoft forced to repatriate the tens of billions of monopoly rents they have made to the other companies who had competing products such as IBM, Linux, Netscape and so forth. This money should be held in trust by DOJ and distributed to the harmed companies. To get this money, these companies have to spend it on development and marketing of these competing PC software products. For instance, I would like to see IBM continue with the development of OS/2 and put a real push on to market it to consumers. The second part of the settlement should be the mandate that Microsoft has to make their software (Office, games, etc.) compatible with other operating systems. Finally, the third part should be the elimination of the monopoly contracts they have with PC manufacturers.

Please reach a settlement that really restores competition.

Tom Ellen

MTC-364

**MTC-00000365**

From: SqueegeeG@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 9:14am  
 Subject: Don't miss the big picture!

Dear Justice Department,

When considering the remedy against Microsoft, please consider just how difficult and expensive it was to bring this case to trial. America has a long history of powerful corporations, and of vigorous political debate, but this trial marked a change where the corporation had far greater resources than either the state or federal governments to litigate the case. Concentrations of power, whether monopolistic or not, pose the greatest threats to our everyday freedom. To allow a monolopistic and powerful central enterprise like this one to continue is foolhardy. We will pay the price if you lack the courage to correct this aberration.

Recently I received a message when I launched Internet Explorer that something needed to be updated and that it would take 17 seconds. I said ok. Well, it took more than 17 seconds, and it wasn't a necessary update. It was some foolish little program that changed the cursor into a picture, and I could buy enhancements for it for some amount, 15.00, I think. A couple of days later I read about how popular this new gizmo was and that 93 million copies had been downloaded already! This Orwellian experience demonstrates what the future of computing will be where Microsoft dominates the desktop. It is monitoring my use, force feeding and falsely packaging its products, and exposing the most powerful asset of the modern age to all sorts of mayhem. Allowing this company to go forward with its everyday practices would make as sense as allowing bin Laden to buy an airlines. Continuous negotiation will not lead to practical changes. If you are afraid to bear your teeth, then the American people have no effective defense.

Respectfully submitted,

Steve Consilvio  
 Squeegee Graphics  
 69 Main St  
 Cherry Valley, MA 01611  
 1-800-388-4454  
 Local 508-892-1022  
 Fax 508-892-8968  
 <A HREF='http://www.squeegeegraphics.coml'>www.squeegeegraphics.com4A>

MTC-365

**MTC-00000366**

From: bkofoed@compuserve.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 9:15am  
 Subject: What to do to restore the market.

Have MS make a open source version of Windows that will do the basics things and keep it updated. When everyone can have a equal chance in the market. 1\* [http://ourwor1d.compuserve.comIhomepages/bkofoed\\*1](http://ourwor1d.compuserve.comIhomepages/bkofoed*1) The ALL NEW CS2000 from CompuServe Better! Faster! More Powerful! 250 FREE hours! Sign-on Now! <http://www.compuserve.com/trycsrv/cs2000/webmai1>

MTC-366

**MTC-00000367**

From: Richard54b  
 To: Microsoft ATR  
 Date: 11/16/01 9:15am  
 Subject: Antitrust settlement

I think the US enforcement of anti-trust is way off the mark in the Microsoft settlement.

Suppose I had a business with \$1,000,000 of revenues and \$50,000 a year in profits and have no deep pockets.

Some company with deep pockets (i.e. Microsoft, GE, etc.) could come in a sell at cost for a year or two and drive me out, and then have a business that produces 5% return on sales indefinitely. Netscape, not Microsoft, created a full fledged browser. It's OK with me that Microsoft wanted to compete in the market. To me, they should have had to sell above their cost, including development, as well as support, unless they were already priced above Netscape. It's easy to drive another company out of business by giving away the product if you have more resources.

I would have suggested a fine to the effect "Great, you want to help the American Consumer by giving away software. Since you have decided to give away the browser and bundle so much into it, we are going to let (REQUIRE) you to bundle Microsoft Office for the next 5-10 years also for no cost and support it. This way you can really help the American Consumer that you love so much."

I have heard of a company that has drivers who frequently took a day or two off to go fishing, get drunk, or whatever. When the driver returned, the company told them to take 2 more days off with no pay, as the company decided the driver should have 2 more days off. The driver said that he needed the pay and couldn't afford to miss the extra 2 days. The company said it couldn't service it's customers when the driver didn't show up and the employment obligation was for the driver to show up. This quickly solved the problem and it would quickly solve Microsoft's problem of competing unfairly. If

they give away more software in the future, Windows could be free for 2–3 years to help them see how too much of a good thing is a disaster.

I love the competitiveness of the software industry that gives us decent products at great prices. It has one terrible drawback that is caused by monopoly. We are stuck with the weaknesses of their product. Windows is incredibly weak with security. The old IBM 360's were 100 times harder to hack into than today's Windows products. Letting Microsoft dominate by acquiring more software monopolies in sectors where they didn't create the original software is hurting consumers as well as the original software creators. It's similar to me of letting a huge generic pharmaceutical company immediately produce knock-offs of successful drugs, without honoring patents. Maybe software should have a 2–3 year 'patent' and when Microsoft or some other 'powerhouse' wants to enter the market, they can't sell below certain thresholds, so it's fair competition.

Richard Banon

MTC–367

**MTC–0000368**

From: Paul Nelson  
To: Microsoft ATR  
Date: 11/16/01 9:18am  
Subject: Comments on the Settlement

As a consumer, I think the settlement is completely bogus. Microsoft is all about opportunism and nothing about innovation. Its flagship Windows program originated as a copy of an Apple program (itself a copy of a Xerox program). Internet Explorer replicates Netscape. Where its programs are different it is often because the company bought them from the innovative originator.

The settlement merely perpetuates the company's bad habits. Microsoft has consistently won in the marketplace through its tying practices and not because its products are better. Examples:

Its office suite is the standard of business, but it is still not as functional as competing products. WordPerfect is superior to Word. Quattro Pro is superior to Excel. Non-Microsoft products have lost only because Microsoft has linked their products to the operating system and businesses meekly accept the linkage.

Internet Explorer—a major cause of the litigation—is not demonstrably superior to Netscape. It's easier to use simply because Microsoft has tied it to the Windows system and they have made it difficult for users to use another browser as a default.

Microsoft will probably take over the e-mail market in the same way. For example, I notice that I cannot use Lotus Notes as an e-mail forwarding service when using Microsoft Internet Explorer. Now I find that Justice will not stop the similar linking of multimedia players to the Windows system.

So far as I can tell, the settlement will do nothing to assure fair competition. In my opinion, the Windows system is just an essential utility. I object to the settlement because it will continue to allow Microsoft to use its monopoly power in exactly the way it has in the past. The settlement is a surrender.

This communication is confidential and is intended only for the person to whom it is addressed. If you are not that person, you are not permitted to make use of the information and you are requested to immediately notify IBJ Whitehall Financial Group, NYC, that you received it and then destroy the copy in your possession. Views expressed in this E-mail do not necessarily reflect the views of IBJ Whitehall Financial Group.

MTC–368

**MTC–0000369**

From: Jeff Cartwright Smith  
To: Microsoft ATR  
Date: 11/16/01 9:18am  
Subject: Microsoft settlement

I am outraged at your cave-in to Microsoft. The proposed settlement will only give support to those who have been thumbing their noses at Justice for your irresolution. After all the evidence presented at trial, to give in like this is shameful. You have exposed their corrupt practices; now to let them escape with a few scratches is shameful.

Jeff Cartwright-Smith  
Senior Director, marketRx, Inc.  
1011 U.S. Route 22W  
Second Floor  
Bridgewater, NJ 08807–2950  
(908) 541–0045 x348, Fax (908) 541–1595  
jcsmith@marketrx.com

MTC–369

**MTC–0000370**

From: Chris Augustine  
To: Microsoft ATR  
Date: 11/16/01 9:21am  
Subject: Settlement

What a waste of time.... Does anyone at Justice have a "backbone."

Chris Augustine, MCSE, MBA

MTC–370

**MTC–0000371**

From: Aaron Miller  
To: Microsoft ATR  
Date: 11/16/01 9:22am  
Subject: Totally, completely unacceptable Mr. Hesse,

That you have sold out to Microsoft I'd hope bothers you more than me. However, in selling out, you've done \*more\* to damage the health of the economy, not to mention innovation and the future of computing than strong sanctions against one of the worst abusers in modem history. Imagine a world in which IBM had been allowed to continue its domination of the past, there would be no Microsoft. Or Apple, or Sun, or HP. We are in a similar situation today, and you go along with this? Microsoft lies in federal court, drives a competitor out of business abusing monopoly power, makes back room deals in an attempt to stop innovative new technology (Java) because it threatens their monopoly, all this and get away with a scolding and sieve-like sanctions?

You're encouraging all those who wish to succeed against Microsoft to be as lawless as they are. Way to go. You instill zero faith in our judicial process because you have failed to uphold it.

Unacceptable.  
Aaron Miller

2255 Showers Drive, #353  
Mountain View, CA 94040

MTC–371

**MTC–0000372**

From: Patrick Schmidt  
To: Microsoft ATR  
Date: 11/16/01 9:22am  
Subject: my perspective

Dear DOT,  
I am an American currently living in the UK. I don't expect that this email (or even a thousand like it) will have any effect on the Administration's thinking, but I want to voice my opposition to the poor handling of this litigation. Most of all, giving away your (legal) hand by stating publicly what penalties you would not seek (i.e. no breakup of Microsoft) is a bone-headed way to enter settlement talks. Why would you willingly give away bargaining chips? I have never favored break-up, but that doesn't mean I wouldn't want that as a credible threat. Oh well. At least I can put my hope in the EU to effect the kind of resolution to this that I and many other American consumers want. You have made yourselves irrelevant.

yours,  
Patrick Schmidt  
Centre for Socio-Legal Studies  
University of Oxford  
patrick.schmidt@csls.ox.ac.uk

MTC–372

**MTC–0000373**

From: Michael Palopoli  
To: Microsoft ATR  
Date: 11/16/01 9:27am  
Subject: Settlement

It sounds to me like Microsoft is getting away with it (as usual). Are they really paying any significant amount of punitive or compensatory damages? If not, then their tactics worked perfectly.

Best regards,  
Mike.  
Mike Palopoli, Ph.D.  
Assistant Professor, Biology Department,  
Bowdoin College, 6500 College Station,  
Brunswick, ME 04011  
PH (lab): (207) 725–3657  
PH (home): (207) 729–4263  
FAX: (207) 725–3405  
E-mail: mpalopol@bowdoin.edu

MTC–373

**MTC–0000374**

From: SSchmitz99@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:27am  
Subject: Microsoft Settlement

Gentlemen,  
I am a software engineer and have been involved with this industry for over 15 years. Microsoft's bullying tactics have been well known within industry circles and I was glad to see that the federal government decided to take action 5 years ago.

I am disappointed in the final settlement, however. The reasons for this are as follows:

The appeals court was able to determine that Microsoft is a monopoly and had illegally used its monopoly powers. The law calls for (a) compensation for past wrongs (b) a forward looking remedy so as to protect companies from further predatory tactics.

The settlement does neither of these things. Microsoft has gained billions of dollars in excess profits as a result of its illegal acts over the past several years. It is important that Microsoft not be permitted to keep these gains for two reasons: (a) They further tilt the playing field in favor of the well funded monopoly. (b) They further embolden Microsoft and other would-be monopolists by creating a moral hazard.

The settlement is too narrowly defined and does not protect fledgling industries which are clearly important, but for which Microsoft wants to expand into. Specifically, it does not offer specific protection for handheld device makers (who are not given access to the OS source code. This is particularly relevant as e-mail from Bill Gates specifically directed managers from within the company to modify the Windows OS and Pocket PC code so as to make it more difficult for Palm to connect devices competitively.

It also is too narrowly defined in that it does not account for quick changes in technology. It is difficult to tell which new companies would benefit from access to Microsoft's source code. However, if specific provision is not written in for an industry it does not have access. This will result in denying access to important technology for fledgling startups who might benefit from open access. Seven years ago, the Internet and Browsers would have fit within this category and should this agreement be made at that time it is unlikely that it would have included browsers.

The settlement does not reasonably curb the illegal practices of Microsoft Office bundling and pricing of Office. Microsoft office is a monopoly and Microsoft can wield a big club when negotiating with companies when it wields this. A specific example is when Microsoft negotiated with Apple computer. They threatened to halt development of office for Mac.

I am also concerned regarding some of the general exceptions which have been placed into the agreement. These exceptions, while they may seem reasonable are large loopholes which have been specifically crafted by Microsoft to further its specific monopolist plans over the next 5 years. I would direct you towards the following fledgling industries: (a) Microsoft Passport—loophole encryption (b) Microsoft NET—loophole, denial of access to open source community (c) Microsoft Music and Video players—loophole encryption—remember digital rights is a basic part of these services, as it is on DVD players. (d) Microsoft Internet Servers—the unholy interconnection between servers and operating systems directs users away from competitive products. There remains limits on access to commercial vendors.

In short, your agreement is unreasonable and not in the public interest. I object to it. You have clearly been outwitted by Microsoft's lawyers I would remind you that 5 years ago Microsoft was placed in contempt of court for not following explicit court directions. Microsoft has a long track record of minimally following the law and court directions. It will clearly attempt to do whatever is within its power to weaken any provisions that restrict its monopoly power.

Instead, I would suggest that you work out an agreement in which the free forces of capitalism wrote to your benefit, instead of against you as this agreement does. Lastly, why does the agreement only last 5 years? The monopoly will last longer! If I could have a lifetime monopoly but only if I lived with restrictions for 5 years, that would be a gift.

Scott.  
MTC-374

**MTC-00000375**

From: Richard Sohanchyk  
To: Microsoft ATR  
Date: 11/16/01 9:29am  
Subject: lawsuit

Bottom Line: A) I still cant choose which products to put on my PC B) Removing unwanted Windows functions is difficult and sabotages smooth operation of computer in general C) MS makes it extremely hard for competing products to run properly in Windows (see item B). End result: Microsoft wins because republican government approves of this monopoly.

Richard Sohanchyk  
Gregory Richard Media Group  
pelhamprint.com  
914.738.6066 T  
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MTC-375

**MTC-00000376**

From: Kathy Caldwell  
To: Microsoft ATR  
Date: 11/16/01 9:29am  
Subject: Microsoft

I think this suit should be settled quickly and move on to crimes that are hurting the country. Microsoft led technology into a boom in the 90's and led it into a bust when the Justice Dept. Went after them and threatened to take them down. I think this suit has hurt the whole economy and the stock market. My retirement fund, as well as millions of other people's, has gone down over 50%. I think this suit got the plunge started.

MTC-376

**MTC-00000377**

From: LOUIS A. MINAFRA  
To: Microsoft ATR  
Date: 11/16/01 9:30am  
Subject: USDOJ Comments on Microsoft

To whom,  
Any company that does what Microsoft has and continues to do can NOT be trusted and should have been broken up. In my mind the fact that it has not been broken up and the reasons given thus far, cast a dark shadow on the real intent of the Department of Justice and those that work there.

A Concerned American Citizen  
Louis A. Minafra  
MTC-377

**MTC-00000378**

From: Stuart, Graham  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 9:30am  
Subject: Pathetic

I think your settlement with Microsoft is pathetic. A little slap on the wrist... that's all. What about all the companies which have gone out of business and all the people who lost jobs as a result of Microsoft's behavior. Gates sums it up "we're very pleased...". Good job selling everyone else out.

MTC-378

**MTC-00000379**

From: Matthew Kazmierczak  
To: Microsoft ATR  
Date: 11/16/01 9:30am  
Subject: Microsoft Case  
Dear Justice Dept.

I believe that you are letting Microsoft off too easy in the anti-trust case. Their bundling of products into their operating system has the ability to kill any competitor. This threat will slow the innovative spirits as people will not be able to benefit from their innovations because Microsoft will copy the innovative and use their muscle to gain market share. If you look at all the innovations in the computer world, very few of them actually come from Microsoft. Microsoft normally copies the ideas from others and bundles them into their operating system. You should enact a system where the operation system is not the means by which Microsoft can dominate. Remember that Microsoft has already killed Netscape.

Matthew Kazmierczak  
114PStreet, NW  
Washington, DC 20005

MTC-379

**MTC-00000380**

From: Anatolii B  
To: Microsoft ATR  
Date: 11/16/01 9:35am  
Subject: microsoft settlement

There is practically no competition to them now on the office and multimedia applications market, nor on the operating systems market. Their lawyers might say that there are competing products, but in reality these products are almost defunct, because they are so bad that users don't like to use them, e.g. people prefer using microsoft media player vs. "real player". And it's not because microsoft is so much better, it's because microsoft has destroyed all good competition, the ones remaining are the ones that microsoft didn't want to "kill off" because they are harmless and help create the illusion of the good competition. \*\*\*\* The existence of can be shown through usage of their products across user base with similar technology level experience.\*\*\*\*\* Keep in mind that some users today still use "those dummy" competitors' products because they are not quite on the same experience level and don't spend enough time finding the better products, do not use such users example as a ground for competitors product statistics. I believe the latest Microsoft settlement is inadequate, and the government should be concerned with protecting the customers, and not the company. Just like in AT&T case they complained that they would be hurt and customers would hurt, but it worked out well anyway, the same should be done with Microsoft.

—Anatolii Belomestnov  
New York, NY

(212) 799-5408  
anatolii@hotmail.com

MTC-380

**MTC-0000381**

From: Phan, DuyMy  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 9:37am  
Subject: Microsoft Monopoly Settlement

Dear US Department of Justice,  
The case that the government and 18 states is very costly and time-consuming to prove that Microsoft is monopoly. Everyone in high-tech business acknowledges the Microsoft monopoly problem. Please do not come to a settlement with Microsoft with the current proposal. It is a big easy way out for Microsoft and I know for sure, it will abuse other companies again with its dominant in Windows OS.

DuyMy L. Phan  
Inciscent, Inc  
Tel: 703-205-5928  
Fax: 703-876-5973  
E-Pager: duymy.phan@my2way.com  
2735 Hartland Road, Falls Church, VA  
22043

MTC-38 I

**MTC-0000382**

From: Trimble, William  
To: Microsoft ATR  
Date: 11/16/01 9:38am  
Subject: antitrust settlement

Dear Sir or Madame:  
I have been following the proceedings in this case carefully and I would like to vehemently protest your proposed settlement with Microsoft. This company shown a long history of an intent to stifle competition. Whether by gutting proposed standards with almost "compatible" versions or supposedly "integrating other functions" into Windows, they continuously have displayed anti competitive behavior that is harmful to consumers. As long as we get "Windows everywhere", Microsoft will be satisfied. Their focus now includes several venues where they want to take over, including the Internet. Consumers will get only what Microsoft and their bloated and kludgy code puts out because they are the 900 pound gorilla. The courts have found that Microsoft is in violation of the law. As consumers and citizens, we must rely on you to protect us from abuses such as with this company. I urge you to reconsider your settlement and provide one that will give us protection from this monopoly.

Any settlement should have clear and unambiguous language and measurable compliance goals. This one, in my opinion, does not. I believe that the current language and oversight scheme will continue to allow Microsoft to stifle competition while waging a delaying action in the courts over the definitions of the current language. Meanwhile, they will be forcing their competitors out of business and reducing the choices of consumers to one. Again, I urge you not to allow a monopoly to continue their conquests by accepting the current agreement.

Regards, Bill T.

MTC-382

**MTC-0000383**

From: McNeill, Robert  
To: microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 9:39am  
Subject: Microsoft

I realize that I am just a professional user, and that my opinion probably means little to no one. But it appears to me that if Microsoft was taking the conviction seriously, the XP product would not so blatantly do the same thing to Media players as they did to browsers last time. They basically stole the browser market from Netscape, and now they are aiming for the messaging and media player market. They have shown no remorse about their past actions, and continue to use their position within the operating system market to attack the application market. And for them to state that applications are an integral part of the operating system is an utter falsehood, and can be shown by just looking at what the definition of an operating system is. The longer Justice delays, the more Microsoft has profited. And by the time this is finally resolved, unfortunately the competition will have already been decimated.

Robert McNeill  
Network Engineer

MTC-383

**MTC-0000384**

From: atrieger@wt6.usdoj.gov @inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:39am  
Subject: Microsoft must be stopped

I am a software developer, Internet Entrepreneur having started 2 companies and dedicated citizen and I feel it is the governments responsibility to not only penalize Microsoft for their years of damning behavior, but structurally reorganize the company so that market pressures, not contract wording, will force its compliance to accepted business practices. As an early user of NeXTSTEP and other advanced operating systems, it is impossible for me to describe the amount of efficiency and productivity that has been removed from the US Economy because of Microsoft's dominance with inferior products. I also feel, however, that user's are also to blame for continually purchasing microsoft products. If it is too late to continue the fight to split microsoft into an operating system company and an applications company (where the delineation between the two is made by a consortium of experts from the field and some accepted governing guidelines), perhaps it is also possible to impose fees for illegal behavior on microsoft and use the money to fund a "user's have a choice" ad campaign. Such a campaign's goal would be to study the alternatives to microsoft in the home-user, business-user markets and provide unbiased information to consumers letting them know that even though they may only see rows and rows of microsoft products at Circuit City, there are other choices. Perhaps, also, grants could be awarded by an independent panel to fledgling technologies to help them compete. (A perfect example is how advanced most all flavors of Linux are, but they lack a cohesive user interface and simple install capabilities . . . when the capital markets fail to provide funding for

such an effort (as they have here with two linux-all-in-one-easy-to-use companies folding) this panel could provide grants to groups dedicated to making this technology a reality.) Almost a venture financing arm of the government dedicated to diversifying the choices for consumers and levelling the playing field.

Thank you for your efforts,  
Andrew Trieiger  
Chicago, Ii.

MTC-384

**MTC-0000385**

From: Ed and Helen Isenberg  
To: Microsoft ATR  
Date: 11/16/01 9:40am  
Subject: Proposed Microsoft settlement

I would like to register the strongest protest against the proposed settlement between the U.S. Government and Microsoft. The latter company has been found guilty of both being a monopoly and misusing the power, with a Court of Appeals confirming those convictions. Microsoft has been unwilling to abide by previous Consent Decrees, and its many public statements over the past years make it clear that they reject the very notion that antitrust legislation is valid or applies to it. If this settlement goes into effect it will have a very ineffectual enforcement mechanism, with Microsoft fully aware that violations will not result in serious punishment even if detected.

I first began working with computers in 1968 and, before becoming disabled 11 years ago, had reached senior marketing management in medium to very large computer companies. As might be expected, I am also a so-called "power user" of computers at home, my wife and I sharing two desktops and two laptops. I have worked with Microsoft as a partner, competed with it in the marketplace, and used its products on my computers, and so know the company in all its guises.

Microsoft, like most companies led by a single strong leader, takes on the personality of that leader. Mr. Gates has many fine attributes that have benefited his company, the computer industry and our nation and world. However, he has a "take no prisoners" "what's good for Microsoft is good for America" "laws don't apply to me" core belief system that has in the past and will continue to lead him to push his company past the legal limits for a company that holds a near-absolute monopoly in a major market segment.

Currently, within the mass-market arena, virtually all manufacturers, software developers and users are faced with only one choice: Microsoft and its products. By leveraging off its strength and control of the operating system and through illegal bundling and typing, Microsoft has gained monopoly control of not just the operating system but core applications (word processing, spreadsheet, presentation graphics, database management, and programming languages). More recently it has used these techniques to gain monopoly control of Internet browser software and web-creation software (its Frontpage product and Office Suite of products are designed to create web pages that won't work properly

when viewed in a Netscape browser). Microsoft is quickly on its way to gaining control of the multimedia marketplace as well (e.g., Windows Media Player, MSN-Chat). It holds a very strong if not monopoly control over large segments of the computer games industry (with simulation games like Flight Simulator, Combat Simulator, Links/Golf, and the Bicycle-brand of simulated card games). It is currently attempting to take effective control over the Java programming language, requiring developers to use its proprietary version of this multi-platform language or lose access to the end-user desktop. The only reason Microsoft doesn't completely control the home and small business finance software market is that the Justice Department nixed its attempted merger with Intuit (creators of Quicken).

It is one thing for Microsoft to use public relations to suggest that the antitrust effort is "anti-consumer" and "only of benefit to its competitors," but the government's antitrust Division should know better. The purpose of anti-trust laws is exactly to protect competition from unfair practices by monopolies. It was never envisioned as a consumer protection act; it is a "free marketplace protection act" that allows capitalism and competition to flourish in circumstances in which one company could use its size and strength to take over a market and destroy all competition. This is what Microsoft's goal has always been, it is what Microsoft has done in the past despite repeated warnings and consent decrees, it is what Microsoft is doing now even during the period the antitrust lawsuit was being litigated, and it is what Microsoft will do forever if the proposed government settlement is approved.

I personally do not look fondly at the prospect that all of my computing choices will be made by Microsoft. I do not think it will be meaningful competition if the only reason for other companies to create new software is in the hope to be bought out by Microsoft, where their products can be used or buried depending on not what is best for the public but what is best for Microsoft.

I most respectfully request that you rescind your settlement offer and go after more meaningful remedies as approved by the new Judge in the case.

Most sincerely yours,  
Edward D. Isenberg  
disabled, current computer user  
former Vice President of Marketing and Technology, IM?Learn  
former Director of Marketing Support, Oracle  
former Vice President of Sales and Marketing, Kimtron  
former Director of Software Marketing, MDS Qantel Computers  
former programmer, webmaster, and consultant

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MTC-385

**MTC-0000386**

From: Tracey, Dominic P

To: 'microsoft.atr(a)usdoj.gov

Date: 11/16/01 9:41am

Subject: shame on you

You should be ashamed of yourselves for throwing away all the hard work done by those who have come before you. As an IT professional who has suffered under Microsoft's stifling practices for nearly two decades, I have carefully followed this case. Your complete cave-in to Microsoft and your farcical proposed sanctions bring the entire process into disrepute. What kind of reasoning is "we don't think we'll be able to get them to behave so we aren't even going to try"!? Thank you for the opportunity to express my frustration and I hope you will reconsider this extremely unwise track you are following.

Dominic Tracey  
Developer Services  
UnumProvident

MTC-386

**MTC-0000387**

From: Eric

To: Microsoft ATR

Date: 11/16/01 9:42am

Subject: Microsoft Antitrust

This deal is a complete sell-out. The DOJ has just handed Microsoft card blank to bundle anything they want into their OS. This means that they could bundle Microsoft Money into the OS and squeeze out the competition of Quicken.

Microsoft was guilty in a court of law that it is a Monopoly (even Israel came to the same conclusion), however, they are not being penalized for any of their previous actions. This clearly sends a message to corporate America that "hey, you too can break the Law and the DOJ will just slap your wrists".

Also, there are so many loopholes in this final draft that Microsoft will be able to get around almost all of the sanctions that are placed against them. I can see this and I'm not even a lawyer, therefore, I wonder how the DOT even came up with this.

Thanks to the DOT, Microsoft appears to be above the law if not controlling it like they control everything else.

Eric R. Fairhurst

MTC-387

**MTC-0000388**

From: Tom Edwards

To: Microsoft ATR

Date: 11/16/01 9:42am

Subject: Microsoft Case

This note is in response to an article I read on Excite. I am in favor of the DOJ dismissing the Microsoft case in total and putting whatever pressure you can on the states to do likewise (i.e. tell them they will lose any appeals). Watered down penalties will create a lot more bureaucracy, but for no gain. Stiffer penalties designed to help Microsoft competitors will weaken Microsoft, but only add to the clutter on the other side. If the competitors had product with a clear advantage people would already be buying it. If they don't, they don't deserve being propped up by pulling Microsoft down. I see no real gain for the consumer. As for the competitors, I would love to have an alternative to Microsoft Windows that works

well, doesn't glitch as often, and is more intuitive to operate. Maybe they should be spending their money on that instead of on lawyers!!! I have been a PC user since 1978, starting with a Radio Shack TRS-80. Since that time I have always had a PC at home, trading up every 2-3 years. I currently have two PC's personally and am looking to buy a third. I also have a server and four other PC's that I co-own with a partner in my business. I am considered by all but "real power users" to be a power user. If the DOJ wants to do something for folks like me, you should look at software licenses, not just Microsoft. Once upon a time many software companies took the approach that you had to own enough licenses to make sure you never had more users using a piece of software than you have licenses. The industry is evolving, however, to an approach that says one license per machine. In my case, where I have multiple machines per user, that significantly increases my cost to own software that sits idle almost all the time. With a change in license policy, I could then buy Microsoft Office Professional for about \$600, install it on all three of my personal machines, and use it on the machine I want to at any given time. If my wife wanted to use it, I would have to make sure I wasn't using it at the same time or buy two copies. Either way, I wouldn't be stuck buying three. In the current environment and under current licensing, I would get branded a "Software Pirate" under either scenario. Thanks for listening.

Regards,  
Tom Edwards  
IdeaWorks, LLC  
tedwards@ideaworksllc.com  
tel (616) 454-4033  
fax (616) 454-4474

MTC-388

**MTC-0000389**

From: Arnold Gregg

To: Microsoft ATR

Date: 11/16/01 9:46am

Subject: Consumer comments

Mr. I Ms. Regulator:

I understand the DOT is accepting comments on the proposed Microsoft settlement. These are mine. I believe in our free enterprise system and a level playing field. Although Microsoft (MSFT) has been a very positive force in shaping the PC industry, they have also become unduly powerful. The fact is MSFT's dominance of the PC operating system environment limits consumer choices. As the owner of a small business with a network of less than 50 PCs, we have to continually upgrade our application software, with little or no increase in benefits, because when we purchase new PC's they are pre loaded with MSFT software that is in one way or another incompatible with previous releases of the same applications. MSFT has driven the likes of Lotus, WordPerfect and Netscape into virtual extinction as a result of their marketing practices. The DOJ should force Microsoft to sell a stripped-down version of Windows that doesn't include built-in software for browsing the Internet, reading e-mail, listening to audio I video; and that is truly open for other software developers to

build on the Windows OS platform. I realize that many fine software companies are already extinct, but there will be many new developments in the future and MSFT should not be allowed to kill them off before consumers have an opportunity make a choice.

PS: I am a MSFT stockholder!!  
Arnold Gregg  
Anaheim, CA

MTC-389

**MTC-00000390**

From: Tony Brocato  
To: Microsoft ATR  
Date: 11/16/01 9:46am

Subject: fair settlement for microsoft  
Bill Gates and Microsoft have changed our world for the better. I think that Microsoft will survive these lawsuits and continue to make the best system in the world even better. thank you  
Tony Brocato  
Raynham, Mass.

MTC-390

**MTC-00000391**

From: Atteckus@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:48am  
Subject: Penalties for MS

The federal government (Justice) has not pursued the very crux of Microsoft's abusive use of monopoly power. Shame on DOJ! Shame on the Court! You have done nothing to address the bundling issue, which is the core of the problem with Microsoft. MS's ability to "force feed" computer manufacturers add-on software by virtue of the absolute requirement for the purchase of its operating system, is the issue. It is anti-competitive, shameless and compulsory. It is unnecessarily adding to the cost to consumers of computers for the benefit of MS shareholders. Nine states and the European Union WILL address this issue, even if Justice and our court decides to lay down for its MS pal. It would be preferable to see our federal government demonstrate more interest in protecting American consumers than protecting Republican campaign contributors.

Very truly yours,  
Steven M. Gottlieb  
goulston&storrs  
a professional corporation  
400 Atlantic Avenue  
Boston, Massachusetts 02110-3333  
U.S.A.  
direct: (617) 574-3569  
office fax: (617) 574-4112  
<http://www.goulstonstorrs.com>

MTC-39 1

**MTC-00000392**

From: Mike Mahoney  
To: Microsoft ATR  
Date: 11/16/01 9:50am  
Subject: Comment on Settlement

Microsoft is the 500 lb. gorilla of the computer software industry. Your settlement is tantamount to giving it permission to sit anywhere it wants to. Lots of little players are going to get squashed. Many not so little players are already squeezed out of some markets.

Their tactic is to give their products away until the corner the market and then jack the price up once consumers have little choice other than to pay their exorbitant prices. MS Office is a good example. It used to given away free. I attended an MS Office seminar (free) and received a complimentary copy of their software. Today a full copy of MS Office is about \$800. Meanwhile, Lotus Smartsuite has lost significant market share. As that share continues to dwindle, look for MS Office prices to continue to climb. The same can be said for all the other productivity suite vendors.

Strong arm tactics are what forced IBM to basically stop selling OS/2. Oh, it's still available but you don't ever see any ads for it anymore. Technically, it's a far superior operating system, but no one would develop applications for it because Microsoft threatened to withhold API information from developers if they wrote their programs so that they would work on both Windows and OS/2. Without applications the operating system is useless. MS knew that and brought their fist down on the developers to make them conform to their wishes.

Your recent settlement with MS gives them license to continue their strong armed tactics. We're all going to be poorer for it. Despite what Bill Gates says, their issue isn't a "freedom to innovate", it's a freedom to steal good ideas from competitors and then force them out of the market.

If my government isn't interested in a level playing field there won't be one.

Mike Mahoney

MTC-392

**MTC-00000393**

From: Marc One  
To: Microsoft ATR  
Date: 11/16/01 9:50am  
Subject: Anit-trust settlement

The Governments settlement amounts to less than a slap on the wrist and should be an embarrassment to every one involved.

MTC-393

**MTC-00000394**

From: Simpson, Randy  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 9:51am  
Subject: enough already

The legal system in this country is becoming a joke. Justice delayed is justice denied. Careful consideration of all angles does not lead to a better decision when the time it takes to accomplish this is out of proportion to the decision. US government resources, state government resources and private company resources are being ground up and digested by the legal system while the environment that triggered the initial questions has turned over and reinvented itself several times. For Gods sake and the good of the country, make a decision so we can get on with our collective enterprises.

Dr. William R. Simpson  
Institute for Defense Analyses  
703-845-6637  
fax 703-845-6848  
1801 N. Beauregard  
Alexandria, VA 22311-1772

MTC-394

**MTC-00000395**

From: wade f dansby 3  
To: Microsoft ATR  
Date: 11/16/01 9:53am  
Subject: shame on you

Shame on you for imposing inadequate and weak penalties on a company that has consistently ignored similar and almost identical measures in the past. You just gave them a slap on the wrist. The courts determined that Microsoft is an aggressive and damaging monopoly and broke law thereby. As long as they hold back all the code to their operating system and also develop major software for it, they will always have an insurmountable advantage over any other software developer. They can enter any new software paradigm and immediately dominate it. How does this foster any sense of competition. How can this possible be good for the industry. Shame on you all.

wade dansby 3 reply to:  
wade3@webslingerZ.com  
media designer wk 919.933.1222 mb  
919.270.5598  
webslingerZ, inc <http://www.webslingerZ.com>

MTC-395

**MTC-00000396**

From: jimmy.wilson @ att.net @ inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:56am

Subject: Thoughts on Microsoft ruling  
Personally, I am not happy with the final agreement orchestrated between the government and Microsoft. I think it amounts to a mere slap on the wrist and does absolutely nothing to penalize the company for many years of gross disregard to the PC industry and to the competitive process for that industry.

To have been better served as a consumer, Microsoft must be forced to allow their customers to decide what is installed on their PCs. I don't want Microsoft to make those decisions for me. Most customers are intelligent enough to decide on what software best serves their needs and either install that software or have it installed for them.

Microsoft needs to be punished for their actions over the years. My thought would be they should either be required to do either personal computer software (i.e. operating system, games, productivity) or business software (i.e. database, applications) but not both.

My thoughts and opinions only.  
Jimmy Wilson

MTC-396

**MTC-00000397**

From: M. Giglio  
To: Microsoft ATR  
Date: 11/16/01 9:57am  
Subject: Comments on Microsoft Antitrust settlement

To Whom it may concern...

I have competed in the sales arena against MS for over 13 years and have sees every dirty trick in the book that their organization can pull to crush the competition. The solution you are proposing, your beliefs about its enforcement, and Microsoft's

sincerity are a joke. Either you have been told to back off, or you just don't care any more are the only reasons that I can come up with. Microsoft just recently slandered our company to our own customers RE: Novell Sues Microsoft Over Advertisement. Novell is taking aim at a series of statements Microsoft printed on a piece of marketing collateral and sent to technology buyers, including some Novell customers. The advertisement was delivered in a package designed to look like a breakfast cereal box with the name "Microsoft Server Crunch." [http://www.computerworld.com/storyba/0,4125,NAV47\\_ST064398,00.html](http://www.computerworld.com/storyba/0,4125,NAV47_ST064398,00.html) I have heard first hand from my customers the damage this caused my company and my family has felt the economic impact these blatant lies and slander have caused. My customers have told me what their Microsoft sales rep said about the antitrust suit "...we knew all along the Justice department had no teeth and the political climate would not tolerate a break up. If you go with the proposed settlement, Microsoft will not only walk all over it, they will become more abusive and aggressive than before destroying what little is left of their competition.

Michael Giglio

MTC-397

**MTC-0000398**

From: Don Tilleman  
To: Microsoft ATR  
Date: 11/16/01 9:58am  
Subject: Settlement Comments

To Whom It May Concern,

After carefully reading the proposed Microsoft settlement, it appears to me that you have caved into Microsoft. NOTHING in the agreement will rectify past abuses and any changes that Microsoft would have to make apply only to future releases.

It is like you have said, OK you guys were bad, but boys will be boys, play nicer in the future.

This settlement must address the flagrant violations of previous court orders and slap a substantial financial penalty on Microsoft. It also should help to create a level playing field for current players. By allowing Microsoft to say what they can and cannot release is similar to allowing a hungry wolf to share a cage with several sheep and admonishing it to not eat them, it just is not going to happen in this lifetime.

I realize that you have a political stake in this, after all your boss and his political party accepted millions of dollars in campaign contributions in the 2000 elections and you cannot bite the hand that feeds you, but as an IS professional it saddens me to see consumer protection reduced to political expediency.

The settlement should include major financial penalties, forcing Microsoft to sell a bare bones Operating System, stripping the .NET products out of the current OS, and the establishment of a committee that consists of representatives from the Justice Dept, Consumer Watchdog Groups, IS professionals and Microsoft that reviews and releases code to Microsoft competitors. Microsoft would not have veto power over any release. You are dealing with a monopoly power here that took steps to insure that it's competitors

would not be around at this point to dictate the terms of this settlement. There is precedent here, look at the IBM and AT&T decisions of the 1970's. Both of those settlements actually helped to create wealth and empowered consumers to make choices.

I am glad that several states chose not to cave into the whim of an elected official and continue to press for real and substantive gains for the consumer against a monopoly that has abused it's power time and time again.

Don Tilleman  
Pinetree Peripherals inc  
(303) 772-3915  
dtilleman@pinelnc.com  
<http://www.pinelnc.com>

MTC-398

**MTC-0000399**

From: kabazuki  
To: Microsoft AIR  
Date: 11/16/01 9:59am  
Subject: Microsoft Settlement?

Sirs:

Billions of \$\$ in sales. Why doesn't it work? It isn't meant to work, it's a cash cow. Can't avoid it because US Federal authorities folded on the AntiTrust suit. Personally, I have 5 yrs research archives held hostage to MSFT marketing malice.

Netscape? The only way to save email records—unless your name is Monika Lewinsky, of course. But if you have an "uncontrollable situation" (DataRecoverySpeak for MSFT marketing practices) and you haven't used Netscape, your'e in trouble.

Java? It's more secure than DirectX, but MSFT forces it's "clients" to agree to the contrary when they pick up and install the MSFT browser's java-enabling package. Their practice of forcing individuals to agree to matters of fact under dispute or in which they have no personal expertise at their command which would afford informed consent/dissent remains open to legal challenge, nonetheless. Furthermore, one is ill-advised to accept MSFT updates throughout the "life" of one of their products because these updates merely prepare for a major programming design switch, a questionable marketing method tantamount to blackmailing individuals into the purchase of "new" product versions which MSFT would like to sell in large numbers but for which individuals have no pressing, overwhelming need.

This happened in the switch from W1N95=W1N98 and it is happening again with the switch W1N98/MEIOO to WinXP.

Add to all these outrages and shoddy practice the fact that to get their "seamless package" to function, service advice must be purchased. It seems there is nothing in the manner in which MSFT's "offer is structured likely to prevent further development of this marked trend in negative marketing. It is safe to assume that as the "product" is divided into smaller pieces and more complex calculation packages are fitted to each product module in order to book higher revenues on sales of the same old stuff, features which demand heavy service will be built into the corporation's product range. It is suggested that the Court's IT specialists'

attention be drawn to the evolution of Microsoft's .dll/migrate calculations from 1995 to October 2001, and that they evaluate the objective usefulness of this type of product development.

Respectfully,  
Jackie Hulme

MTC-399

**MTC-0000400**

From: Bruce A Furnival  
To: Microsoft ATR  
Date: 12/6/01 1:43pm  
Subject: Microsoft's so called monopoly.

Microsoft needs to be left alone. If anyone else in the computer world wants to make operating systems for consumers they can. They prefer to keep things complicated.

Yours truly,  
Bruce Furnival

MTC-400

**MTC-0000401**

From: Minh Duong  
To: Microsoft ATR  
Date: 11/16/01 2:15pm  
Subject: Settlement not adequate

With two federal judges having found that Microsoft is guilty of monopolistic practices, the settlement agreement is wholly inadequate to redress nor prevent the infractions for which Microsoft was found guilty. While a breakup may not be in the best interest of the company nor the industry, this settlement has less merit than the 1995 consent decree that Microsoft violated.

Any settlement made must do more than rely on the vigilance of the Justice Department to assure that Microsoft follows the settlement. The settlement also must not be so vague as to allow Microsoft loopholes. As it stands, the settlement allows Microsoft to define its own behaviors as conforming or non-conforming through the wrangling of what it deems "would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems [etc] . . ." With UTICA/EULA, Microsoft can find other exceptions. Even if it violated the behaviors it sets, Microsoft polices itself through its influence in naming the oversight committee that oversees it. Finally, in the unlikely event that Microsoft is found guilty by the oversight committee of violations, there are no provisions for punishment or procedures for redress. Does the DOJ sue again?

The settlement is not a sellout. It is a rubber stamp to all the policies that has made Microsoft a monopoly. The Bush claims to be business-friendly; this settlement adjusts that view to be "biggest-business-friendly."

As a test of settlement to address users' concerns bear in mind the following scenario: At the moment, the latest version of Windows (XP) is now selling. While it is an advance on previous versions, certain features (most of which are unnecessary) make it more difficult for users to divorce them from Microsoft. Product Activation is Microsoft's solution to software piracy. Users have to contact Microsoft after installing XP to allow XP to work more than 30 days after install. After 120 days, XP checks to make sure that it is still running on the same

computer on which it was installed. Imagine 3 years from now, Microsoft changes XP through updates and patches so that every 120 days instead of just checking itself, it shuts down until the user deposits \$100 dollars into Microsoft's bank accounts. While it would mean outrage from users, what could they do about it? Absolutely nothing. They have no choice but to pay or not use XP.

Even though home users paid for the software initially, the license agreement on XP allows Microsoft to change the terms and conditions of the use of XP at Microsoft's discretion. Business users typically pay per seat license per year anyway, but Microsoft could still charge them four times a year. This is a clear case of monopoly abuse under the Sherman Antitrust act. What would DOJ do then? Should private individuals sue? Under the settlement this is allowed, but how long would it take to address this issue? In this case the settlement would be useless.

In evaluating the Microsoft case, we often compare precedent and history. In other monopoly cases where violations of the Sherman act were found, no other company was given as much latitude as Microsoft. Was AT&T allowed to determine its own course of action? What about Standard Oil? At the time of those cases both companies decied irrevocable harm to the country and economy if severe penalties were accessed. Years later, I am paying for gas based on the amount of world-wide supply available, and telephone companies are fighting for my long-distance service. Are we better off today? My opinion is yes. This settlement only benefits Microsoft in the long run.

Sincerely,  
Minh  
Minh Duong

MTC-401

**MTC-00000402**

From: Raymond Townsend  
To: Microsoft ATR  
Date: 11/16/01 9:09pm  
Subject: microsoft

Excerpt from Ralph Nader

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

How is the public supposed to find out what committee does?

Raymond Townsend  
rtownsen01@mindspring.com

MTC-402

**MTC-00000403**

From: doyle @wrq.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:09pm  
Subject: Problems with November 2

agreement

Dear sirs,

I am writing today because I am deeply troubled by several aspects of the November 2, 2001 Microsoft anti-trust settlement. I am a professional computer programmer, and have been directly harmed numerous times by Microsoft's parctices.

First, the text in the "definitions" near the end of the agreement says, "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." Microsoft has demonstrated repeatedly that they are willing to exploit this kind of loophole, and I am counting on them to determine that pretty much anything they want is part of the Operating System—this clause gives them that right. This alone seems to render the agreement nearly useless against future infractions.

Second, their anti-competitive behavior is continuing unabated with respect to Java. They have a competing technology (which I'm certain will be defined into the OS, see above) called .NET, and have dropped all support for Java from Internet Explorer, making it much more difficult to install Java as an optional after-market piece. This is a clear example of abuse of monopoly control over the browser and the platform.

Third, there is absolutely no punishment for past crimes. They got away with it, and received only the lightest possible slap on the wrist. Given their past behavior, I am afraid this will simply magnify their hubris, and instead of nearly fatally wounding the industry that pays my salary and was responsible for the largest peace-time economic expansion this country has ever seen, they will do the job right this time, and we'll end up with no Internet, no innovation, and a monopolist in charge of an enormous range of strategically critical technologies.

I would instead like to see the following remedies:

1. Split the company, not in to two but three pieces: Operating Systems, Internet, and Applications.
2. Appoint an existing technology standards body such as the IETF to determine what is in and what is not in each category. Microsoft should have only a small minority voice in the process, if any.
3. Fine them three years profits.
4. Require them to publish all existing file formats (Word, Excel, etc.), and require changes to those formats to be published and peer-reviewed six months before any Microsoft product is allowed to read or write them.

Failure to seriously address these issues will lead to a dramatic decline in innovation and the markets that it spurs. A large segment of the economy now operates on Internet Time—I think you will be amazed at how quickly things will go south if a remorseless

monopoly is allowed to continue destroying others' ability to innovate.

Sincerely,  
Doyle Myers  
Seattle, WA

MTC-403

**MTC-00000404**

From: John D. Bethge  
To: Microsoft ATR  
Date: 11/16/01 9:10pm  
Subject: Settlement

I would just like to say how out raged I am at my government's complete lack of conviction to punish a court proven monopoly. I see myself as a capitalist and monopolies are not a bad thing if achieved thought fair market practices. I believe that Microsoft did not achieve its monopoly thought fair practices and its effort to maintain its monopoly where proven by our wonderful justice system to be unfair. This settlement does not go far enough to punish Microsoft. Lesser monopolies have been punished far worse. It is time for our governement to stand up and protect consumer and consumer rights not the rights of big business.

Thank you

John D. Bethge  
<http://www.geocities.com/jdbethge>  
jdbethge@ieee.org  
/"There is a fine line between serendipity and stalking."/

MTC-404

**MTC-00000405**

From: ray hartman  
To: Microsoft ATR  
Date: 11/16/01 9:13pm  
Subject: how expected

Gents:

Nice work, DOJ ... just as I expected.

I presume—since MS\$ is the Feds own OS—with security weakness, code backdoors and never ending extensions designed and tested by the FBI, CIA and anybody with shiny, black shoes—much worse could have happened than slapping Bill Gates hand.

The Feds could have handed him Linux ... 'Course then SusE hardware drivers would work. Regarding the MS\$/DOJ agreement, that, gentlemen is the level of my cynicism.

Dr Ray Hartman  
328 west 8th Ave.  
Spokane, wa.

MTC-405

**MTC-00000406**

From: Travers Naran  
To: Microsoft ATR  
Date: 11/16/01 9:13pm  
Subject: Please break them up

Or at least aggressively monitor them.

It is extremely dangerous to let this monopoly continue and become the only major tech company in town. It makes the entire industry susceptible to MS's woes. Please, reconsider and use more aggressive tactics.

Travers Naran,  
tnaran@direct.ca, tnaran@telus.net

MTC-406

**MTC-00000407**

From: Helmut Kurt Burn

To: Microsoft ATR  
 Date: 11/16/01 9:16pm  
 Subject: Microsoft receive harsher penalties  
 "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 they may subjugate us under their  
 domination.

We must not trust our governments with  
 our fate, for our rulers often do not serve us.  
 But take their lead from their corporate pay  
 masters. 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 there 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 nation's 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  
 of the weakness of some in the challenge  
 posed in the defense of democracy.

Helmut Kurt Burn  
 Mook Media—Director  
 Sydney Australia

MTC-407

**MTC-0000408**

From: tannhaus@wt6.usdoj.gov@inetgw  
 To: Microsoft ATR, jeffersonmc @  
 mail.house.gov @ inetgw

Date: 11/16/01 9:22pm

Subject: The pending Microsoft settlements

First, I would like to say that I'm very  
 distressed to see the proceedings fall apart as  
 they have been. The DOJ had essentially won  
 the case and now seems more concerned to  
 hand the ball back to Microsoft. I do not  
 doubt that there is a tremendous amount of  
 pressure on the DOJ by the current  
 administration to end this trial quickly.  
 However, I'm concerned that the DOJ has  
 moved away from a focus on what will  
 protect the citizenry and instead moved to a  
 focus of settling this case soon, at any cost.

The Microsoft monopoly only hurts the  
 economy and the consumer. It chokes the life  
 out of all competition and aggressively  
 attacks them until they are only a shadow of  
 their former selves. Sun Microsystems,  
 Netscape Communications, Apple and many  
 other companies have felt the force of a  
 monopoly bent on domination. Thousands of  
 jobs have been lost due to Microsoft's unfair  
 business practices and even under the  
 proposed settlement, thousands more will be  
 lost.

Windows XP is a shining example of  
 Microsoft's monopolistic practices. Now,  
 with CD burning software and digital photo  
 software included for free, it forces  
 competition such as Nero and Kodak down  
 the same path it forced Netscape long ago  
 when it included Internet Explorer as a free  
 addition to Windows. When you click on a  
 file to open it, it does not ask you what  
 program you wish to use to open it with. It  
 simply opens it with Microsoft's programs

and leaves the competition to fend for  
 themselves.

Microsoft has proven to be VERY  
 aggressive and very willing to use their  
 monopolistic leverage to their advantage.  
 Whether they use the leverage to punish  
 vendors for loading other software, or use  
 their software to make sure companies  
 cannot switch to another operating system  
 and keep using the same programs they've  
 been using all along. This increases the  
 learning curve for using other operating  
 systems dramatically and ensures Microsoft  
 will keep the monopoly at the expense of  
 others. It is my opinion as a consumer and  
 a citizen that there is only one true solution  
 to this monopoly. The solution is very  
 similar to the one enforced on Bell which  
 created a boon for the telephone industry.  
 Ideally, Microsoft should be split into two  
 companies. One company would retain the  
 software and the other company would retain  
 the operating system division. This would  
 ensure that Microsoft would have to compete  
 on their own merits and the merits of the  
 programs. It would also ensure that other  
 operating systems and software companies  
 would have greater access to the consumer.  
 No longer could Microsoft bundle a product  
 for free in an effort to force a company and  
 their products out of the market.

The alternative to that path would be if  
 Microsoft was forced to sell off either the  
 operating system division or the software  
 division. If the two divisions are not  
 separated, even with strict controls,  
 Microsoft would find ample loopholes to  
 keep doing business as usual, circumventing  
 the law and making a mockery of the legal  
 system. They have already proved their  
 willingness and ability to do this with the  
 current wording of the proposed settlement.

If this solution is not acceptable to the DOJ,  
 I have one request I beg you consider.  
 PLEASE, for the sake of your citizenry, add  
 a clause to the settlement that ensures the  
 following:

Every program Microsoft creates, whether  
 downloadable for free off the internet, or  
 sold, should be not only available for the  
 Windows platform, but with identical quality  
 and function for the Macintosh and Linux  
 platforms. Programs should no longer be  
 bundled with windows beyond those  
 required to connect to the internet.

Most non-Microsoft operating systems,  
 beside Macintosh, have a way to run Linux  
 programs on their platform. In addition, since  
 Linux is open source and the code is free to  
 the public, this ensures that future and  
 present operating systems will have a way to  
 code compatibility into their OS. Therefore,  
 any Microsoft program released on the Linux  
 platform, would be able to run on their  
 platform as well. This one clause would level  
 the operating system playing field and make  
 the settlement much more palatable to many  
 companies and people.

Thank you for your time,  
 Michael Staggs—registered voter  
 2710 Bessemer St  
 Kenner, LA 70062

MTC-408

**MTC-0000409**

From: Gary Stahara

To: Microsoft ATR  
 Date: 11/16/01 9:23pm  
 Subject: Microsoft Settlement

I would like to express my disappointment  
 in the government's settlement of the  
 Microsoft Anti-trust case. This settlement  
 amounts to a slap on the wrist for Microsoft,  
 and does nothing which will change the  
 company's monopoly status, and little or  
 nothing to alter its behavior. The  
 government should be ashamed of this  
 settlement considering the time and tax payer  
 money spent on the case, which gives the  
 consumer nothing for the future in the way  
 of increased competition and innovation.  
 This company will continue to rip off other  
 company's ideas and incorporate them as  
 their own, or buy those companies out,  
 squashing potential competition.

Dismantling the company into OS/Apps is  
 the only way to foster true competition in the  
 computer market space. Our system has  
 utterly failed in this case.

Respectfully,  
 Gary Stahara

MTC-409

**MTC-0000410**

From: istone@mac.com@inetgw

To: Microsoft ATR

Date: 11/16/01 9:23pm

Subject: Re: Slashdot: News for nerds, stuff  
 that matters

I am very upset with the proposed  
 settlement. I am a network administrator  
 working at the Johns Hopkins University  
 Applied Physics Laboratory. I am one of the  
 lucky few not forced to work on windows  
 machines. Microsoft's Internet Explorer  
 epitomizes the trouble we are having.  
 Internet Explorer comes on every one of our  
 PCs. In addition, our developers have been  
 enticed into writing code which runs only on  
 IE. This effectively freezes out UNIX  
 machines, and sometimes Macintoshes, from  
 accessing Laboratory web sites. Thus, there is  
 increased pressure to migrate projects and  
 people to the Windows platform.

If Microsoft were split into an OS group  
 and an Apps group, there would not be as  
 close a tie between IE and the OS. Other  
 vendors would have an opportunity to write  
 decent web apps. But, more importantly, I  
 think there would be less "custom" Microsoft  
 only web code around. And the web would  
 be as it was created, open to all platforms and  
 people, equally.

Thank You,  
 Chris Stone

MTC-410

**MTC-0000411**

From: Dan Burnstein

To: Microsoft ATR

Date: 11/16/01 9:26pm

Subject: my 2c

I am old enough to remember MS proudly  
 telling everyone that they had a Chinese  
 firewall between the applications side and  
 the operating system side of the business.  
 Then as they realized there was little  
 effective oversight they 'forgot' about this  
 division. Now we have no effective  
 competition in the browser market and even  
 less competition in the operating system  
 market. They crushed the competition using

illegal tie-in arrangements and punishing anyone who did not toe the MS line. Stopping this behemoth is not easy and crafting a useful remedy is very hard. However it is doable with will and backbone. I doubt this administration has either.

Good luck.

Dan Burnstein  
(software developer, lawyer)

MTC-411

**MTC-00000412**

From: Panix  
To: Microsoft ATR  
Date: 11/16/01 9:27pm  
Subject: Microsoft Settlement  
To: microsoft.atr@usdoj.gov  
Subject: Microsoft Settlement

I appeal to the United States Government NOT to settle with Microsoft. In addition to the reasons set forth by the United States Department of Justice in bringing the Anti-Trust it seems that Microsoft's arrogance has grown to the point of being out of control.

To example, Microsoft now requires that their newest operating system, known as XP MUST be activated by their WPA (Windows Product Activation) which requires that the XP product send private information about the user's equipment to Microsoft or else the product will stop functioning.

I can advise that any elected official that supports this settlement with Microsoft will not get my and/or my family's vote. We can not permit this BIG BROTHER policy by Microsoft.

For those that agree with the above please send tyour comments to the email address shown above.

United, we the consumer can win!

MTC-412

**MTC-00000413**

From: Kelly, Brian F  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 9:30pm  
Subject: BeOs had good deals with Dell and Compaq

The fact that this( email subject) was completely overlooked has reduced my faith in the justice department to nothing. Why did this get overlooked is what I, as a citizen, deserves to know. Thankfully the EU has a little more knowledge of the situation.

MTC-413

**MTC-00000414**

From: Scott Prive  
To: Microsoft ATR  
Date: 11/16/01 9:31pm  
Subject: The DOJ/MS settlement is bad

The DOJ/MS "settlement" is bad. REALLY bad. This sends a really bad message that if you break the law, it's cheap insurance to donate soft money to a candidate, then reel in the favors.

How is a new consent decree going to prevent problems the 1995 decree did not prevent? Windows XP and .NET look appear to be the ultimate joke of the whole legal process.. I can't see how Windows XP could violate the past decree any more, if they tried.

How can Microsoft be "forced" to open up their protocols, to allow interoperability with the competition... when the decision is

ultimately Microsoft's to make. The loopholes for denying information.. "viable competitor" and "except for security concerns are loopholes big enough to drive an 18-wheeler through." What about Microsoft's \*bigger\* monopoly... the Office suite market? A structural remedy means MS will have to compete on equal terms. You might even have a choice in software suites... consider for a moment how many people or businesses actually read reviews of different office suites. None. Why is that? Because other office suites cannot keep up with the \*momentum\* of... not features.. but the ever-changing, undocumented secret Office file formats.

Lastly, this settlement completely ignores the issue of punishment, which is something expected when someone breaks the law... especially if they boast.

Scott Prive  
Lowell, MASS  
registered voter

MTC-414

**MTC-00000415**

From: Romancer Black  
To: Microsoft ATR  
Date: 11/16/01 9:32pm  
Subject: Re: (Response requested)

It's interesting that something could be said to be in public interest and yet have the public fighting it so. Competition is good for the economy, I'd check the pockets of anyone saying otherwise.

Microsoft has purchased it's own "get out of jail" license with this agreement. They will continue to dominate the desktop area because nothing that they are currently doing has been said to be bad.

This case against them was brought up because they are no longer using honest american business tactics, instead they are embracing new technology and making it proprietary. So that no one that used it first or came up with the idea has a chance. Since Microsoft Windows is so popular now it doesn't matter that it has so many problems and doesn't work very well. We have nothing else to choose. Any selling point of any other OS is drowned out by microsoft media hype and they incorporate it badly into their OS anyway. They stomp out any competition and you have let them keep their place that they have gotten by illegally hurting others.

They broke the law and the only punishment they get is that they may have to spend more money defending their further actions to a court that has already said that they did no wrong that is punishable.

If your interest is in the people, than let the people decide what to do with them, Listen to us and the reasoning that we mail you. They broke the law and must pay the price, let them have competition. Since that is the law they broke, that would be their punishment, to be treated as a company on equal ground as the ones it hurt. The settlement should include microsoft giving up it's secrets that prohibit other OS makers from running MS Windows programs.

If another OS maker wants to compete with microsoft on the operating system level, let them compete on the operating system level, not a popularity contest and courtroom battle of "I have more money than you and you

can't win because of that". Let the best operating system win, that is competition. And that is exactly what microsoft fears and deserves.

Just a check, if anybody is actually reading this, could you hit reply? You don't have to say anything long, just say "We got it" so I know you aren't using an autoreplier and someone is actually caring that this e-mail account is active and receiving mail from the people you represent. Thank you very much for reading and caring.

MTC-415

**MTC-00000416**

From: igor@galaxy.nsc.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:32pm  
Subject: Settlement between MS and DOJ is bad for computer industry

Hello ALL at DOJ,

Settlement between MS and DOJ is bad for computer industry. Please re-read judge Jackson's findings. You have left a lot big holes in your settlement. Bill Gates will drive heavy trucks through all of that holes and 3-4 years later you will notice it. Past behavior of Mr.Gates it is the proof.

Sincerely  
Igor Furlan

MTC-416

**MTC-00000417**

From: anthony@verizon.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:32pm  
Subject: Microsoft Anti-Trust Settlement Agreement

To Whom It May Concern:

My name is Anthony Liguori and I am a software engineer and an avid user and developer of Free Software. As a developer, the proposed settlement in the Microsoft anti-trust case is a bit concerning to me. While I fully support free market and am a firm believer in capitalism, Microsoft has clearly used unethical and illegal means to protect their monopoly. I do not see how the simple "slap on the wrist settlement currently proposed, will prevent Microsoft from abusing the power they currently have in the software market.

The free and open practice of business is absolutely essential to the survival of our system of government, but just as a dictator uses his power to ensure that his government stays in power, a business can use their power to ensure that their power is preserved. Our government thrives because our constitution has provisions to prevent any person or group to have to much power. The same applies to our economy and it is the responsibility of the Department of Justice to ensure that this is enforced.

I feel as if the Department of Justice has given up the fight. Just as Hitler should have been stopped at Munich, Microsoft should have been stopped when it bundled Internet Explorer with Windows 95. Let us learn a lesson from history. World War II tested the very limits of our democracy, but we stood through it and democracy prevailed. It may seem a little extreme to compare Nazism to Microsoft but Microsoft is just as much of a threat to our free market as Nazism was to democracy. It is the duty of the Department

of Justice to stick through the fight. Let it be known that while the fight seems difficult and does not appear to be one that can be won with a great deal of glory, the support of the American people is behind you.

Respectfully,  
Anthony Liguori

MTC-417

**MTC-00000418**

From: Scott Meyer  
To: Microsoft ATR  
Date: 11/16/01 9:33pm  
Subject: Some Questions

Dear Officers of the Department of Justice:  
My name is Scott Meyer, and I am a student at a small college in St. Louis Mo. There are some things about the Microsoft trial which confuse me and which I would like to have clarified. I realize that, with the wash of emails which are probably pouring in, most of your time is probably spent answering messages from important people like lawyers and government officials. But if you could take a few minutes to answer my simple questions, I would greatly appreciate it.

First of all, what is a corporation? I know it sounds lame, but the question has always bothered me. Is a corporation a person, some centralized entity? If so, what kind of rights does a corporation have? Can a corporation be a citizen? Can a corporation cast a vote? Does a corporation have freedom of speech, etc?

Most people I talk to have said that a corporation is actually a group of people, and since each of the people who make up the corporation can be citizens and have rights, etc, then collectively the corporation must as well. So if a corporation casts a vote, it's actually the votes of all those people who are its stockholders. So now my question is: who exactly is the corporation representing? How many of them are there? And if each one owns a part of the corporation, why do they not all cast their own votes? I mean, surely the votes of that many people together are way more than one vote by a corporation.

I guess my big question is: isn't a democracy supposed to be ruled by the people? I keep hearing people say that corporations rule the world. Is that true? Are people's rights completely gone now? Is the government, and, therefore, the people, completely powerless to make it's own decisions? What happens when a powerful corporation steps out of line and infringes on the rights of the people as stated in the Constitution? Shouldn't the government, on behalf of the people, make every effort to make sure that the corporation is punished and doesn't do it again?

It seems to me that if the government wants to show that corporations are not the ruling power in the world, and that the rights of the people are more important than some controlling monetary interest, it should make an example of Microsoft and come down as hard as it can. This is not the time for compromise, or for mercy. If a person commits a crime, that person is punished. Therefore, if a corporation is a group of persons, and the corporation commits a crime, those people should be punished. Microsoft has already shown that it can push

people around. Like a feudal monarch, its power is derived from being bigger and stronger than everyone else. Is the government really willing to let itself be pushed around?

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."—Benjamin Franklin, 1759

lmeyers@fontbonne.edu

MTC-418

**MTC-00000419**

From: Dave McCue  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 1:40pm  
Subject: Microsoft settlement

I want to tell you that I prefer RedHat's solution to the settlement of the anti-trust case to the one announced by the DOJ early in November. I think that the DOJ solution would help expand Microsoft's monopoly into one of the few areas they don't already control. Plus the cost to Microsoft to provide this software is almost zero since they have already recovered their investment through regular sales.

Thank you  
David C. McCue  
Information Systems Manager  
City of Paso Robles, CA  
mailto:dmccue@prcity.com  
<mailto:dmccue@prcity.com>  
Voice (805) 227-7202  
Fax (805) 237-4032

MTC-419

**MTC-00000420**

From: Ignacio Valdes  
To: Microsoft ATR  
Date: 11/16/01 9:34pm  
Subject: DOJ settlement.

A very important issue that is not addressed in the settlement is Microsoft opening their proprietary file format for their office suite, especially Word and Excel. This is a key way it retains its monopoly.

Ignacio Valdes, Editor: Linux Medical News  
<http://www.linuxmednews.com>

MTC-420

**MTC-00000421**

From: Tony Placilla  
To: Microsoft ATR  
Date: 11/16/01 9:35pm  
Subject: the Microsoft setlment

We oppose the DoJs proposed settlement with Microsoft in the strongest possible terms  
Tony & Maureen Placilla  
aplacill@rochester.rr.com

"Never ascribe to malice that which can adequately be explained by stupidity.

MTC-421

**MTC-00000422**

From: Sean  
To: Microsoft ATR  
Date: 11/16/01 9:36pm  
Subject: Re: Slashdot: News for nerds, stuff that matters

This settlement won't work. Microsoft violated the last consent decree it signed, and it will violate this one, too. Settling for the weak conduct correction measures is tantamount to giving parole to a repeat parole

violator. The Department of Justice should get behavioral remedies at least as strong as those recommended by Ralph Nader.

Possibly even hit MS with a monetary penalty. In order for the penalty to have maximum effectiveness, it would be ideal if the penalty were something like forcing Microsoft to donate \$2 billion to the Free Software Foundation, or as a non-returnable investment spread over the industry in its competitors as a "gift" for abusing its monopoly. I would personally prefer a break-up of Microsoft entirely so that the Windows monopoly can't be exploited to expand in to new markets at all. I don't know why the DOJ is trying so hard to snatch defeat from the jaws of victory. Microsoft is thumbing its nose at the Department of Justice with Windows XP, and the DOJ settles. Never mind the plethora of new attempts to leverage Windows monopoly that XP contains. Forget the fact that Microsoft is selling the Xbox at around \$100 loss in a gambit to expand its monopoly to the video game console market.

Please don't let Microsoft get away with its flagrant abuse of the law and its monopoly.

Thank you for your time.

Sean Lake

MTC-422

**MTC-00000423**

From: paulpam  
To: Microsoft ATR  
Date: 12/6/01 1:41pm  
Subject: Microsoft

I just want to know whose palm did Microsoft grease to get away with it!

MTC-423

**MTC-00000424**

From: Scott I-Jail  
To: Microsoft ATR  
Date: 11/16/01 9:38pm  
Subject: Settlement is not a good deal for America

The settlement as it is proposed fails to address one of Microsoft's primary issues of the case which is, contrary to what Microsoft would have us believe, assimilation is not innovation. Innovation is based on the ability of small companies to change the world we live. This ability is critically in danger in the personal computer market space. Microsoft's belligerent and monopolistic tactics regarding small innovative companies provided no benefit to the nation.

The economic prosperity we recently enjoyed was not enabled by Microsoft it was built upon the hard labor of many small companies, the ability of these companies to compete in the marketplace needs to be preserved.

Having spent my career in IT in Microsoft centric and non-Microsoft centric companies, I hope the current settlement proposal is reconsidered and saner heads prevail.

Scott Hall

MTC-424

**MTC-00000425**

From: Robert Shuler  
To: Microsoft ATR  
Date: 11/16/01 9:39pm  
Subject: Microsoft Settlement

Dear Sirs:

I read that you are soliciting input. I have run a small software business, <http://mclsoft.com>, since about 1994. And yes I have been impacted unfavorably by Microsoft. And no, I don't see anything in the settlement that will help with the problem. The most pressing concern at present is new technology I'm developing which could eventually make PC based business applications nearly obsolete. I am hesitating and delaying this technology, and may eventually decide not to market it at all, simply because I feel that Microsoft will take the idea and give it away free until I am out of business, just like they did with Netscape. I'm not aware of any language in the settlement that prevents them from repeating this atrocity. Is there? If not, then it is not practical for me to invest in technology they are likely to confiscate in their usual fashion, by incorporating free versions of it into their other products or services.

That is not the only example of how the mere fact of Microsoft's typical behavior suppresses innovation. In each of their last several OS releases, they have introduced subtle incompatibilities that cause me to have to spend time re-engineering old applications instead of developing new ones.

Speaking as a consumer of computers and software, I have lost many old applications to Microsoft's creeping incompatibility. So have many of my associates. I would gladly purchase a version of their OS, or anyone else's, which was compatible with my old apps, and supported modern hardware. But they have chosen not to market it, all compatible competitors have gone out of the business, and there is no practical choice. Oh, sure, I can buy an Apple, but it's not compatible with anything. Neither is Linux. There used to be compatible DOS's and even compatible gui-based OS's, such as OS2, but they have all succumbed to Microsoft's anticompetitive practices. Consider the many variations of UNIX that are available, all compatible to varying degrees. This is the normal free market state of affairs.

Tell me, how is the settlement going to change any of this?

It is not. The settlement appears only to pander to a couple of players, such as AOL, making it easier for them to offer certain very limited products. It does not address root issues. I don't use AOL (or MSN) and don't use my computer to listen to music (neither does anyone I know). No small businesses or business consumers care about anything in the settlement as far as I can tell.

Feel free to contact me for additional information.

Robert Shuler  
MediaComm Software

MTC-425

**MTC-0000426**

From: jim@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:39pm  
Subject: antitrust

Could spout the typical adages about money, republicans, business, etc but there are more important issues. microsoft, over the years, has done much harm to others in the industry, aka competition, and nothing was done. they have crimped innovation and

and continue to try to manipulate laws to suit their own (very large) ambitions. they try to stop the flow of security information and wipeout whomever opposes them. i could go on and on as i've been in the industry for many years.

the courts have ruled that they violated antitrust laws, they have— let that stand and press on with appropriate and meaningful penalties. their control, nay stranglehold, on technology must be loosened if not broken. i've seen too many good companies and technologies trampled by their ego.

please let justice be done. we don't ask for protection, only for the right to fair competition from their embrace, extend, and destroy attitudes.

thank you,  
jim trexler

MTC-426

**MTC-0000427**

From: Bruce Mohier  
To: Microsoft ATR  
Date: 11/16/01 9:41pm  
Subject: Microsoft Judgement

Dear Department of Justice,

While I applaud what the DOJ and Attorney General Ashcroft are doing on many fronts (responding to Sept 11th and the restricting the use of drugs used to terminate life in Oregon), I cannot approve of the judgement agreed to with Microsoft. It appears (from my perspective) as if Microsoft has ably demonstrated what it was convicted of (of being a monopoly) by weaseling out of the judgement with essentially no penalties.

As someone who works in the IT industry everyday I'm concerned about the spread (and control) of Microsoft into more and more aspects of what I do. It seems inevitable, after the outcome of the trial, that the servers that I support will eventually be running Microsoft's software and that Microsoft will be free to expand into any area that they want to without government regulation.

Bruce Mohler

Bruce Mohler—Software guy... Of course my password is the same as my pet's name.

My dog's name is rit5%ang, but I change it every 90 days.

MTC-427

**MTC-0000428**

From: Robert J. Lynn Jr.  
To: Microsoft ATR  
Date: 11/16/01 9:42pm  
Subject: What I think should be done:

Force Microsoft to include source for NO EXTRA CHARGE with EVERY copy of Windows. Maybe even Office.

-Rob  
MTC-428

**MTC-0000429**

From: Steve Parker  
To: Microsoft ATR  
Date: 11/16/01 9:42pm

Hi, having read the article at [http://www.wired.com/news/antitrust10\\_1551\\_48452.OO.html](http://www.wired.com/news/antitrust10_1551_48452.OO.html), I have, as a non-voluntary Microsoft user, the following comments:

The most obvious is the Gates quote : Bill Gates on Thursday defended the settlement as tough but one that "we're really pleased to have."

If Microsoft are found to have done wrong, how come they're "really pleased" with the settlement?

As far as MS's attempts to protect the RIAA and others, this code had been cracked before Windows XP was officially released, so there is no justification in their hiding code on this kind of basis. Apart from the damage their (proven) monopoly has had on the US and worldwide economy, the software flaws (code red, nimda, miranda, etc) which have had such strong effect because of their monopoly, are much more strongly felt by all companies, American and foreign. I feel that the DOJ, America, and the world, should not accept this token settlement, from the evidence that has been presented.

AT&T were harshly punished for their monopoly practices, which were not so far-reaching as Microsoft's use of their monopoly. From the results we have seen, particularly in the past six years, of the Microsoft monopoly on PC operating systems, surely users must be better freed from this monopoly power.

As a consumer, the major way in which I suffer from this, is in the Microsoft Office suite which has ridden on the back of this monopoly. Since most documents are distributed in the Microsoft Office formats, if these were made freely available, to developers of all kinds—Windows, Mac, Linux, even GPL developers, \*then\* we would have freedom as consumers. As for the rest of the above-mentioned article, I agree with the overall tone of the article. And as for Jackson's removal from the proceedings, let's not forget that the interviews were given on the (honoured) basis that the interviews not be published until after the case.

With Regards,  
Steve Parker.

Kbr><br><br> <html><DIV>Steve Parker  
</DIV>Steve G Parker@hotmail.com  
<D1V>4DIV> <P><A href="http://steve-parker.org/">http://steve-parker.org/&A></P> -----</P>

<DI V></DI V>an no way do I recommend that you:<lhtml>

MTC-429

**MTC-0000430**

From: Bryan  
To: Microsoft ATR  
Date: 11/16/01 9:44pm  
Subject: you didn't do enough for us

To Whom It May Concern:

Thank you for offering this email address as a forum, but no thanks for your weak backbone in your effort to protect consumers. The operating system business for desktops today is stale and uncompetitive. That is a direct result of MS's business practices. How come you focused so much on Netscape, but didn't focus on MS's licenses that doesn't allow a pc manufacturer to sell dual-boot machines. A linux/windows combo would be a great sell to consumers for companies, but MS doesn't allow that. You should have protected us from those predatory actions.

I find it extremely odd that the you, after using the bundling of code as the main thrust of your case, would suddenly abandon that angle and turn your back on us, the consumers. As MS has shown us with XP, they are perfectly willing to deny trying to be

monopolistic, yet continue their abusive practices. They have included more and more software as "bundled" with the O/S, and more and more smaller companies are put out of business. It is very bad for the marketplace and innovation, to have one monster company that can stomp little companies out by bundling code. That means fewer and fewer smaller companies will continue to try to build great products where MS might come along. The entire tech sector suffers when MS gains more power.

Please rethink your decision to settle so weakly. Please support those states who refuse to give up. Please remember the goals you had when you started this case. If you support competition, you should reprimand MS a lot more sternly for violating anti-trust law. I'm very disappointed in you...

Sincerely,

Bryan Thompson

MTC-430

**MTC-0000431**

From: John Zachary  
To: Microsoft ATR  
Date: 11/16/01 9:45pm  
Subject: Comment about the MS case

As a computer scientist, a long-time (15 years) computer user, and a tax payer, I am severely disappointed in the proposed settlement with MS. The DoJ has dropped the ball in instituting real change. MS has repeatedly demonstrated the following: they do not care about about innovation, they will not deal fairly with customers, they will not deal fairly with business partners, and they will not deal fairly with competitors. In a time where virtually all software related companies are reporting poor earnings, it is not coincidence or superior ability that enables Microsoft to post good financial results. It is their monopolistic position that does.

I have been developing software for over 10 years. I have tried in earnest to support non-Microsoft platforms. This choice was based on the need for heterogeneity in the software landscape and the fact that most all other software platforms are technically superior to most Microsoft software products. It is a shame to see Microsoft dominate the industry to the point of squelching out technically superior alternatives, mostly due to their hyper-aggressive business tactics. With Linux and the set of BSD operating systems (e.g., FreeBSD), I am hopeful that some headway can be made against the Redmond juggernaut. Unfortunately, NeXTstep, OS/2, BeOS, and others could not, and the software industry is worse for it.

It is apparent that the U.S. Government will not deal with Microsoft as a monopoly in the same way that other monopolies have been dealt with (Exxon, IBM, AT&T). This is a disservice and I implore you to reconsider the settlement in its current form.

Microsoft will not single-handedly alter economic cycles. But with your help, they can single-handedly stifle innovation to the point of severely retarding the software industry.

Respectfully,

John Zachary, Ph.D.  
State College, PA

MTC-431

**MTC-0000432**

From: ajablins@enfle.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:45pm  
Subject: The Microsoft Settlement  
Dear U.S. Department of Justice Representative,

I was completely appalled by the recent settlement made between the U.S. Department of Justice and Microsoft.

It doesn't come close to offering a remedy that would force a change in the behavior of a company that has been found to be a monopoly. It doesn't come close to punishing a company that has done so much damage to the computer industry.

Microsoft failed to follow instructions the last time it was pursued by the U.S. government. Therefore, the punishment this time should be even worse. Instead, it amounts to a mild scolding, nothing more.

I agreed with Judge Jackson's remedy. The only way to get the monopoly out of Microsoft is to split up the operating system and applications divisions into separate companies. As long as Microsoft is one company, it may continue to make its applications work well with its operating system and make the competitor's products not work as well. It may continue to offer its applications as "part of the operating system", thus forcing the public to buy applications that they may not even want through a higher price for the base operating system product. The public doesn't get to choose the vendor for the applications they want. Microsoft gets to choose. And Microsoft always chooses its own applications.

Microsoft's bullying strategy crushed competing companies in the industry. Microsoft should have to pay reparations to these companies for the damage it caused. This settlement offers nothing to those companies.

Microsoft has bundled even more applications into the XP product. Why would anybody want to go buy a competing product when Microsoft has already bundled it into its operating system product? More of the same strategy. Real Audio will be joining the ranks of Netscape in no time unless the government stops this monster.

Allowing the OEMs to plug in other competitor's products is a nice attempt, but the OEMs must still pay for the competing Microsoft applications because they are included in the XP base operating system price. Unless the OEMs are getting a price break when they uninstall a Microsoft application, I doubt many will want to spend more money to install another vendor's product.

There have been many loopholes identified in the settlement by technical and legal editors on the Internet, especially regarding the term "middleware". That frequently repeated phrase will allow Microsoft to move middleware software into the base operating system and circumvent some of the proposals. And the verbage regarding exceptions to making available the APIs (application protocol interfaces) because they are related to security? Heck, Microsoft will just label as "security related" many of the APIs that have nothing to do with

security, just so they won't be available to 3rd party vendors.

This settlement will not level the playing field for competing software companies. Instead, it will just shore up Microsoft's monopoly by providing enough backdoors so that Microsoft can continue its monopolistic practices.

I understand that our country has other pressing demands, like fighting terrorism. But if our country does not punish its own bad guys, how are any other countries to take our interpretation of justice seriously?

Anne E. Jablinske  
ajablins@enfle.net

MTC-432

**MTC-0000433**

From: Zach Edwardson  
To: Microsoft ATR  
Date: 11/16/01 9:46pm  
Subject: DOJ/MS settlement

Thank you for a fair, unbiased settlement.

Zach Edwardson

MTC-433

**MTC-0000434**

From: Sean  
To: Microsoft ATR  
Date: 11/16/01 9:46pm  
Subject: Re: The Microsoft Settlement

I sent a prior email, so I'll keep this one short.

I forgot to mention in my previous email that one of Microsoft's arguments in the trial, that its monopoly has helped drop price for the consumers, has just been proven flat out wrong. Just search any internet news site for information about Microsoft's licensing changes, and how much more customers will have to pay to MS. Microsoft couldn't get away with such an action if it weren't a monopoly, and it should have been the equivalent of Microsoft handing the Department of Justice a tactical nuclear weapon. Why hasn't the Department of Justice brought up new charges? Or at least used Microsoft's recent behavior as an argument that strict measures are needed to curb the Redmond, Washington, company's blatant disregard for the law.

Sean Lake

MTC-434

**MTC-0000435**

From: kramer SETH  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 9:48pm  
Subject: Your Unsatisfactory Performance

To Whom It May Concern:

The solution you have reached is highly inadequate. No doubt reached too early because of either the Judge Kollar-Kotelly's desire to wrap it up quickly, (because speed is always in the interest of justice,) or the obnoxious inanity of the simpering saps that Microsoft has hired for attorneys. You must understand that this is not a solution. There are no provisions to prevent Microsoft from remaining the horrible anti-competitive monster that it still is. In case you haven't seen Windows XP the situation is not getting better with age. Bundling of software, underhanded deals, and wanton railroading of any innovative or competitive idea have become staples of Microsoft business

practices. I realized a Republican administration meant I would once again have to learn to swallow the bitter pill of if the moral majority, and a pro-business attitude that would sicken any mortal man, but you've got to be kidding me. Machiavelli would be a better corporate citizen! How could the justice department turn a blind eye to a software juggernaut responsible for the jamming their incredibly inept software onto anything with a processor capable of running it, and a hard drive big enough to store such bloat ware. I hope you folks sleep well at night, because the faint glimmering hope I had in the justice system has been obliterated.

Yours, most disappointingly,  
Mr. Seth D. Kramer

MTC-435

**MTC-00000436**

From: Phillip Landis  
To: Microsoft ATR  
Date: 12/6/01 1:41pm  
Subject: please get MS under control

As an IT Director for a medium-sized manufacturer, I have watched as Microsoft has altered licensing, raised prices and forced upgrades on our business. They are squeezing and buying out the competition so that there are no alternatives.

MS products are extremely bug-ridden and insecure. The cyber-terrorists will have a field day on our nation's computer networks if they are not forced to produce software of better quality. Putting out a patch after the fact is not acceptable.

Where they once helped to build an industry, I am afraid MS has now gotten far out of control. You really need to look at everything they do. They are active on a lot of fronts. They are also faster to move than the US government, and they are very smart.

If you do not exert better control over them, the good MS has done will be far overshadowed by the damage they inflict or allow to be inflicted. Thank you for the opportunity to give you my personal thoughts.

Phillip D. Landis  
IT Director  
PoolPak, Inc.  
3491 Industrial Drive  
York, PA 17402-0452  
(717) 757-2648 voice  
(717) 757-5058 fax

MTC-436

**MTC-00000437**

From: dr  
To: Microsoft ATR  
Date: 11/16/01 9:48pm  
Subject: ms case

Thank You for taking my email.

I wish to express my extreme displeasure with your handling of the Microsoft case. I have been working as a software developer for over twenty years and could not help but notice the monopolistic practices of the Microsoft corporation over the past several years, and in particular; in the past year or so.

To keep this letter brief, I can sum up all I want to say in that they (Microsoft), being the provider of the operating system, have total control of the operating system of nearly

every personal computer sold in the world. It is very troublesome that not only have they used this operating system control to dominate the software industry, but now they are using their position to control internet service's such as isp's, email, portals, etc. as well. One just needs to purchase a personal computer and take notice, what software would you use; Wordperfect? Lotus? Netscape? Java or Linux? I think one would use all Microsoft. What internet services would one use; Yahoo? Excite? CNN? ABCNEWS? A local ISP? All these software vendors and services can not compete with Microsoft when the user is continuously "herded" to Microsoft software and service. It is not that the superior level of perfection that Microsoft software and service has reached that drives this use; it is pure dominance of the industry. Just look at the countless security flaws in their (Microsoft) software that have been revealed over the past few years. Do you think that business and personal users would tolerate such inferior products if they had any idea that they had a choice? My personal experience with dealing Microsoft software, as a developer, is that I constantly have to "program around" Microsoft problems and "road blocks". Microsoft makes it very difficult for software other than their own to work on their platform. This makes any standardization, that would be extremely beneficial to the software industry, difficult to implement as long as Microsoft controls the desktop.

David Robertson  
MTC-437

**MTC-00000438**

From: Dave Engbers  
To: Microsoft ATR  
Date: 11/16/01 9:49pm  
Subject: Concerned.

Gentlemen:

The outcome of the trial against Microsoft left me with the following feelings:

—American politics can be bought, i.e. Bush;  
—The US Justice system is fatally flawed in that it is now the corporation that effectively metes out justice;

The next thing this carnivorous, rancorous and ubiquitous excuse for a company will try and do is:

—outlaw open-source software under the veil of societal benefit;  
—kill off, stifle or bleed dry, then acquire anything or anyone remotely competing with them.

Please consider renaming yourselves Department of Law On The Take, as there is no justice in here. The US thinks it can rule the world, yet is toppled by an ugly billionaire that wrenches and worms its way through the worst I for one will be closing the door on Microsoft in my company, the company I do contract work for and any firm I can convince on technical grounds that a change is feasible, as I also believe you guys are spying on us in Europe through that Redmondian Beast's software.

No more. Just Open Source and GPG, my data belongs to...me!

Yours sincerely  
Dave Engbers  
Futurity Translations

Netherlands.  
CC: info@microsoft.com@inetgw  
MTC-438

**MTC-00000439**

From: Wrrwck@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:50pm  
Subject: settlement

I am just one one the millions happy to see this case coming to a conclusion. As consumers, we have always had the choice of alternative operating systems. Ill conceived and expensive for all but the grandstanding attorneys, who were the only ones to benefit. I applaud the Justice Department for getting its priorities in order.

J. Styles (wrrwck@aol.com)  
MTC-439

**MTC-00000440**

From: jim@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:50pm  
Subject: Microsoft Settlement

Department of Justice, As a concerned citizen and a professional working in the Information Technology sector, I am shocked at the failure of the United States government to seek an appropriate settlement in the Microsoft anti-trust trial.

Microsoft has been found guilty of abusing monopoly power and those finding have been upheld on appeal. Given the background of the findings of fact and findings of law in this case, the government's settlement constitutes little more than a capitulation to an illegal activity. It is no more honorable than striking closed-door deals with drug cartels or organized crime.

At a time when no other operating system vendor is "integrating" unnecessary components into operating systems, Microsoft continues to do so. There is no technologically sound reasoning for doing this. The research into operating system complexity was done by IBM in the 1970's and resulted in the splitting out of non-critical functions from the operating system. This results in a smaller, easier to test, and therefore, more stable operating system. All major operating systems today have followed this pattern of creating an "layered" approach to development.

The reasoning that Microsoft continues to integrate services into the operating system cannot be justified on a technological basis, therefore, we must look to other reasons for doing this. The most common reason, given during the testimony phase and upheld by the appeals court, is that the integration was done for marketing purposes in order to make it more difficult to use non-Microsoft products.

Microsoft has a long legal history of creating barriers to competition. The Caldera suit centered around the contention that Microsoft intentionally displayed an error message if it detected the presence of DrDOS, a Digital Research competitor to MSDOS, on the machine. The suit was quickly settled under a sealed agreement within weeks after the announcement that a copy of the original source code containing the aforementioned error message was discovered in a former employee's garage.

They have successfully fended off suits for using "undisclosed API's" which denies competing products a level playing field by hiding many operating system features which are known only to themselves. To a technologist, this is a simple matter to prove and is considered to be a "given" when dealing with Microsoft, but they have managed to convince the courts that they are not engaging in this activity.

Microsoft has also been guilty of co-opting public standards so that they no longer work with competing products which follow the published standards. The most infamous case of this was their polluting of the Kerberos encryption standard. By taking a public standard and changing it to their own needs, their enormous marketing power can sway the development of open standards in any way they wish.

Having eradicated all major corporate competition from Netscape, Borland, IBM, et.al., they are currently turning their sights on Sun Microsystems Java language and the Open Source movement. Java is currently the fastest growing computer language and has been for a few years. At the current rate of growth, it may become the most popular programming language in use in the near future. By not taking steps to curb Microsoft's aggressive anti-Java campaigns, American business is faced with the risk of having what they have chosen as the best tool for their needs be degraded and compromised so that Microsoft can continue and extend their monopoly hold over the Information Technology sector. The damage to the American economy and technology sectors by Microsoft's manipulation of the field is very real. By actively taking steps to make it more difficult to run competing products, such as was done with Windows XP's product certification, Microsoft is endangering the livelihood of every company that does not use 100% Microsoft solutions.

I would not be as concerned if Microsoft's products lived up to the marketing hype that surrounds them. Just today, another security patch was released for Internet Explorer because a exploit was found which revealed the contents of cookies stored on a user's computer. The constant string of security lapses associated with Microsoft products (Internet Explorer, Internet Information Server and Outlook being the top offenders) stems from design decisions made to support marketing efforts rather than an attempt to provide this country with a stable technology platform to move forward upon. It is generally acceptable to have to reboot a computer running Windows on a daily basis, the cost in lost productivity to American business from a single daily reboot of every computer running Windows is staggering. Add to this the additional costs to American business and consumers by the numerous viruses which spread through Microsoft products on a regular schedule. The cost of viruses alone has been estimated in the billions of dollars for this year.

As Microsoft continues to add "features" to it's suite of services, a fundamental change is quietly sweeping through the world. Started in Finland by Linus Torvalds, the Linux operating system has already proven itself to be more stable and more secure than

anything Microsoft has produced. The Linux operating system is distributed in the Open Source model which means anyone who wants access to the source code has complete and unrestricted access. The code itself is owned by no one but is free for anyone to take and use. In the past few years, advances in many fronts coming out of Germany, Mexico, Israel, Australia and the United States have moved Linux from an underground phenomenon to a mainstream product. At the same time, Microsoft continues to escalate the requirements for entry into it's own product line while Linux has opened the Information Technology sector to the entire world. At this time, Linux is seen by Microsoft as their top competitor.

It is my deep fear that if real and substantial steps are not taken to curb Microsoft's continued monopoly influence in the technology sector, that American business will soon find themselves at a disadvantage. Through competition of an "evolutionary" nature, Linux continues to advance at a staggering pace. Some of these advances are even coming out of China, the remaining Communist power. It seems ironic that the United States where it is generally accepted that competition brings better products might soon be faced with the situation of being a "second" in Information Technology because we failed to act to ensure competition would work when we had the chance.

It is for these reasons and others that I oppose the proposed settlement with Microsoft. The settlement does nothing to restore competition, nor does it provide for penalties for past wrongs. I believe a moral and just resolution to this case must bring both.

Sincerely,  
James Schultz—Data Architect  
2801 S 13th  
Lincoln NE, 68502

MTC-440

**MTC-00000441**

From: thockin @hsmvtv32a.SFBay .Sun.COM  
@inetgw  
To: Microsoft ATR  
Date: 11/16/01 9:51pm  
Subject: MS settlement

The Microsoft settlement is an embarrassment. I am embarrassed for you.  
Tim Hockin  
Systems Software Engineer  
Sun Microsystems, Cobalt Server Appliances  
thockin @sun.com

MTC-441

**MTC-00000442**

From: Timothy L Christy  
To: Microsoft ATR  
Date: 11/16/01 9:51pm  
Subject: Shame (Dept. of Jerk Offs)

It is a good time to be a Monopoly and a Great American Terrorist with your brand of justice...

MTC-442

**MTC-00000443**

From: westerj @mta4. srv.hcvlly. cv.net  
@inetgw  
To: Microsoft ATR

Date: 11/16/01 9:53pm  
Subject: Microsoft and DOJ

Folks, Am glad we can get on now, but equally disappointed in the settlement terms. Instead of squabbling about it, the Government is a customer, a LARGE customer of Microsofts.

So... Why not vorte with wallet as well? Think of creative ways to build mandates for software used by the federal and state and local govts that inspire interoperability. That help us all embrace and benefit from standards. Any corruption of a standard must make software from that vendor ineligible for acquisition by MY tax dollars. Lawyering as an approach may not always work, the wallet might be mightier than the barrister!

Thanks  
John Westerdale

P.S. We must face the fact that Llinux (aside from being extremely low cost), is a contender for an Operating System, and not the Evil-Flying-Monkey that Redmond would have us believe it to be. Your (.gov) support may turn the tide by refuting the standards-breaking techniques of Microsoft. They deserve to prosper if they do a good service, also deserve to plummet if they transgress the trust of the public. They have. Force them to loosen their grip. Do the Personal Identity, before MS controls our society.

# Windows is easier to learn, but hard to use #  
# Linux is harder to learn but easier to use #

MTC-443

**MTC-00000444**

From: rfberger  
To: Microsoft ATR  
Date: 11/16/01 9:54pm  
Subject: Microsoft Settlement

How Do I get a copy of the documents in order to make pertinent comments.  
rfberger@bellsouth.net

MTC-444

**MTC-00000445**

From: Benjamin Smith  
To: Microsoft ATR  
Date: 11/16/01 9:55pm  
Subject: Microsoft Anti-trust trial

Dear sir or madam,  
I am writing this to communicate my discontent with your current settlement agreement with Microsoft.

While it is clear that many issues of past misbehavior on the part of Microsoft have been considered and addressed, these measures are, in my opinion, insufficient to do any long term good.

Microsoft has long been under the watchful eye of the FTC and other government agencies for a good, long time now. Even the fact that this anti-trust trial was underway did not stop Microsoft from using their newest software release, Windows XP, from being used to leverage their Monopoly to gain an advantage in a new market, a la MSN. Not only does Microsoft not show any indication of slowing down, it seems they are only accelerating their efforts to use this leverage as fast as they can.

Their Instant Messaging software is integrated into the O/S to kill the AOL and Yahoo! instant messengers. Their media

player is integrated into the O/S to have the same effect on Real Player.

And their Windows XP behaves similarly when somebody wants to sign up for Internet access through MSN.

As a web developer, I implore you to reconsider your recent agreement to settle with Microsoft.

You've already done the legal footpounding needed to demonstrate that Microsoft is a monopoly. You've already done the legal footpounding needed to demonstrate that they are in violation of a number of laws that restrain the actions of a Monopoly.

In short, you've all but won the fight already!

We're just waiting to determine what's the legal remedy for these unlawful acts.

To settle, at this point, reminds me very much of the cliché of the unarmed English policeman: "Stop! Or I shall say stop again!".

We've been saying "Stop!" to Microsoft for too long—it's time for a stiff, effective remedy, and I honestly think that the move to breakup was right!

-Ben

MTC-445

**MTC-0000446**

From: Chris  
To: Microsoft ATR  
Date: 11/16/01 9:59pm  
Subject: Simple Remedy

Require Microsoft to prevent OEMs from installing their operating systems on any computing device. If a consumer wants to run the latest Microsoft operating system, make the consumer buy the OS and install it him/herself.

In addition, document formats need to be open (eg, XML), and APIs such as DirectX need to be opened up.

Regards,  
Chris

MTC-446

**MTC-0000447**

From: Tom Glascock  
To: Microsoft ATR  
Date: 11/16/01 9:59pm  
Subject: Where's the PUNISHMENT ELEMENT?

In the settlement between Microsoft and the DOJ, there is no PUNISHMENT element. It is PUNISHMENT that deters crime. Microsoft must be punished for their crimes, period, if they are going to stop. If they are not, then their arrogant, self-serving, pompous, bullying and illegal behavior will continue.

Tom Glascock  
3848 gardner av  
cincinnati oh  
45236

MTC-447

**MTC-0000448**

From: Ray Farquoad  
To: Microsoft ATR  
Date: 11/16/01 10:01pm  
Subject: Microsoft Anti Trust settlement

Folks, this settlement makes me so angry it is hard to put into words how completely let down I am about how the Justice Department has handled this case since the

change of administrations. I strongly believe that this settlement will do absolutely nothing to force Microsoft to change their ways. Simple proof, see how embedded into the Windows experience the Windows Media Player is in the new XP version. No company will ever be able to compete with this, and this "settlement" will not stop Microsoft from continuing such practices.

Suffice it to say that if I read a quote from Bill Gates such as this one from CNN.com:

Microsoft's chairman, Bill Gates, on Thursday defended the settlement as tough but one that "we're really pleased to have." "Despite the restrictions and the things in this settlement, having the uncertainty removed and the resource-drain removed we think is very positive, not only for Microsoft but for the industry," Gates said in an interview. "We're hopeful to get it put behind us."

I am sure they (microsoft) are convinced they have gotten away with massive Anti-Trust infringements that continue to impair the progress of technology. If Gates is happy, he has obviously won, I am not happy. Evil has prevailed. Do you in the Justice department actually feel good about this? I would hope that any reasonable self respecting and sentient being on this planet would see the err in these ways.

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

MTC-448

**MTC-0000449**

From: Don (038) Mary Felice  
To: Microsoft ATR  
Date: 11/16/01 10:01pm  
Subject: Microsoft Settlement

MS has created thousands of jobs and has contributed to technical advancement and a much more prosperous country. Competitors, who are unable to compete, should not be rewarded. I was a Software engineer (not at MS but another company) and I feel very strongly that MS should not have been brought to trial in the first place, much less punished. If someone builds a better OS or a better internet service, then more power to them but the government should not be interfering.

MTC-449

**MTC-0000450**

From: noisebrain  
To: Microsoft ATR  
Date: 11/16/01 10:02pm  
Subject: settlement is ineffective

The agreement has been written up in many editorials, and they all agree,

1. It is easy to see how microsoft can get around almost all the restrictions
2. It is difficult to see how the government will enforce any of it (and more so given your poor track record—you're still coming to terms with issues that were current 6 years ago, and have not begun to look at what Microsoft has done in the last couple years).

Isn't an antitrust settlement supposed to do something concrete to rectify the situation when it's been found to be a problem (which it has)?

The Microsoft issue is like the railroads and the phone company—it's not just about a company or a self-contained industry. The

computer industry is arguably a large part of America's technological and economic leadership. The investigation HAS established that Microsoft has hurt competition—something that everyone in the computer industry already knows ...Microsoft is so dominant that people are afraid to even speak! By not fixing this situation you're hurting America's future.

John Lewis  
University of Southern California

MTC-450

**MTC-0000451**

Kassia Krozser  
To: Microsoft ATR  
Date: 11/16/01 10:00am  
Subject: Microsoft Settlement  
Dear Department of Justice,

I am writing to express my unhappiness with your recent settlement of the Microsoft case. As a consumer, I am no better off than I was before. In fact, I am in worse shape. I no longer have any choice if I wish to purchase a personal computer (which is why I'm certain my next computer purchase will be a Mac)—I must buy the Microsoft operating system, preinstalled with Microsoft software. If I wish to continue using the software I prefer, I must uninstall all the Microsoft junk and install my own preferences.

This lack of choice is inherently unfair to consumers. If we wish to purchase a brand name machine, we are stuck with the deals struck by Microsoft. It would be preferable to purchase a machine with the operating system installed and allowing the consumer to make the decisions regarding software. Otherwise, I get the privilege of going to the additional expense of acquiring software I don't want or need—it's bad enough that consumers are being locked into an operating system that all but guarantees they'll be charge for upgrades they may not need. It is this lack of competition and choice that offends me about this settlement. The consumer has been discounted, the other software vendors have been discounted, and Microsoft continues to do business as usual. I am truly unsure about how this settlement reflects the findings of the court.

A future Mac customer,  
Kassia Krozser

MTC-451

**MTC-0000452**

From: jaredh@att.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 10:02am  
Subject: Caving in

Dear Department of Justice Anti-Trust against Microsoft: Microsoft should not exist as it does today. There should be 3 organizations:

1. Operating Systems
2. Productivity Software
3. Hardware

The three should be scattered to the wind as far as corporate headquarters go and have 0% communication. It bewilders me that the Bush Justice Department believes that Microsoft can be handled with an "oversight committee". They have ignored and disobeyed court orders in the past—what could possibly make you think they won't do

it again. Wait, Bill must have given you his word...you shouldn't put much faith in that.

Microsoft has destroyed competition. They have bullied their way into markets where they had no presence through the use of their operating system monopoly.

Examples:

1. How did the Microsoft Mouse become so popular??? They offered them at a steep discount to manufacturers who also installed their OS.

2. When did Word become soo popular?? I'll give you a hint: the same time Windows 3.1 came out. Why then do you ask? That's easy. There were system calls that Microsoft shared within its own corporation they did not share with outsiders. This made Word for Windows perform great in comparison with WordPerfect for Windows.

This administration has really gone after the bad guys in the terrorist networks...it should be lauded for that. However, it is ignoring the baddest guy in the corporate sector...and it should be called to the carpet for that.

At least the EU is still looking into this. Hopefully the Europeans have more spine than my own government and will stand up and take a chunk out of the biggest bully in the corporate sector in my lifetime.

Sincerely

Jared Heath

MTC-452

**MTC-00000453**

From: Lou

To: Microsoft ATR

Date: 11/16/01 10:02am

Subject: Proposed Settlement

This 'proposed settlement' is comparable to catching the fox (Microsoft) with feathers in his mouth and putting him back in the 'chicken coup' after he promises not to eat any more chickens! Make no mistake about it; Bill Gates will continue doing what he has always done regarding the issues of this lawsuit.

MTC-453

**MTC-00000454**

From: tebishop@pplweb.com@inetgw

To: Microsoft ATR

Date: 11/16/01 10:03am

Subject: Microsoft Settlement

I am a computer professional with 31 years experience, mostly as a technology manager at a large (multi-billion) enterprise. My responsibilities include technology assessment, selection and procurement. I am also an individual user of Microsoft technology at home.

My professional experience with Microsoft has led me to the strong belief that Microsoft is the most arrogant, self-serving business I've ever come in contact with. Because of my long tenure in the technology field, I well remember IBM's behavior and overwhelming market dominance that led to the DOJ action against IBM. In my opinion, there is no comparison between the two. IBM's market position, while probably at least as strong as Microsoft, was not used by IBM to destroy competition or explicitly act to the detriment of customers. IBM was never as blatantly arrogant as Microsoft routinely is.

Microsoft has demonstrated and continues to demonstrate their total disregard for the

needs of their customers. Rather, Microsoft is clearly motivated solely by the cash-flow needs of it's business model, which is fundamentally to force customers to purchase the same functionality over and over while blocking or destroying any other vendor from providing comparable functionality. To say that Microsoft's business practices are predatory is an understatement.

My strong recommendation is to impose the strongest possible ongoing constraints on Microsoft. The current remedies proposed are clearly inadequate. The breakup previously being discussed seems much more likely to protect consumers from Microsoft. Absent that kind of structural remedy, I see nothing to prevent Microsoft from continuing to pillage and plunder both the individual and business customer's pocketbook.

MTC-454

**MTC-00000455**

From: Gary Meyers

To: Microsoft ATR

Date: 11/16/01 10:05am

Subject: MS

How much money was in that envelope passed under the dinner table Steve Ballmer handed to the Dick Cheney to get the buy out of the DOJ (his nephew is now part of that department...isn't he)? Your corrupt attitude towards an established monopoly is so visible that I can't understand how you can face the public with a straight face! I find your "punishment" to be a total injustice and insult to the American people. I am neither a Republican nor a Democrat...but I'd rather be caught with my pants down than to be caught with monopolistic corporate money lining it's pockets. Thank you for your time. American voting tax payer.

MTC-455

**MTC-00000456**

From: Steve Jacobson

To: Microsoft ATR

Date: 11/16/01 10:08am

Subject: Microsoft Settlement

The settlement seems like it is far too little, far too late. Most of the practices that Microsoft would be restricted from engaging in are the ones that allowed Microsoft to gain its dominant Monopolistic position. Now that Microsoft has this position, it is engaging in other practices to maintain it.

Many of these tactics are still available to Microsoft. The continued availability of Windows XP in its current form is a complete flaunting of Anti-Trust regulations, and shows total disregard for the fact that Microsoft actually is a confirmed Monopoly.

In short, it appears that the government caved to Microsoft in the name of expediency to bolster the economy and boost consumer confidence in the wake of 911. Score one more for the monopolists of the world, and for the terrorists, who have successfully altered US behavior with their actions.

Steve Jacobson

MTC-456

**MTC-00000457**

From: Britt Burton

To: Microsoft ATR

Date: 11/16/01 10:09am

Subject: I am not a lawyer, but english is my

native tongue

Hi, After having read through the anti-trust settlement proposed, I can only think that our government has been completely purchased by Microsoft. For every proposed penalty, there is a clause that gives Microsoft either power to change the penalty, or a clause which essentially makes the penalty null and void.

The marketplace only grows when competition is fostered. Microsoft in every instance, by it's size alone, can crush any competition without regard for whether that competitions product or service is superior to Microsoft's competing product or service. Microsoft was found guilty of this behavior. Non Platform specific standards have been developed for every type of data transfer, Microsoft has always chosen to adopt all platform agnostic standards then through 'extending' them (Microsoft's term) turn them into standards which then only are accessible through Microsoft products or services.

Please reconsider this sham, and deal Microsoft a real punishment as you did to the Bell Telephone company back in the 70's and 80's.

Britt D. Burton...

MTC-457

**MTC-00000458**

From: Eric Milhizer

To: Microsoft ATR

Date: 11/16/01 10:13am

Subject: Microsoft Settlement is

Unacceptable

DOJ: As an avid Microsoft product user and small business executive, I have learned to welcome Microsoft's innovative new products and at the same time be crippled by their anti-competitive behavior. I believe that the DOJ is continually ignoring one of the key findings of fact in this Microsoft case: Judge Jackson ruled, and the appellate court upheld, that Microsoft broke antitrust laws. The last corporation of Microsoft's size to do such a thing was AT&T with a \$1.8 billion dollar award to MCI in 1980 (after a ten year legal battle). AT&T was broken up, and the telecommunications landscape subsequently exploded with increasingly innovative and affordable products and services. Ubiquitous availability of cellular telephones and the Internet became available due to this ruling.

As for your behavior in the Microsoft case, I was appalled when I heard that you removed the "break-up" option from the negotiating table without extracting any concessions. While I personally think that a break-up was not warranted, you should be ashamed of yourselves as attorneys for giving something as valuable as that without getting a single thing in return. Remind me not to employ your services for any legal work in the future.

Moreover, Microsoft was proven in a court of law to be a monopoly. Even Republicans (such as myself) have to admit that there is no higher crime in the business world. Monopolies stifle competition, and innovations from smaller companies never make it to market. What if AT&T had not been severely penalized? Would we have cellular service like Sprint PCS, Voicestream, etc? Probably not. Would the Internet have been allowed to flourish if AT&T owned all

the local phone lines to the home? Again, probably not.

So in addition to being ashamed of yourselves for poor negotiating skills, you should ask yourself this question: what innovations will never make it to market in the next 5—20 years because Microsoft has not had to pay a penalty for its prior, monopolistic actions?

In short, I'm appalled at the DOJ settlement, I'm puzzled by your worthless negotiating tactics, and I'm saddened to think of all the future opportunities lost because of this settlement.

Eric Milhizer  
452 Marshall Rd  
Southlake, TX 76092

MTC-458

**MTC-0000459**

From: Rich  
To: Microsoft ATR  
Date: 11/16/01 10:13am  
Subject: Microsoft Settlement

After following this company closely for the last ten years I feel that you have done the industry and consumers a great injustice with this settlement. They have disregarded previous attempts to control their monopoly status and this settlement will not alleviate the problem.

Currently Microsoft is hampering innovation by wiping out competition before it gets a chance to prosper. There have been no major advances in computer software & technology in the last ten years due to the practices of this company. Isn't this what you are supposed to prevent? This is not a "friendly" monopoly! I urge you to reconsider this action.

Thank you for your time.  
Richard P Wawronowicz  
Lead Software Engineer

MTC-459

**MTC-0000460**

From: Rich  
To: Microsoft ATR  
Date: 11/16/01 10:13am  
Subject: Microsoft Settlement

After following this company closely for the last ten years I feel that you have done the industry and consumers a great injustice with this settlement. They have disregarded previous attempts to control their monopoly status and this settlement will not alleviate the problem.

Currently Microsoft is hampering innovation by wiping out competition before it gets a chance to prosper. There have been no major advances in computer software & technology in the last ten years due to the practices of this company. Isn't this what you are supposed to prevent? This is not a friendly monopoly! I urge you to reconsider this action.

Thank you for your time.  
Richard P Wawronowicz  
Lead Software Engineer

MTC-460

**MTC-0000461**

From: John W. Lussow  
To: Microsoft ATR  
Date: 11/16/01 10:15am  
Subject: Comments on Microsoft

I just feel that I need to speak to someone about a problem I have with Microsoft. Due to security problems with Internet Explorer and Outlook, my company suggests that we use Netscape Communicator for email and surfing.

My company went out and purchased Microsoft Office 2001 for Mac and I had to install it on the my computer at work. The installation went fine, but when it came to registering the product with Microsoft, I got an error that no browser was installed. It asked if I wanted to install Internet Explorer now. I said no and I got a message stating that I could not register Microsoft Office until I install a browser. I had a browser installed but it wasn't theirs. I could not register my product and I am ineligible for program upgrades because I elect to use another web browser.

I understand that Republican politics will protect big business but this should not be allowed to continue. I use Microsoft products everyday and until I had this problem I didn't understand why people were so upset with Microsoft's business practices. Now I believe that Microsoft has become too big and even the federal government will have a tough time controlling them. If this happened to me on my one machine I can't imagine what companies trying to compete with Microsoft are facing.

John Lussow  
MTC-461

**MTC-0000462**

From: Bob Peiffer  
To: Microsoft ATR  
Date: 11/16/01 10:19am  
Subject: Microsoft Anti-Trust

This anti-trust case against Microsoft is the most ridiculous and stupid cases I have ever heard of. Microsoft has been backbone of the PC industry since its inception. They have spent many billions of dollars in development to get to where they are today. Without Microsoft there would be no PC and there would be no Home or Industry use the Internet. They have done all of this and haven't burdened the consumer with their costs.

They don't force or encourage the consumer to use their Internet Explorer nor do they require the user to signup for MSN Internet Service.

The companies that are complaining have no basis for the complaint other than that they may be struggling due to bad management. I don't even understand why Sun Inc. is involved in this. Their boxes run the Unix operating system, and are expensive high-end computers used as Internet Servers and heavy duty CAD/CAM. Microsoft is no threat to them.

AOL Inc. is a scam operation. Their Internet Provider Service is a total rip off to the consumer. The service is the highest priced service in the market. It is also the worst service in the market. They use sneaky marketing tactics to lure the consumer to sign up for their service.

The latest one is 1000 hours of free service for up to 45 days. If you do the numbers, you will soon discover that the consumer cannot even begin to use this offering. Even if they could keep their computer online 24 hours a

day, the AOL service would not allow the continuous connection.

Real Audio is another scam. They try to entice to sign up for their expensive monthly service where they promise all kinds of exciting multi-media services. They only thing they give the consumer are a monthly bill and the opportunity to spend more hard earned money on unneeded overpriced junk software.

I think the people behind the new Linux operating system are just riding the band wagon. I'm sure they would love to learn how Microsoft does the things they do in their Windows products. In 10 or 20 years Linux may become a competitor but not to Microsoft. It will be competing with Unix.

If I were to decide this case, my decision would be to require all of the States involved to pay Microsoft's legal fees and close it.

If you really want to go after a company, go after AT&T again. They are currently creating a Monopoly in the Cable TV industry. An industry that has no competition and the consumer has no choice. The Justice Department should also take note that Microsoft is the only large company that didn't jump on the Sept 11 band wagon and fire thousands of workers.

I wish someone would resolve the issue that allows companies to operate with two sets of books (one for internal and one for the Government and the investor). The current so call accepted accounting procedures are allowing these companies to legally steal billions.

Enough said, thank you for the opportunity to voice my side.

Sincerely  
Bob Peiffer

MTC-462

**MTC-0000463**

From: David Stanley  
To: Microsoft ATR  
Date: 11/16/01 10:20am  
Subject: Microsoft Settlement

I understand the need to finish this case and move on, but should we do it without resolving anything? How many times does a company need to be taken to court for the same type of actions and each time be told to stop doing it? You're like the parents who say "No", but never back it up. No one learns from someone telling them, "Stop, and if you do it again, we're going to tell you to stop again!"

With Windows XP and the .NET strategy, it should be fairly obvious that Microsoft does NOT intend to stop anti-competitive practices. The .NET strategy alone is a complete step toward total domination on the internet. I can't imagine a world where Microsoft rules the net. This company can't even protect it's on servers from hackers and we're going to let them control commerce on the net?

If Microsoft had climbed into the position of being the dominate one because of better product or better business practices, that would be one thing. But, from the start, this company relied on lies and bullying to get where it is, and we just tell them to quit. Over and over again. As the world becomes even more dependent on the computer, we are only allowing Microsoft to completely monopolise the situation.

When you control 90% of the world's computers, you control competition. I don't care how competitive the tech world is, you can't compete with them. When Microsoft integrates products into their operating systems, only Microsoft wins. Most users, and this is their own fault, see that program there and use it because it's already there for them. Why go out and get competitors products if you can get it free from Microsoft, even if it is an inferior product? It's like NBC trying to run ads on CBS, it's not going to happen and Microsoft knows this.

The problem also is that Microsoft knows that the government will not do anything about it. Why stop what got you to the top, if there are no consequences?

Thanks for your time,

David Stanley

MTC-463

**MTC-00000464**

From: Dave Anderson  
To: Microsoft ATR  
Date: 11/16/01 10:20am  
Subject: settlement

Microsoft will ignore this one and you will be back in court again. How many companies will have to lose value or go under because of Microsoft's practices before they are really punished? 10 years ago there were 3 companies producing DOS, multiple other OS's that could be used on a PC and plenty of applications for all OS's. Now, you just about have to use Windows in order to buy applications for use. Let's get back to multiple OS vendors, application vendors making their product for those OS's and a thriving tech industry, not one that is failing and is dependent on what Microsoft wants and steals

David G. Anderson

dgander@cfl.ff.com

Director of Information Systems

MTC-464

**MTC-00000465**

From: Gevaert, Thomas  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 10:20am  
Subject: Your recent settlement agreement

This has to be the worst 'settlement' in recent memory. How much did Microsoft pay you to rule in their favor? Oh, that's right—the entire government machine is now controlled by Big Business these days... May you be on the other side of the fence one of these days. Maybe then you might appreciate how unfair this sort of thing is to the average person.

Tom Gevaert

MTC-465

**MTC-00000466**

From: Chris CTR Rinehart  
To: Microsoft ATR  
Date: 11/16/01 10:22am  
Subject: Microsoft Settlement

To Whom It May Concern: The negotiated settlement between the DOJ and Microsoft is flawed. Microsoft in the past has violated previous negotiated settlements about bundling of products and its business practices with its OEM partners. Case in point:

Forcing OEM equipment manufactures to preinstall an OS on any new computer that

a consumer will purchase. This forces the Microsoft Windows Monopoly, by forcing consumers to buy a copy of Windows for their computer. What if that consumer has already purchased a legal copy of the Windows and their previous computer has suffered a catastrophic hardware failure. Does this void the Windows licensing agreement on the previous copy of Windows. No it does not. So when the consumer goes to purchase another machine from and OEM (i.e. Dell, Gateway, or any other third party OEM) they are forced to purchase another copy of Windows usually at a price of \$89 or more, and usually the consumer does not end up with the product CD. Instead the OEM bundles more products onto a recovery CD that has more Microsoft software and other software specifically for the machine purchased. So the consumer never sees a legitimate copy of the program for their own use on the purchase of a future system. Another Case In Point:

Windows XP—has bundled with it a personal firewall, forced registration of the product or it automatically expires after 14 days, CD burning software, Internet explorer (what started this Antitrust action in the first place), mandatory registration for their new .NET PASSPORT Service (which could lead to Microsoft controlling the Internet and e-commerce), and other products.

So by continue to bundle products into Windows XP even during the Antitrust Action. Is this a sign of good faith by Microsoft to changes its business practices even during the time that they were under litigation with the DOJ and 18 States? I tell you NO IT IS NOT! This just proves that your settlement has signaled that Microsoft can and will continue to get away with abusing its business partners and consumers.

I urge the DOJ to force Microsoft to give up its windows source code as a permanent remedy. But allow Microsoft to be the technical advisor of an open source Windows Specs. to help guide software manufactures to develop a more stable, secure Windows platform.

Thank you

Christopher Rinehart

Web Developer

MTC-466

**MTC-00000467**

From: Walt Wilson  
To: Microsoft ATR  
Date: 11/16/01 10:23am  
Subject: Settlement With Microsoft

So, again, we the people get the shaft while Microsoft retains the rights to the gold mine of unfair competition in the marketplace. We who struggle with the 'built in' software additions we do not want in favor of better or easier to use versions, because Microsoft has made them a required part of the Windows operating system. Now with the release of XP, unhampered by any intervention, we see more of the same intrusive nature of the company. This program requires you to register within 30 days of installation or it ceases to function. The bad part is, it does a complete inventory of your computer and reports all this back to Microsoft at the time it registers. My question is why? Why does Microsoft need to know everything I have on my computer?

The company continues to move ahead, now that you the Department of Justice have watered down the only chance that was open to do something for the consumers in our nation. I do not advocate taking Microsoft down. I do advocate forcing them to a level playing field when it comes to software and compatibility. Microsoft has promised for years to have all the bugs out of its operating system. It has yet to happen. But due to the pressure it exerts on the market, it continues to dominate, pushing out the possibility that others might have an equitable share, and present what might actually be a better alternative. Microsoft doesn't always have the best ideas or the best way to do things, but without restraint, it matters little as they will impose their ideas on us all.

Walter I. Wilson

132 Rolling Park Drive

Lexington, NC 27295

(336) 956-1474

wwilson@triad.rr.com

MTC-467

**MTC-00000468**

From: downyonder@juno.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 10:23am  
Subject: Microsoft Penalty

From what I understand, the current penalties against Microsoft should be a bit stricter, as they don't adequately compensate for prior misdeeds or prevent future ones. One 'penalty' that would be effective in the future would be a requirement for a stripped-down operating system, which would enable OEMs and end-users a much greater choice among the products available from all sources. This would only require a much simpler, published specification from Microsoft (based on NT/Win2000 technology for stability, since the system kernel by necessity would have to be kept separate from application memory).

This would not require Microsoft to open its proprietary vault, only its doors to the trading floor.

Steve Wideman (DownYonder@juno.com)

MTC-468

**MTC-00000469**

From: David—Lantz@amway.com@inetgw  
To: Microsoft ATR  
Date: 11/16/01 10:24am  
Subject: Microsoft Antitrust Settlement

In my opinion, had it not been for Mr. Bill Gates and his Microsoft Corporation, I would not be capable of even writing you this e-mail today! His vision took computers to a level that regular people could use the tools of our future. We are now there and moving even further because of his wisdom and vision. Let the others add to and enhance his vision but I feel it very wrong and almost anti-American to punish a person that took his dream and made it a reality. Isn't that what we all want to do? Do what we do better than anybody else and control our own future.

I'll stop before you think I am his mother, but I feel we should be thanking the man and the company for what they have given us. Certainly we should not punish him for doing what all business what; being successful.

Thank you,

MTC-469

**MTC-00000470**

From: Chuck Lcntes  
 To: Microsoft ATR  
 Date: 11/16/01 10:26am  
 Subject: DOJ settlement is toothless

I think it is clear that this settlement is a hand slap. The right settlement is splitting applications from operating systems.

Charles R. Lottes  
 Ballwin, MO

MTC-470

**MTC-00000471**

From: EDucateME@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 10:29am  
 Subject: Microsoft Settlement

To Whom it may Concern: I want to encourage your staff to seek stronger remedies for the case against MSFT. This company is out of control with the ability to leverage any amount of money, technology or people to sway the outcome in their favor. I work in high technology as a Consultant using MSFT products for over 12 years and have seen it for a long time coming. The way they killed off Dr. DOS by not letting Windows 3.1 load on it, it required that you rebuild a PC with MS DOS in order to add Windows 3.1, this was anti-competitive way before the browser war started.

The amount of \$\$ lost and complaints from my clients who felt I was ripping them off for the addition of MS DOS on their PC which already had Dr. DOS was the beginning of my dislike for the way MSFT corrals their users.

You cannot allow Microsoft to continue to bundle all the extra software for Audio, Video, Web sharing, Picture Editing, Word Processing etc etc as this harms the consumer by wiping out small companies that make good, viable products that MSFT identifies as valuable businesses and then adds the feature into Windows next release.

The harm is that many of those companies fail, their owners and workers lose their jobs, the economy suffers from unemployment and all the time MSFT just gets bigger and has more money than any other business in the world. To top it off, the licensing language for MS Windows lets them hide behind every word, eliminating their responsibility for making better, more secure software and instead allowing them to take away the software leaving you a heap of bills and no recourse for action against their poor designs.

If the Gov't isn't big enough to rein in this gorilla of technology then who in the marketplace will be able to do it. Not some smaller company or the average consumer, its up to the Gov't to earn their money and win this case. Don't you dare allow Bill Gates and his staff to lie in court, doctor video tapes and act like they "Oops" made a slight mistake in the trial. Those "Oops" mistakes are what find their way into our software and make it hard to fix. If MSFT had spent 1/2 the Court case money on fixing the errors in their products we would all be better off.

I wholly stand behind the states that are holding out for more penalties and restrictions. MSFT must be reined in, and they Must pay Fines and maybe even a class

action suit for the way they added Internet Explorer to Windows 95 and made it so that you couldnt reload to fix a damaged Windows 95 install but instead had to go out and buy a newer Windows version in order to fix the older version.

If you would like more info on my experiences with the poor attention to detail and slack way of improving their products please call me or reply here asking for more details, this company cannot be allowed to get off cheaply or without new controls in place to prevent this from continuing longer. We will all suffer if we let them steamroll over us.

thanks for your time  
 Jonathan Olas 11/16/2001  
 CIO—MMI Computing Group  
 Boston, MA  
 508 360 3443  
 educateme@aol.com

MTC-471

**MTC-00000472**

From: Sean Moon  
 To: Microsoft ATR  
 Date: 11/16/01 10:29am  
 Subject: Microsoft antitrust settlement

When determining an appropriate penalty, please remember that Microsoft's practices have harmed consumers and actually damaged the economy through reduced purchase options.

Whatever remedy is approved simply must ensure that the company cannot repeat it's monopolistic behavior. The company has repeatedly demonstrated it's total disdain for the legal system and (as displayed by the current version, Windows XP) it's intention to continue it's illegal practices through bundled software and leveraged control of third-party products. The proposed remedy does not accomplish this.

In the end, additionally, the penalty must address the consumer damages as well. I personally own multiple copies of Microsoft operating systems and office products. I had no choice in my purchases in order to ensure compatibility between my home workstations and my office (U.S. Government) workstation. Cheaper, faster, better options exist—but the Microsoft monopoly left me no choices and required that I spend additional funds. A rebate to consumers who can present valid licenses (which should be simple to track thanks to Microsoft's anti-privacy programs) would be appropriate. Such a rebate should not be in the form of credits toward further purchases of Microsoft products as that would only further enhance their domination.

Thank you.

MTC-472

**MTC-00000473**

From: Keith Steensma  
 To: Microsoft ATR  
 Date: 11/16/01 10:30am

If you think that the agreement with Microsoft is going to change the way that they do business, you must have a vacuum in the bone structure between your ears. Unless Microsoft is severely 'punished', business will be back to normal the day after the agreement is signed.

And I am a Microsoft shareholder.

Keith Steensma  
 Jacksonville, Arkansas

MTC-473

**MTC-00000474**

From: BRIAN SCHULZ  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/16/01 10:31am  
 Subject: Antitrust

I do not believe Microsoft has been properly chastened for their monopolistic tendencies. All over the web, there are copies of actual MS memos debasing Linux and other operating systems as inferior. They tout their products as the "best", yet the very same software is fraught with security issues that have lead to the loss of billions of dollars through destructive worms and viruses.

There is a joke in the tech community about the famous BSOD—the Blue Screen of Death. This has frustrated millions of users ever since Windows 95 was released.

Microsoft makes itself the only option available to new computer users whenever they purchase computers from every single major computer manufacturer in the world. If the correlation between such wide usage and security issues were the only issues, that in itself should be sufficient for further investigation. Why do they insist on coercing everyone to use things that are widely known to be inherently unstable, while excluding external solutions from other software manufacturers?

We wouldn't have all these problems if people simply had more of a choice, an alternative to the bloated, unstable, and unsecure operating system which is forced on them when they turn on their brand new computers. These are all valid concerns, but they are the only the tip of the iceberg.

Sincerely,  
 Brian Schulz

MTC-474

**MTC-00000475**

From: David Wood  
 To: "Microsoft ATR"  
 Date: 11/16/01 10:31am  
 Subject: Sanctions

I have looked at the structures for Microsoft XP and nothing has changed. The sanctions suggested by the government will not do anything to stop the practices of bundling that created the lawsuit in the first place.

(The Rev. David R. Wood)

MTC-475

**MTC-00000476**

From: Fred Pesther  
 To: Microsoft ATR  
 Date: 11/16/01 10:32am  
 Subject: comments

Without Microsoft the personal computer industry would still be operating back in the dark ages.

Why DOJ has seen fit to punish an enterprise for working hard and being the best at what it does is beyond me. We should all be thankful for their work in producing products that everyone can understand and operate.

Ease up.  
 Fred Pesther  
 Greensboro NC

MTC-476

**MTC-0000477**

From: Nicholas Williams  
 To: Microsoft ATR  
 Date: 11/16/01 10:35am  
 Subject: heard it all before

Conduct remedies? criminal penalties and civil fines? are you serious? has any of this ever stopped microsoft before? what makes you think it will now? fines don't scare them. court proceedings don't. they just bide their time and wait for everyone else to grow tired of proceeding, then they pick up where they left off. as they will again, and you let them off the hook. again.

Nicholas Williams  
 Melia Design Group  
 nicholas@melia.com  
 http://www.melia.com

MTC-477

**MTC-0000478**

From: Jamie Aresty  
 To: Microsoft ATR  
 Date: 11/16/01 10:38am  
 Subject: penalty

to whom it may concern, i feel it is my duty to at least comment on the microsoft penalty faze. i have been using personal computers consistently since 1984. i continue to use apple computers and their software as it is better than microsoft.

the problem, or at least one aspect of it, is that microsoft truly does force PC users to use their software. They clearly have abused their monopoly status. they are accused of lying to a European committee investigating these abuses. judge penfield, a conservative reagan appointee, had such strong emotions behind his actions because of these abuses by microsoft. this current administration is being far too lenient with microsoft. they deserve the most severe penalties and consumers must be assured that they will not be subject to more abuses by microsoft.

yours truly,  
 jamie aresty

MTC-478

**MTC-0000479**

From: Rich and Deb Sensale  
 To: Microsoft ATR  
 Date: 11/16/01 10:39am  
 Subject: Settlement?

Hello. I have been involved in the computer industry in many capacities for over 20 years. During that time, I have seen Microsoft go from a small garage company, to the giant behemoth it is today. The one constant about how this company has operated over the years seems to be their complete lack of ethics when dealing with consumers and other companies.

The Netscape browser killing was just one relatively small example of how they use their corporate advantage as a monopoly to threaten, beat down, and generally intimidate other companies into their way of thinking. Small startups with novel and innovative approaches are often squashed under their giant corporate feet. As for consumers, well, the Microsoft strategy for success seems to go something like this.

a. Design an operating system or product with a lot of major and annoying bugs.

b. Issue some bug fixes that fix a few of them, and charge a hefty sum for any meaningful kind of technical support.

c. Make sure you ONLY give good support to people who pay a premium for it.

d. After a while, put together a "new" version of that OS with all the bug fixes installed and a few minor alterations, and sell it as a completely new operating system, at a good high price.

e. Go back to step a.

Microsoft relies on the fact that in our country, there is actually no accountability held for software companies to ensure the quality of their product. Their included license agreement states that if you do not agree with it, you should return the software for a refund. Well have you ever tried to return opened software for a refund? You can't! No place I have ever bought software allows you to return an opened package. And if something does not work on your machine, you are out the money you paid and the time you wasted.

A proper penalty for MS would be one that actually is a penalty. Up til now MS has shown that the slap on the wrist approach is both a waste of time and money.

It angers me when I see a settlement like the one proposed by the DOJ and remaining states. It is not penalty at all and will do absolutely nothing to dissuade MS from carrying on bad business as usual.

Here are a few suggestions for what might actually improve the situation and the industry in general.

1. Break up MS, but not into 2 seperate companies who don't compete with each other. Separate it into 3-4 companies, each company maintaining the rights to all of their software. This effectively puts all of these baby bills into direct competition with each other and the rest of the industry.

2. Make MS release all source code to the public domain. Windows, Word, you name it. Get some REAL competition going.

3. HEAVY financial penalties.

4. If the company ever acts in the same manner again, put them under receivership.

MS has been found guilty of criminal monopolistic behavior, they need to be punished, not rewarded. The Justice sitting on this case has to get over the politics and back room dealings and do some serious damage to show that this administration, the DOJ and the Courts do not allow this sort of criminal behavior to go unpunished. Im not sure what happened over at the DOJ between Clinton and Gerokey boy, but it doesnt seem to be very good. Politics should not enter into this sort of case. The government has spent millions of tax dollars to end the MS criminal behavior, they should end it, not just slap em on the little finger and say play nice. The things MS has done requires drastic action, the more drastic, the better.

Sincerely  
 Rich Sensale

MTC-479

**MTC-0000480**

From: Odin  
 To: Microsoft ATR  
 Date: 11/16/01 10:40am  
 Subject: Comment—Microsoft AT Trial

I'm deeply disappointed in the settlement of the governments case against Microsoft.

Microsoft's practices have rendered competition ineffective when trying to compete with such a dominant company.

Microsoft continually strikes "agreements" wherein they prevent companies from even using a competitor's product. Including products that are "just good enough" often prevents a better product from gaining support. Time and time again Microsoft has "updated" their own software only to render a competitor's product useless.

Internet Explorer is a prime example. The web was created with universal standards in mind. Microsoft has continually hijacked these standards and changed them so that they only work with their own software. Often, when unable to compete on a product level Microsoft simply buys a competitor and then includes the product in the next release of Windows for free.

I feel that in the future the government is going to have to address this issue again at more expense to the taxpayer. How dominant must Microsoft be before the government realizes what is going on?

Robert Womble  
 Ramseur, NC

MTC-480

**MTC-0000481**

From: Sherry Buckowing  
 To: Microsoft ATR  
 Date: 11/16/01 10:40am  
 Subject: Microsoft Settlement

Well, here is my opinion, just remember, you asked for it.

Should we really bite the hand that feeds us? How many people, companies, and organizations involved in the persecution of Microsoft use their products? I would be willing to bet most of them use them, if not at work, then at home.

Do you use Microsoft products? Is it because you are forced to, or simply because you like the product? People don't buy and use Microsoft products because they are the only choice; they buy them because they are the best choice. If you don't want to use the email program, the music player, or the messenger program that is included with Windows, then you simply choose not to install them when you install Windows. You do have that option. Granted that the software is pre-installed on bundled systems in the store, but the disks do come with the system. You can customize your installation by uninstalling certain things, or you can simply wipe it all off the hard drive and do a new installation, then only installing the things you want. Or, you can wipe it all off your hard drive and install a completely different operating system if you would like. Or, you can buy your computer somewhere that builds the systems so you're not getting a "package deal" with software you do not want. The truth is that the options are out there, but the general population does not know how to do these things. So, should we fault Microsoft for the lack of knowledge of the average Joe? I don't think so.

This whole thing has been a pathetic waste of time and tax dollars. And most of all it is an insult to the American people. We make our own choices; we are not simply a group of robots marching to the beat

MTC-48 1

**MTC-0000482**

From: dhiser@cadence.com@inetgw

To: Microsoft ATR

Date: 11/16/01 10:43am

Subject: Comments on Microsoft settlement.

The biggest problem with your settlement is that it does not deal with anti competitive behavior such as

(1) Windows XP released recently contains a free music player that will not play standard music files but will play Microsoft's proprietary format. For a \$40 upgrade, you can get one that plays standard formats. The music industry does not need another format, but rather Microsoft is only trying to force the industry to adopt its proprietary format. This is similar to the problems Microsoft caused with Sun and Java a couple of years back. This is also similar to the browser wars where a FREE internet explorer was released on the net. Microsoft used the proceeds from the operating system and office tools to fund a free browser. This browser still causes all kind of problems as it does not always adhere to HTML and other standards. Another example is MS Office is now the standard in industry, but Microsoft controls the data format. Companies make converters, but all Microsoft has to do is upgrade the data format and these companies are forced to update their software. Microsoft prevents companies from competing by owning the data format that is the industry standard.

Solution 1: Split the company into a operating system company and a software product company. Don't allow them to play these games. You can't regulate them when they go their own way and innovate new Microsoft standards. You see the US government has not yet got into regulating HTML standards, music file standards, etc... And they probably should not. But if you let Microsoft operate as is it will work to make Microsoft controlled formats as the new standard.

Solution 2: The US government will need to regulate all data formats and control these standards. Yuk.

(2) Windows XP that was recently released costs as much as \$199. MacOS X which was also released recently costs \$99. Apple has a much smaller market so thus they do not get the benefits of the economy of scale that Microsoft does. So why does it cost twice as much? Well the answer is that Microsoft is price gouging. They also charge excessively for MS Office. My company since it works with others in the industry must always upgrade these tools at whatever cost Microsoft is willing to charge. For new applications that are not well accepted Microsoft then gives these away free since the other parts of the company easily funds these. Microsoft recently started a huge ad campaign to hype the new XP software. Why do they need to spend more money on hyping the new operating system than all of Apple makes on profits from its operating system? The answer is that the performance and features do not entice people to upgrade. Microsoft benefits by getting a large percentage of users to upgrade, thus making it the new standard. Then the more reluctant and cost conscious companies will be forced to upgrade for compatibility reasons.

Solution 1: Split the company into three companies: operating system, office, and

other tools. This will prevent price gouging from financing other new tools.

Solution 2: Have the US government regulate the prices of Microsoft tools.

(3) Recently someone I knew purchased a Microsoft mouse. He wanted to register the hardware purchase so that the warranty was usable. What he found out is that he was required to have a Passport account at Microsoft in order to register the software. (Once again Microsoft forcing people that use one component of Microsoft to use another). My friend did not want to have his personal information placed in this system as it is used by Microsoft for things other than warranty. So should he not get refunded for the portion of the product that is associated with warranty costs. If he works for a company that needs microsoft tools, then he will not complain with fear of reprisals.

Solution 1: Microsoft needs consultants/monitors within Microsoft walls watching for bad business practices and putting in place fair means for fixing these problems.

These are a few of my comments. I still think a break-up is the best way to deal with Microsoft. I don't think that the Appeal court over turning the previous ruling to split was issued because it thought a split was out of the question, but rather that the previous Judge was biased.

Thanks for soliciting input.

Doug Hiser, Ph.D.

Tality Corporation

MTC-482

**MTC-0000483**

From: Paul Strauss

To: Microsoft ATR

Date: 11/16/01 10:45am

Subject: Microsoft did nothing wrong!

Yes Microsoft flexed its muscle and made competitors play according to their rules but that is only because everybody wanted to be associated with what THEY created! You should not be penalizing a company because it was ultimately successful unless you publish guidelines that tell other up and coming companies that you are doing great and achieving the American dream as long as you do get to ?XXX? level of success. At the very least, it is unconceivable that you would limit what the company can put into its own product. Can't you see how asinine that is telling a company what it can and cannot produce?

Sincerely,  
Paul Strauss  
Strauss31@home.com

MTC-483

**MTC-0000484**

From: Guy Walker

To: Microsoft ATR

Date: 11/16/01 10:45am

Subject: Settlement is totally inadequate

To whom it may concern,

I would like to voice my opinion that the proposed settlement with Microsoft falls far short of what is needed to remedy Microsofts anti-competitive practices. I have worked in the Information Services industry for over 15 years and have experienced first hand the types of issues this settlement is supposed to address. As both a professional, and home, user of Microsoft products including

Windows 3.1, 95, 98, 2000 Professional and Server, NT 3.x and 4.0, I have seen an ever increasing tendency for competitor software to run slower or unreliably, as well as a "you have to do" thrust to these operating systems.

You only have to look to the Active Directory implementation in Win2000 to see an example of the latter. I am required to to implement a Microsoft DNS service in order to deploy Active Directory. This is an absolutely ridiculous requirement as companies, people, etc. have been able to run DNS services on other operating systems for ages without causing an issue for other operating systems or software.

Now Microsoft forces the issue by making it a key component of their latest OS while at the same time "end of lifing" prior operating systems that did not have this requirement.

And regarding the first point about Microsoft OSs being "unfavorable" to competitor software. The examples are endless, there is a wealth of research to draw upon, this case examined a number of these and you have experts testimony to support you. I simply wish to note that my first-hand experiance indicate that these claims are true.

I continue to be absolutely dumb-founded that given the wealth of evidence, prior rulings, and Microsoft's history, that you are actually proposing this settlement.

Now, please be aware that I have also built two corporate infrastructures based on Microsoft operating systems and software over the last 4 years and recognize the quality of their products. The issue here is not the quality of the products but rather the right to chose, and not to be penalized or inhibited when that choice is not in Microsoft's favor. Please reconsider this settlement and make the necessary adjustments to protect both the corporate and casual consumer, as well as maintaining a competative industry.

Guy Walker  
Sr. Consultant  
Integrity Consulting Associates

MTC-484

**MTC-0000485**

From: Geoff Beidler

To: Microsoft ATR

Date: 11/16/01 10:45am

Subject: Dear Sir,

Dear Sir,

I am writing to tell you what I think of the Microsoft antitrust settlement that has been proposed. Basically, I think it is a complete sell out of everything for which the Dept. of Justice is supposed to stand. Individualls and small companies look to the government to protect them from large corporations. It is the duty of the government to assure that there is a fair marketplace, where no company can become so powerful that it no longer need to compete but can simply leverage its existing power to dominate emerging markets.

The settlement that DOJ has agreed to may or may not stop MS from committing more crimes in the future, but there is no reason to believe that it deprives MS of it's ill gotten gain. If MS were guilty of murder, the DOJ effectively made MS promise not to kill anybody for the next five years. If they do kill someone in that time, then they aren't allowed to kill anyone for two more years.

The OJ Simpson case answered the question, "How much money does a man need to get away with murder?" This case answers the question, "How big does a company need to be to buy off a presidential administration?"

Geoff Beidler

MTC-485

**MTC-0000486**

From: Hayden, Brian  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/16/01 10:48am  
Subject: Microsoft settlement

Let me explain my position before my assessment of the settlement. I am a professional software developer and manager, who has worked with Microsoft tools, products, and their business practices since the early 1980's.

I have at times worked very closely with their developer support and client support organizations. I have hired Microsoft consultants to aid my development teams. I am currently working with Microsoft tools, platforms and services, and I fully expect to continue some form of business relationship in the future. I admit that I have a love/hate relationship with Microsoft. I have first hand experience of Microsoft business practices, good and bad. example: In the early 1990's, my software development team was having a problem using a new 'standard' feature in the latest version of MS windows ( at that time). My team spent 2-3 weeks working with Microsoft and paying support fees to get aid to resolve the problem. Microsoft kept using 'But, its works correctly in the latest MS-Office, doesn't it?'. Yes it did. Another week of effort buy one of my engineers discovered that MS-office was NOT using the functionality provided by the OS, it was using functionality built directly within MS-Office. Another call to MS effectively got the response of: 'Oh well, you got us. It doesn't really work for you, you can't make it work. That's why the Ms-Office engineers went to OS engineers, got the basic functionality and made it work, just for Office. Too Bad. So, what are you going to do about it?'

Since that day, I have always reviewed Microsoft with a cautious perspective. Since that day, Microsoft has gotten even worse about lying, predatory and illegal business practices. Business practices that are so illegal and wide scope, that the Justice Department felt it necessary to TWICE take Microsoft to federal court for their conduct. Twice, the DOJ has proven their case. Microsoft has been proven to be a monopoly that has illegally used their position to hurt competitors and illegally entrench their position. Twice, the DOJ has totally caved-in at the penalty process. The proposed solutions are totally inadequate to stop Microsoft from further illegal business practices. Actually, the proposed penalties are rewarding Microsoft for their prior illegal behavior, and actually allows them to continue those illegal behaviors into the future.

Please reconsider the proposed penalties. By a decision of the Supreme Court, Microsoft is a monopoly that has illegally hurt competitors and consumers.

Please make me believe that the DOJ represents the interests of all people in a

balanced fashion, not just the interests of the wealthy and powerful individuals and corporations. The choice is yours. I, as a consumer actually fear Microsoft. The last two years gave me hope. Now, I have little hope left.

Brian G. Hayden  
BHayden15@home.com

MTC-486

**MTC-0000487**

From: Rick Hohensee  
To: Microsoft ATR  
Date: 11/16/01 10:48am  
Subject: Microsoft Settlement

I am an independent programmer, and as such feel that I represent the general public to a fair degree. My longstanding suggestion for a Microsoft remedy is at ftp://linux01.gwde.de/pub/cLleNuX/interim/amicus\_curae and http://www.uwsg.iu.edu/hypermail/linux/kernel/0107.1/0088.html or websearch for "Hohensee" combined with "Compromising Microsoft" and/or "Microsoft's word". Suffice it to say that what I think might actually be remedial bears little resemblance to the current active proposal, and that this could eventually be addressed by national legislatures around the globe.

Rick Hohensee  
301-595-4063  
Adelphi, Md.  
CC: agavil@howard.edu@inetgw

MTC-487

**MTC-0000488**

From: geoffrey sanders  
To: Microsoft ATR  
Date: 11/16/01 10:49am  
Subject: Anti-Trust Settlement Response

To Whom it May Concern:

I must voice my extreme disappointment and disagreement with the DOJ settlement proposal for the Microsoft Corporation Anti-Trust case. After reading the settlement documentation, it remains apparent that large amounts of leway still exist (especially when using 'technological terms' in a legal document) that will allow Microsoft to continue it's monopolistic practices. Let's be honest; do we all really believe that Microsoft would be so quick (and willing) to accept this settlement if it wouldn't benefit them in some manner? I propose that this settlement be discarded in favor of a 'more educated' and 'technically savvy' settlement proposal. A panel must be formed to review what needs to be accomplished. This panel must include current industry leaders (both proprietary and Open Source markets) to ensure that the DOJ truly UNDERSTANDS what technical requirements to include in the settlement's legal documentation, and how to ensure that Microsoft is not given sufficient room to continue monopolistic practices that suppress and hinder other information technology entities. Therefore, please tally my rejection of the current settlement in its present form.

Regards,  
Geoff Sanders  
San Diego, CA

MTC-488

**MTC-0000489**

From: Peter E. Greulich

To: Microsoft ATR  
Date: 11/16/01 10:49am  
Subject: Microsoft Settlement

I have worked with and against Microsoft for over 10 years. I have cheered for them and rooted for the opposition against them. The agreement that you are proposing does nothing to eliminate the negative impact that Microsoft is having on my daily life. They are a different company from five years ago. Today, they impact my daily life negatively. They have a monopoly that is impacting me, a consumer, in the following ways:

(1) Every PC that ships from a PC manufacturer today carries the burden of a Microsoft operating system charge—even if the PC should come loaded with Linux. PC's can not become cheaper because as the price of hardware has fallen, the Microsoft PC operating system has become more and more expensive, or a larger percentage of the investment that I make in a solution for home and business. Try calling Dell and getting a quote for a hardware with and without Microsoft and see if you can tell how much they are paying.....(they won't quote it)

(2) Inferior products. Compare Microsoft Word and other word processing products that have attempted to take Microsoft on. Many are superior products with better usability and lower prices. But because every PC today ships with Word, Excell, Powerpoint, etc...I can not utilize these products. Their market share is reduced to microscopic levels and I have to pay over 450 dollars (new) for a set of "productivity" applications, that should only cost 100 dollars. I have looked at Word 2000 and grimace at learning again, a new set of rules, popups, preferences and concepts that should have nothing to do with typing a simple letter. Word is no longer easy to use—it is a monolithic, feature packed, monopolistically priced software package that needs competition in the market place....(that can only be provided with a level playing field).

(3) Unwritten collusion between Microsoft and PC Manufacturers. Oh, I am not saying that they get in a smoke filled room and decide what to do, but their destinies are so tightly linked as not to require a spoke word. It is understood that new applications should require more hardware and constant consumer upgrades of hardware every two years to keep pace with Microsoft's "imbedding" of many useless features. Upgrading between OS's should be so hard as to make it simpler and more cost effective to put out 1000 dollars to get one "preinstalled"...

(4) Imbedding of software that I have no control over and threatens my day-to-day privacy. Why does it have to be so hard to "not" use Microsoft imbedded functionality. Software providers like "Gator" get ripped in the press when their software takes over their computer (and rightfully so), but I have alternatives to their software. I have no alternative to Microsoft that is based on a "make money" model. Some would say Linux—but hey, if there isn't a profitable business plan behind the software, let's not kid ourselves—it isn't viable for consumers or business'. I WILL NEVER GIVE MICROSOFT MY CREDIT CARD NUMBER.

(5) Two weeks ago, after asking Microsoft to never release any information about me to anyone—I get a spam mail from their MSN network—unsolicited and unwanted. I requested that they forward the document to me where I accepted their offer for SPAM—no reply. Microsoft will trample on my freedoms to make a buck—sorry, can't buy their stock. May I die poor but unhumbled. Remember the past when there was competition:

Let's not forget what it used to be like when there was competition in the market:

(1) System upgrades were few and far between and fix packs were the normal course of business and considered part of the "cost of doing business". Today when it is easier to download upgrades with less human effort (ie higher productivity for the software manufacturers), why is it that more upgrades are required in shorter periods of time.

(2) Applications were written to be fast and tight with quick response time. Consideration was given to backward compatibility to run the consumers' ages old application packages. Who can argue that the 3270 data stream wasn't one of the most open standards of all time. IBM kept that stream unmodified for 20 years and fought back competition the whole time—today Microsoft changes its standards rather than competing with more creative ideas and better usability.

(3) Minimized cost of training. Since application packages were supported longer, the consumer didn't have to "waste time" every two years relearning an application.

(4) Choice—Oh my God, I had choice just a few years ago. DOS, Windows 3.1, 05/2, Windows NT, Unix, thin clients, etc....Now even the ol' DOS support is gone....I wonder how much longer Unix on the client is left for this world? Remember when crash protection was a selling feature that kept OS/2 at 10 to 15% market share with the only real usage in the business market. Linux long term doesn't have a chance unless it can be "preloaded" at the manufacturing site and gain market share...can't do that with your agreements.

(5) Fun reading the trade press—boy is it boring today. Used to be fun to pick up the press and read about who had what vision for the future on the client. Gee, now all I read about are a few "middleware" vendors worrying about their market share, not concerned with dramatic changes in the industry.....Palm OS isn't long for this world. Microsoft will leverage the same monopolistic power to drive them out of business.....the tie between applicaitons and OS. Of course there were downsides—but I believe in the free market system, free enterprise and the busting up of monopolies like AT&T. Please get back on task and make life more interesting, less costly and more fun by providing an environment where Microsoft, IBM, Oracle, Dell, Compaq, HP, Real Networks all have to compete on an open playing field. May it be an environment where the most creative and daring can win, not where the one with the most money and control can force an inferior, less usable, less stable product on me every two years for another couple hundred bucks.

Sincerely

Peter E. Greulich  
Consumer and concerned citizen.  
MTC-489

**MTC-00000490**

From: phadkins  
To: Microsoft ATR  
Date: 11/16/01 10:51am  
Subject: Microsoft settlement

The planned settlement in the Microsoft Antitrust case is completely inappropriate for a company that has repeatedly demonstrated its unwillingness to abide by the law. You are dealing with a Robber Baron mentality, and must react accordingly. Frankly, the proposed government settlement looks like a "sell out". Nothing short of releasing the Win32 code into the public domain will do, and even if that were done it would be necessary to prevent Microsoft from introducing proprietary changes to the code.

P.H. Adkins  
MTC-490

**MTC-00000491**

From: Tim Williams  
To: Microsoft ATR  
Date: 11/16/01 10:54am  
Subject: Microsoft Antitrust

I feel the States and the US Government were wrong in pursuing Microsoft in an antitrust case. I think that any company, i.e., Dell, Compaq, HP or others who used Microsoft products should have been part of this sham of a lawsuit. Hey, they accepted the limits Microsoft put on them using their products and made a ton of money. If I can't match or exceed my competitor then I need to find another line of work. Crying about unfair practices is just plain "I can't make it on my own and I need you to stop them so I can catch up". You are penalizing Microsoft because they have researched and developed a dream of Bill Gates. I believe that the US Government and the States involved are the ones that are stifling competition. If Sun Microsystems or those other companies can't hire intelligent and forward thinkers to advance their product then let them go out of business! I don't have to buy Microsoft! I choose to do so.

Tim Williams  
MTC-491

**MTC-00000492**

From: Daniel Earp  
To: Microsoft ATR  
Date: 11/16/01 10:54am  
Subject: I know this is pointless . . .

I know this is pointless, as this is likely to simply be deleted, but I thought I might add my two cents worth. I am a small business owner and Network Engineer. I have personally been harmed by Microsoft's iron handed methods. I'd like to share a few with you.

When Windows ME was due out, the beta ran perfectly fine with the NetWare client v3.3 available at the time. But the day of release, the client was found to be incapable of working with TCP protocol. Do you know what kind of black eye I took when suddenly it was discovered that new PCs that shipped with ME couldn't be used on our network? This was obviously kill code. The problem still exists today.

Or how about the way the OEM agreement works. If you buy a computer from me, I pay \$5 less for Windows than retail. But when something breaks, I am the one that is responsible for support. You can't call MS at all. You have absolutely no support from them. My five dollar profit is suppose to pay for that support, even though I don't have the right to make a single support call to MS myself.

Or how about this one. When I do an install, I get an install of Outlook Express no matter what I do. I can't change that option during the OEM install. And if I don't do the OEM install, I can't install products like OEM Office 2000. But that install make me vulnerable to all the Melissa variants, and will kill my GroupWise client. Legally I can't fix it. How stupid does that make me look when my PCs always show up needed further work before they're network ready?

When I saw that you guys were winning the case, I was overjoyed. I thought there was finally going to be something done. They you caved in. You sold me out. Your solution is a joke. Now the same events are going on with Windows 2000 and XP. Installing live update on a Windows 2000 machine will kill Adaptec Easy CD Creator software. But that's ok. Installing Windows XP gives you free CD master software, so you don't have to install Adaptec. Sound familiar?

You've fixed nothing. You've helped no one. In fact, you've only made it worse. Now they know that you're spineless and toothless. You've failed the people you were hired to protect. I don't know what idiot thought selling me out was a good idea. I'm sure in proper government fashion the list is long and feeds back on itself at several points. But I hope you know what you've done. My business is closing next month. Given the choice of being a Microsoft shop or going out of business \* my choice is clear. And in the current environment, selling Novell is hopeless.

Thanks for nothing.  
R. Daniel Earp  
PC Network Solutions  
Raleigh North Carolina

MTC-492

**MTC-00000493**

From: Shockwave  
To: Microsoft AIR  
Date: 11/16/01 10:58am  
Subject: Microsoft Case

I've been thinking about this whole anti-trust thing and I've come to the conclusion that this is one case that should never, and I mean never been brought to trial. I am not now nor have I ever been an employee of Microsoft, but a consumer that feels that Microsoft has been given a raw deal. If other companies cannot create a product competitive to the product Microsoft offers, that is not Microsoft's fault, now is it? If Netscape had the ability to come out with a product similar that they could have bundled their Navigator software with, they could have done so and then could have competed with Microsoft for the PC Operating System business. But nooooo, these other companies chose instead to ask the government to sue Microsoft.

Please, Mr. Ashcroft, I was thrilled when President Bush chose you as Attorney

General, now, please, do the right thing, and drop all the charges against Microsoft.

Thanks

Lany Poindexter  
521 Barbary Lane  
Woodstock IL 60098  
815.337.8147

MTC-493

**MTC-0000494**

From: Ray Wilson  
To: Microsoft ATR  
Date: 11/16/01 10:59am  
Subject: Microsoft Settlement

I you have sold out the computer using populous with this decision. You have actually accomplishing nothing except using the taxpayers money. The limited restrictions and lack of penalties you have placed on Microsoft will not stop them from continuing to try to dominate the industry, as a case in point look at the Win2000 issues and how much that slowed them up. They can BUY anyone not cooperating with them or just give stuff away to their competition and by the time anyone can react the damage is done just like WinXp.

I am very disappointed in how this entire thing was handled including letting the "buy-out" some of the states . . . that was utterly disgusting. I am very disappointed in what the DOJ managed to accomplish. The cost/benefit ratio was way over on the side of Microsoft on this one. The DOJ could have saved the taxpayers a lot of money by just letting Microsoft have their way, they will anyway.

Thank you for providing a place for people to have their say.

Ray Wilson  
Email prw@charter.net

MTC-494

**MTC-0000495**

From: Joe Allred  
To: Microsoft ATR  
Date: 11/16/01 11:00am  
Subject: Strongly Disagree with Settlement

I strongly disagree with the action of the Justice Department in settling the anti-trust case with Microsoft. The settlement is inadequate; the company will be able to bypass many of the sanctions because of vague language (refer to Associated Press article by Ted Bridis). I feel that Microsoft might use the exemption to keep secret any information that might violate the security of anti-piracy technology to hide details about many of its products. Any criminal penalties and civil fines that the Department of Justice might seek if the company violates the 3deal2 will be too weak and ineffective given the size and monetary resources of Microsoft. I can only hope that U.S. District Judge Colleen Kollar-Kotelly will impose tougher penalties during hearings in February. Perhaps she will have the foresight of Judge Stanley Sporkin who scrapped a Microsoft settlement in the 1995 case. Like him, I strongly believe that the proposed settlement is not in the public interest.

In the 1995 settlement the Justice Department promised that it would "end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power." Microsoft to this date has not backed down

from its arrogant and deceitful practices. I believe that the Justice Department is simply telling Microsoft to 3go forth and sin no more.2 This does little or nothing to address the unfair advantage it has already gained and continues to exert.

Microsoft is the schoolyard bully that will not be persuaded by moral arguments, but must be sent to reform school before a calm learning environment can be restored. The penalty in this case must not only suit the crime, but must be in direct proportion to the size and stature of the offender. A slap on the wrist is not suitable.

Please do not settle with Microsoft.

Joe Allred  
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MTC-495

**MTC-0000496**

From: John Marshall  
To: Microsoft ATR  
Date: 11/16/01 11:02am  
Subject: Microsoft settlement stifles independent innovation in the computer industry

The settlement does not remove Microsoft's ability to stifle and halt innovation.

The source entry points should be made public.

A stripped version of Windows should be made available for purchase so users can install what they want.

The requirement of 1 million units for a third party to have their software added it too onerous.

John Marshall  
4218 Beresford Way  
La Canada, Calif. 91011  
John Marshall  
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818 790 7700  
8777207730

MTC-496

**MTC-0000497**

From: glenn himes  
To: Microsoft ATR  
Date: 11/16/01 11:04am  
Subject: \$

you sniveling cowards microsoft is a bigger threat to the U.S. than bin lauden how do i explain to my son that the Gov. can be bought off its politics as usual guess ill just tell my son the Gov. is owned by business and in his lifetime ( h&s 12 ) he can get screwed by the Gov. more than he will ever get it when married

MTC-497

**MTC-0000498**

From: Jim Dreger  
To: Microsoft ATR  
Date: 11/16/01 11:04am  
Subject: Microsoft Settlement  
Something needs to be done about how Microsoft treats competing software

companies. If Microsoft sees something that it thinks would add benefit then it adds it to it's operating system rather than selling it as an add on. With every new release Microsoft add features from companies that they have no business adding to the Operating system. The Operating system should be a base to be added to, let them define the base then stick with it so other companies that come up with a good idea do not get run out of business because Microsoft decided to add it to the operating system. Even breaking the company up will not solve these problems, they need to have a clear guideline as to what the 'Operating System' is and what it can have. That would be the only way to prevent them from doing this kind of behavior.

Thanks

Jim Dreger  
4309 Rigney Lane  
Madison, WI 53704

MTC-498

**MTC-0000499**

From: Jason Halt  
To: Microsoft ATR  
Date: 11/16/01 11:05am  
Subject: Penalty not good enough

Microsoft must be stopped—their illegal practices continue with Windows XP. I believe the fairest thing to do is to break up the company into three units:

1. Operating System company
2. Software company
3. Hardware company

Jason Halt  
Software Engineer  
DIS Corporation [<http://www.dis-corp.com>]  
360.647.4 197

MTC-499

**MTC-0000500**

From: Steve Rimicci  
To: Microsoft ATR  
Date: 11/16/01 11:06am  
Subject: Microsoft Settlement

Dear Sir or Madam,

Thank you for the opportunity to comment on the November 2 settlement between the Department of Justice and Microsoft.

I believe the settlement is not in the best interests of the computer industry nor in those of the public which they serve. The terms of the settlement often appear to be so vague as to be unenforceable.

I am a software engineer with 20 years experience, and I believe that this does nothing to deal with Microsoft's monopoly on PC operating systems. I personally believe the only solution is for Microsoft to be split into two separate companies. One for Operating Systems and another one for applications.

However, absent that remedy, I believe that there is a worthwhile compromise available, and in essence, it is the position espoused by the Open Software Group. The country will be best served, and business interests will not be harmed, if, as a matter of course, all computer components, whether they are hardware or software, have a required minimum of "behaviors and requirements" publicly stated. Computer specialists with interests to protect will always have clever, superficially plausible defenses for their own

“proprietary approach.” However, with respect to the interaction of components, regardless of vendor, this should be based upon an “open approach.” Therein lies the pathway to the greatest benefit for the greatest number.

Thank you for your attention.

Sincerely,  
Steven Rimicci  
20 Simpson Drive  
Framingham MA 01701

MTC-500

**MTC-0000501**

From: Ronald A. Mitchell  
To: Microsoft ATR  
Date: 11/16/01 11:07am  
Subject: My Comments

1. Americans have a very short Memory—and so does the DOJ—Case in point—you all forgot just how monopolistic IBM is and has been in the past!

2. The amount of money wasted in this entire travesty should be an embarrassment to the United States Government and the companies that chose to start this mess. Had they all put there money where their hollow words have gone, they could have built a better “mouse trap” and thus put competition in place.

3. I have yet to see any compelling evidence on how the “consumer” has been harmed.

4. Shame on Microsoft’s representation early in this mess for the Internet Explorer was NEVER part of Windows 95. It was something you had to buy and add on to the original product!! And shame on the DOJ for being so naYve in computers and software to believe that the Internet Explorer was an integral part of Windows 95!!

5. Last, you should punish Bill Gates for his stupidity, but not the very innovative workers. Microsoft has gone out of its’ way to ensure that companies could write software compatible with its’ software!! The amount of documentation readily available from Microsoft is staggering and yet the naive folks at the DOJ and the 18 States that don’t have a clue don’t seem to comprehend this fact. Hey, look at Apple, you want something that is obsolete every time Apple rolls out a new version of their MAC OS, then go buy a MAC! You and zero compatibility, go buy LINUX and just see how far you get from one release to the next!! The DOJ really needs to move into the 22 Century and quite acting knowledgeable about things the DOJ doesn’t have a clue about!

SHAME ON YOU ALL for wasting my tax dollars!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Ronald A. Mitchell  
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MTC-501

**MTC-0000502**

From: Oscar Vela  
To: Microsoft ATR  
Date: 11/16/01 11:09am  
Subject: Penalties NOT sufficient to change Microsoft’s tactics with smaller

innovative companies

The government has missed another chance to protect its people and business (especially small and medium sized companies) from unfair practices used by Microsoft since the 1980’s. For instance, their operating system updates/upgrades over the years have rarely added added value to their product upgrades. Much of their upgrades have been software fixes from the previous versions with little to offer except cosmetic changes.

For example, their only major change (from Windows 3.1 to Windows 93) was to take the Apple Macintosh GUI system and use it as an upgrade of their OS. This company rarely innovates. It prefers to buy, if not outright copy software, from its competitors and call it its own. It pressures companies to do join their effort or be stamped out. It muscle computer hardware companies not to use any other operating system unless, it lose its license or a cut in the price of the Microsoft’s OS. The remedies recommended by the government at this time do not do enough to change Microsoft’s way of doing its anti competitive business practices.

Please do the right thing for the majority of people in this nation. . . . Take a stronger stand against what Microsoft has done and will continue to do.

Thanks, Oscar Vela

MTC-502

**MTC-0000503**

From: Jeffrey White  
To: microsoft.atr(a)usdoj.gov  
Date: 11/16/01 11:12am  
Subject: Microsoft Antitrust

To whom it may concern:

I propose the most lenient stance against Microsoft. The states that do not want to go with the Federally proposed compromises do not represent me. Microsoft has, if anything, made my job easier. Their combination of products are put together to improve productivity. Would you buy a car without all the parts in it that make it do what you want to do with it??? Are you going to make GM give customers the option of putting a Ford engine in them???

Microsoft monopoly is on brain power. They are known in the tech industry as being one of the best places to work. They don’t hire programmers necessarily. They hire thinkers. They even (legend has it) have a series of brain teasers (or puzzles) to determine whether you are the type of thinker they need. Their superiority comes not from a deliberate attempt (though they have done some things questionable like forcing use of the browser) to be a monopoly. It comes from their hard work in the wake of all their competitors’ failure to innovate.

I have tried the browsers. Netscape has problems because they fail to meet standards. IE succeeds because it complies to standards (and standards are created by the ISO-which Microsoft cannot control). An operating system, by itself is useless. A lot of programs are over-priced to the point the consumer cannot afford them. The browser (being built in) gives the consumer the ability to gain immediately gain access to the internet. Without it, more trips to the store and more money has to be spent. You have to hope you

get a browser that is compatible with your system. I have seen cases where they are not!!!! You have to get it installed, get the disk for an ISP, etc, etc. How does this benefit the consumer???? With Microsoft, they give you the browser, and with its setup, the ability to connect up (immediately) to one of many ISPs they have available (and it shows Microsoft’s competitors to their MSN service!!!!

I also am afraid of the economic fallout of carrying this lawsuit too far. The tech sectors stocks get affected by the stock prices of companies that are leaders like Microsoft. I guarantee you that the stock of the tech sector will fall greatly if Microsoft is ever broken up or punished too severely. Microsoft is not laying off (unlike the very same companies that are against Microsoft). They bring a lot of money into the economy. And, they do not do as other tech companies have done, i.e. move their programming tasks to foreign entities like India. If you were a programmer with your own company and put the effort you are putting into this lawsuit, into your programming company, you would do the things Microsoft has done, and that is innovate.

Microsoft affects my job. Their stable platform keeps my job easier. I dont have to debug their operating system to get my programs working. I guarantee you that I could not say the same thing about their competitors. The browser, in my opinion should be part of the operating system. They designed it to be stable. I use it, more often that not in my job, I sometimes use Netscape to see how badly the online banking code, that my company writes, is mauled by the errors that are in Netscape (and I do see a lot of problems in Netscape).

In conclusion, this lawsuit does not protect the consumer. It protects some special interest groups who are for the competitors of Microsoft. If Microsoft is a monopoly, so is Ford, and GM, etc, etc.

Jeff White

MTC-503

**MTC-0000504**

From: Dale Fenimore  
To: Microsoft ATR  
Date: 11/16/01 11:13am  
Subject: Some Settlement.

US DOJ,

You caved-in to a monopolist and, as a result, are rewarding that monopolist for abusing its monopoly power ... something it continues (and now will continue) to do.

Your “penalties” are weaker than what was rejected last year as unacceptable ... while you “pressed” ahead with your case against Microsoft. How, in good conscience, can you put the spin on this that it’s the right thing to do and is good for consumers? Hogwash. Now, with the terrorist activity that has recently occurred, you decide that Microsoft is below your bar for attention ... and you’re just trying to get rid of it now. This makes it expedient for you.

You’ve done the public ... and industry ... a tremendous disservice by the “settlement” you’ve reached. The ONLY winner here is Microsoft ... the public and industry loses ... and your credibility concerning the ability to handle monopolists (esp when that

monopolist has as much money and as much bought influence as Microsoft has) is severely strained.

MS will continue to grow ... continue to use its market power to plow under competitors ... and reduce consumer choice. And you've helped to keep them there, despite the opportunity to help. You've gone pennywise and pounds foolish here ... your big (long term) picture doesn't really include the consumer. You've let politics interfere with a judicial process and, as a result, let all consumers and competitors (present and future/potential) down. You may have slowed Microsoft down just a tad ... but you're FAR from accomplishing what you, and the other States, started out to do. Thank for nothing. While it would have cost US, the people, more money in the short run to pursue this case properly, it would have saved everyone significant bucks in the long run, enabled decent competition to have proceeded, and improved the economy (by providing a level playing field for competition). You've enabled the monopolist and its monopolistic behavior. Time will tell ... but now, you've pretty much lost your opportunity.

Your present path makes me very angry and very disappointed in you. You're s'posed to protect the public from abuse of monopoly power. Microsoft has demonstrated time and again that it can't be trusted to NOT abuse it's monopoly position., but then, the DOJ has apparently conveniently developed amnesia relative to what it doesn't want to see...

DLF

MTC-504

**MTC-00000505**

From: tony kwong  
To: Microsoft ATR  
Date: 11/16/01 10:07pm  
Subject: proposed settlement does not serve the nation's interest  
DOJ,

What is good for Microsoft is most emphatically NOT good for the nation overall. What little gain Microsoft's shareholders and this administration's fund raisers reap has to be paid for many times over by consumers who are denied choice and companies who are the victims of Microsoft's predatory business practice. All of this only happens because Microsoft can indulge in monopolistic behavior. Of this, the Clinton administration's justice department has won the point through due process of law. Now, the Bush administration's justice department intends to let Microsoft continue with a slap on the wrist. The nation's interest will be better served by strong curbs on Microsoft's behavior since that will provide for far more innovation and economic growth. If this inconveniences Microsoft, they have earned it through a long history of monopolistic behavior and sanctions are indeed called for. Full disclosure of the APIs and protocols used by Microsoft products should be the cornerstone of any settlement that actually tries to remedy Microsoft's practice of using secret and/or changing APIs to disable competitor's attempt to produce inter operable software which is needed to compete in the marketplace (which

incidentally will provide the maximal benefit to consumers of such software). Stiff penalties should be imposed for any such violations with generous bounties offered to anybody who can document any such violation, including immunity from DMCA if the investigation indeed uncovers a violation of the antitrust agreement. After all, Microsoft should not be allowed to hide any criminal act behind DMCA. It does not matter if it was intentional or a mistake, maybe this will finally make Microsoft pay some attention to the quality of what they do. Just take a look at their appalling record of security holes that allow viruses to flourish because as a monopoly, their users are forced to bear this burden without recourse.

Show some backbone. The nation's best interest can only be served if the DOJ does not act as if it dances to the tune of the campaign contributors and lobbyist. yours sincerely

tony kwong  
tkwongjr@nc.ff.com  
cary, nc

MTC-505

**MTC-00000506**

From: Dale E. Strickler  
To: Microsoft ATR  
Date: 11/16/01 10:07pm  
Subject: Microsoft's Monopolistic Practices  
Dear Sirs and Madams,

I have been a using of Microsoft products shortly after their arrival on the market. I my view they have been strong competitors and have developed a few good technologies.

However, I believe that their legitimate technological advances have been far out weighed by underhanded, dishonest and down right illegal practices. Every time they have gone to court I have hoped that the federal government would fine and restructure them appropriately to compensate for the damage they have done to the industry through their many monopolistic practices.

Though their cut-throat distribution agreements, their software bundling and many other things have more than warranted harsh penalties—in my mind—what has bothered me the most is there ability to continue to tell half truths and lies, in press releases, on packaging, and even in court yet without penalty, fine or other action. The blatant fabrication of evidence during the trial with The Honorable Thomas Penfield Jackson alone should have landed someone in jail. If I went to go to court with videos that I (or one of my employees) had blatantly altered I am fairly certain that I (or one of my employees) would be in jail now. I would expect nothing less for those at Microsoft that were aware of the doctoring of the videos that were entered into court record. Though I do not agree with The Honorable Thomas Penfield Jackson's actions during that trial I strong believe that his actions should not excuse or allow Microsoft employees to get away, without punishment, for presenting false data in a court of law! Too many times have I seen Microsoft hurt the industry and more directly my lively hood by using their power and influence to get settlements, or get dismissals in cases where I am sure that someone with my meager income would surly been jailed.

I don't know what it is going to take, or from which country the conviction will come, but someday, I trust that Microsoft will get the punishment it deserves. I would be encouraged if that punishment came now, from the current powers overseeing the proceedings. I would hate for the true and correct judgement of the perpetrators involved to only come when they face their maker.

Best Regards,  
Dale E. Strickler  
President and Sr. Consultant  
DES Software Engineering Consulting  
E-mail: DaleS@DESSEC.com  
Voice: 434-846-7003 (NOTE New area code!)

FAX: 434-846-7040 (NOTE New area code!)

Web: www.dessec.com  
MTC-506

**MTC-00000507**

From: Ted Halmrast  
To: Microsoft ATR  
Date: 11/16/01 10:05pm  
Subject: unjust settlement

I am extremely disappointed in the Department of Justice for settling the case with Microsoft in such an extremely incompetent manner. The Department of Justice has sold out the American consumer and should be ashamed.

Ted Halmrast  
7580 Derby Lane  
Shakopee, MN 55379  
952-233-1980  
tedh@tera.teralink.com

MTC-507

**MTC-00000508**

From: Wayne Bell  
To: Microsoft ATR  
Date: 11/16/01 10:15pm  
Subject: Integration is the real issue here  
Hello,

I have been following the government's case against Microsoft over the years, and I believe the real issue is the fact that Microsoft integrates its products into its operating system to a level which competitors can't because they do not have the intimate knowledge of the operating system's source code and/or the ability to remove microsoft's competing products without altering the operating system itself. By integrating Internet Explorer into the operating system, Microsoft was able to make IE SEEM faster because it took no time to load the program... because windows already loaded most of it along with the operating system. This is part of why windows 98 and higher use so much system RAM. They load portions of microsoft products so that their products will always be faster to load. This makes the system SLOWER for those with less RAM and is not desirable at all..., imagine if all of your programs loaded into memory at once... your system would crawl. Netscape, Realplayer, and others have created "fast launch" programs which can do the same thing now, but the only reason they do is because they need to compete with microsoft products. This is not an efficient use of system resources. Also, Microsoft's competitors cannot remove MS products

without harming the OS in some way...nor can they integrate their own products where MS's were.

The only true remedy to this situation would be to open up major portions of the operating system source code to all software companies.

Also, Microsoft's licensing practices are suspect... I would make sure that they contained no provisions which would prohibit PC manufacturers from installing multiple operating systems or modifying major parts of windows if they choose.

This recent "settlement" isn't even a slap on the wrist. I think cutting the company into pieces was a good plan to restore true competition in the applications market, but if that isn't an option, then the source code of windows should be made more open and allow for companies to make significant SUPPORTED alternative integrated programs possible. MS seems to be on the path of integrating EVERYTHING into the operating system. While this would do wonders for compatibility and perhaps ease of use, it will destroy a competitive marketplace and leave users at the mercy of Microsoft's monopolistic practices and future fees and licensing programs.

Thank you for your time,

Wayne Bell

MTC-508

**MTC-0000509**

From: vperez

To: Microsoft ATR

Date: 11/16/01 10:14pm

Subject: Everything has it's price.....

How could you spend OUR money without any remedy ???????? I am ashamed of the Ashcroft regime. You will be blamed for the lack of innovations not Microsoft. Microsoft has humiliated the DOJ once again.....

MTC-509

**MTC-0000510**

From: Joshua2000ad

To: Microsoft ATR

Date: 11/16/01 10:12pm

Subject: My comments...

You suck.

Joshua

MTC-510

**MTC-0000511**

From: Will Wood

To: Microsoft ATR

Date: 11/16/01 10:10pm

Subject: Comment on Microsoft Settlement

I've been an IT professional now for almost 22 years. When I first started in this industry, IBM was king and there was constant pressure from other organizations such as DEC, HP, Honeywell and others to innovate to keep up the competition. They serviced niche markets with their innovation and thrived.

Now, the computer industry is more consolidated fewer and fewer companies make the products that we rely upon for all levels of computing whether that be academic, business or home use. Unfortunately Microsoft under the WinTel alliance has forged a very strong position, so strong that it dominates virtually every tier of computing. Yes, Intel makes Chips that go

into the systems, however at least there is some competition for Intel, including AMD and Cyrix. Where Windows is concerned, there seems to be one source Microsoft. Great position to be in.

There really isn't an alternative to Desktop O/S for General Purpose use other than Windows. Unfortunately Linux is a very distant third in this regard. Remember Apple? Yes they're still around however they've been hurt not by innovative product competition, but unfair leveraging of technology. Microsoft has attacked key sectors of threatening technology by either dumping on the market or using the three E's—Embrace, Extend, Erradicate. Java technology has been irreparably damaged by Microsofts dilution and non-standard practices resulting in another Court case. However since Microsoft has extremely deep pockets even for the Federal Government it appears as though attrition has set in.

What Microsoft does to the software industry is akin to an 800lb Gorilla being let into a banana shop. For example, Internet Explorer was a product that took over 600 developers to work on. Microsoft dumped the product for "free" on the marketplace claiming it's innovation was good for consumers. Funny, Internet Explorer isn't available for Unix, or Linux, or Apple just Windows. When two technologies are equal, the one that's free will win. That's a marketing knowledge. When Windows 98 was released IE was bundled with it even though it wasn't critical to the O/S use. Microsoft claimed it added value, however it stifled competition such as Netscape and Opera. Even now Microsoft builds proprietary standards into their web sites requiring the use of their technology to access it, forcing users into their way of thinking and doing.

So, when it comes to desktops and now unfortunately Server environments Microsoft is becoming the dominant force. However their tying of products together gives them an extremely unfair advantage over their competition. A classic problem was when WordPerfect was still around the developers found bugs in the Windows API. They reported them to Microsoft. Microsoft then announced to the world that WordPerfect was buggy on Windows. Likewise Microsoft dumped MSOffice for incredibly low prices, so low that WordPerfect couldn't compete. Again deep pockets allowed Microsoft to eat profitability to force out the competitors product. Once the other Product is severely damaged, it's time to raise the prices because now they have a vendor lock In.

Microsoft should be allowed to innovate, any company should. But it should be precluded wholly from predatory market practices that stifle small business and even competitors practices. Yes Business is brutal but being able to tie products forces customers to buy your solution wholly and forego any of the competitors product.

So, my question after Microsoft dominates the entire software middle structure who can compete with them? My recommendation would be that all Microsoft Windows APIs be fully documented and available to all software houses.

Microsoft divest it's Office assets or spin them off to another company. barring that

Microsoft should be barred from releasing any new version of Office or Windows for a period of no fewer than 5 years on Intel based platforms. This would allow competitors to at least take advantage of documentation and make their products more competitive than Windows based solutions. Microsoft should also be ordered to release their Office suite and other products on at least three other operating system platforms, Apple, Linux and Unix.

Thank You

Will Wood

Software Architect

1605 McGreg Ln.

Carrollton TX, 75010

MTC-511

**MTC-0000512**

From: lawtenn 4

To: Microsoft ATR

Date: 11/16/01 10:18pm

Subject: DOJ settlement

To: Renata Hesse

Antitrust Division

U.S. Dept. of Justice

Regarding the DOT antitrust settlement recently negotiated with Microsoft, and accepted by nine states thus far, I would simply like to say that I am very supportive of the plan as I understand it, and am very embarrassed that my state, Kansas, continues to be one of the few states left to oppose the settlement.

I like and value Microsoft as a company and as an industry leader; I believe that they are very competitive and strive always to develop and promote their products, which I appreciate and will continue to buy. While I have grown to admire Microsoft as a well-managed, innovative company, I have grown very weary of all of the whining from its' competitors (esp. AOL, Sun, Oracle. . . .); the settlement seems to be a very good attempt at moving on past this long, tedious antitrust battle, and, if everyone would just agree to move on, could help in invigorating the economy and the stock market. I do not believe that this settlement is "too weak" and lenient toward Microsoft; they have agreed to significant concessions, and appear to honestly be ready to end this saga and return to normal life without the shadow of litigation.

Thanks to all of the DOT attorneys, and the mediator, as well as Judge Collen Kollar-Kotelly for the fair and neutral way in which this settlement has been conducted thus far. Although I am strongly Democratic, I am sorry that the Clinton administration ever supported this antitrust case in the beginning; I believe that I represent many, many Americans when I urge you to continue to press toward final settlement as soon as possible.

Sincerely,

Nancy Hermreck

lawtenn4 @msn.com

MTC-512

**MTC-0000513**

From: Bryon Wilson

To: Microsoft ATR

Date: 11/16/01 10:16pm

Subject: Re Microsoft DOJ,

When someone breaks the law, their penalties are determined by the legal system. Why is it that Microsoft has been proven guilty, but then invited to determine their own punishment. Simply telling the public that Microsoft will behave from now on is ludicrous. If someone commits murder or kidnaps someone, they are not allowed to simply promise that they won't do it again. They pay for what they have done. You are not punishing Microsoft for what they have done. The about face has to mean that many of you have had your pockets lined by Microsoft. I think you are behaving in a disgusting manner. This is not surprising in such a corrupt administration.

Bryon Wilson

MTC-513

**MTC-0000514**

From: Adam Gregory  
To: Microsoft ATR  
Date: 11/16/01 10:16pm  
Subject: microsoft anti-trust ruling

How can the DOJ consider a lenient and vague settlement sufficient to make microsoft cease its illegal antritrust activities? With every subsequent edition of windows since the case was first filed microsoft has further strengthened its monopoly power with more and more bundlings and abused its power with increasingly arcane and restrictive licensing. The latest version of windows bundles a webbrowser, video and music player, firewall, and instant messenger. This is far worse monopolising than microsoft was found guilty of previously, and the trend looks set to continue. Recently leaked memos reveal the microsoft planned strategy of "embracing and extending" internet protocols to make competing software incompatible with them and so create an uphill struggle for competition to remain in the market. With microsoft's behaviour becoming worse and worse all the time, how can a slap on the wrist settlement possibly deter them? Their flagrant continued abuse of their power in complete disregard of the courts only shows that they know they can get away with anything simply by throwing enough money at lawyers and buying political favour with campaign donations. The lack of justice in this case is especially evident in the fact that a rich corporation found guilty can then negotiate a 'punishment' with the courts. Are convicted thieves afforded the same courtesy? No, they're convicted and they're punished. Why should there be such different conditions when a rich and powerful corporation is found guilty? Truly big business is above the law if the law must treat those it convicts with such diplomacy.

I sincerely hope that a reasonable solution can be found that doesn't involve the government and courts kowtowing to wherever the money is.

Sincerely, Adam Gregory

MTC-514

**MTC-0000515**

From: bruno @users.succeed.net@ inetgw  
To: Microsoft ATR  
Date: 12/6/01 1:47pm  
Subject: Microsoft monopoly

It is not difficult to understand that any monopoly damages everybody. Only the

presence of competitors force you to improve your products, limit your price, and to evaluate your costumers. Everybody has benefit from the competition between AMD and INTEL. In the worse, exchange a fine for a promotional tool, is the way to reinforce a monopoly.

Thanks, Bruno Angelin

MTC-515

**MTC-0000516**

From: Black, Nathan  
To: 'microsoft.atr@ajusdoj.gov'  
Date: 11/16/01 10:23pm  
Subject: You failed

The Settlement in US vs MS, for which you established this email address, is a miserable failure. You have allowed Microsoft to turn it around to fascilitate the elimination of any competing product that interface with their products. Such as: Samba; an open source program to allow other computers to view and use Microsoft Windows resources Kerberos ; as Microsoft has 'embraced and extended' this security protocol to prevent interoptioin with other competitive operating systems HTML ; Microsoft has also embraced this protocol to prevent interoptioin with other systems, including other browsers. See the information on CNN or your favorite news publication about what the MSN.COM web page looked like after the release of Windows XP SMTP ; In Exchange 2000, Microsoft has extended this protocol with a series of X- entries in the header of its Active Directory configuration (for example) to prevent interoperation with alternative operating systems. POP3 ; Microsoft has extended this protocol with an authentication piece into Outlook Express so that no other email clinets will work with the POP servers that use Microsoft services. (Microsoft Exchange) Your settlement with Microsoft doesn't prevent any of these things from continuing, but it has given them full power to continue with the current methods of destroying all competioin.

If anything, you should destroy this 'settlement' and not do anything. We (the public) were better off before you started this trial.

Nathan Black  
913 Harbor House Dr. #7  
Madison WI 53562  
608-441-0304

MTC-516

**MTC-0000517**

From: Bart Locanthi  
To: Microsoft ATR  
Date: 11/16/01 10:22pm  
Subject: Appalling DOJ/Microsoft Settlement  
Sirs and Honorable Senators:

The "settlement" is a craven and complete sell-out. The verbiage of the agreement is not only toothless, but it reads like (and probably was) something drafted by Microsoft lawyers. Where is the punishment? Microsoft was found guilty of monopolistic, abusive behavior—and the conviction was upheld—with many thousands of jobs lost and hundreds of companies destroyed in its wake. Microsoft behaved contemptuously during the trial, and we can only expect the very worst from them after this terrible "settlement" essentially puts the government

seal of approval on their behavior. Microsoft is, correctly, proceeding as if there is nothing to stop them. After walking away scott-free from the worst the DOJ could throw at them, can we expect anything less than even worse behavior? Almost coincident with the announcement of the DOJ cave-in has been the introduction of Windows XP, which is a living, operational exercise in bad faith and restraint of trade. I can already hear the muffled cries of stifled innovation and squashed companies.

With the sudden take-over of large ISP offerings—including those of Qwest—by MSN, consumers have already been slammed into the replacement of their existing software by Microsoft products. As always, Microsoft's continued success will be at the expense of consumers, the industry, the science of computing, and the welfare of this country.

I feel utterly betrayed by my supposedly representative government.

Dr. Bart N. Locanthi  
8456 SW Charlotte Drive  
Beaverton OR 97007  
bart@sabl.com

CC: Gordon Smith,Ron Wyden

MTC-517

**MTC-0000518**

From: daisyanne  
To: Microsoft ATR  
Date: 11/16/01 10:18pm  
Subject: Sherman Act?

Dear Sir, I read the complaint.

1. This is an action under Sections 1 and 2 of the Sherman Act to restrain anticompetitive conduct by defendant Microsoft Corporation ("Microsoft"), the worlds largest supplier of computer software for personal computers (PCs"), and to remedy the effects of its past unlawful conduct. I can only say this is not about the Sherman Act or for the benefit of the people. Its about money. It seems to me the judicial branch has found a way to legally expand professional employment. In summary the complaint is like a deck of card having 52 pages. You can make your hand by dictating the game. In due respect, stop this madness.

MTC-518

**MTC-0000519**

From: Cole Thompson  
To: microsoft.atr  
Date: 11/16/01 10:36pm  
Subject: Stronger remedies are needed

As a Senior Web Developer for Kaiser Permanente, one of the nations's largest healthcare providers, I am deeply concerned about the proposed settlement for the Microsoft antitrust case. For about the last five years, I have noticed that truly innovative technologies from small companies in the computing industry have tended to be withdrawn from the marketplace, apparently due to pressure or threats from Microsoft. During this same five years, the cost of Microsoft software has steadily increased, even allowing for inflation, while the cost of other companies' software (Sun Microsystems, Oracle, Sybase, Borland and many more) has almost without exception decreased quite dramatically. The costs of doing business as a software

company have not increased during this time. The only reason Microsoft has bucked the overall trend toward less expensive software is that Microsoft enjoys monopoly power, and dictates prices to computer vendors. These arbitrarily increased costs are ultimately borne by American consumers. Consumers and businesses are damaged in just the same way that they would be if the cost of gasoline were doubled.

Thank you for your attention.

Cole D. Thompson

Senior Web Developer, Kaiser Permanente  
tel: 1-510-627-2245

MTC-519

**MTC-00000520**

From: Rand Partridge

To: Microsoft ATR

Date: 11/16/01 10:35pm

Subject: DOJ/Microsoft Settlement

I am a consumer. Having read a variety of interpretations of the DOJ/Microsoft settlement, I don't agree that the settlement as it currently exists is in the best interests of the consumer, now or in the future. I support the States who have decided to pursue continuing the legal case against Microsoft.

Rand Partridge

Hutchinson, Kansas

MTC-520

**MTC-00000521**

From: leoboy

To: Microsoft ATR

Date: 11/16/01 10:32pm

Subject: settlement comments

I am not satisfied that the penalties the government proposes will in any way reduce the power of Microsoft over the computing world in its present monopolistic form. I find it unfortunate that the lawyers who are supposed to be working to protect me, the consumer, are more concerned about the well-being of Microsoft than they are in making sure the true competitive basis of the economy is allowed to function unfettered by the deliberate manipulations of Microsoft. On of the most obvious excesses in which Microsoft is known to have engaged was the threat to pull Compaq's license to install Windows as its operating system if Compaq proceeded with plans to bundle Netscape with its software bundle. Compaq receded its decision and Microsoft won again and the consumers lost again. That Microsoft proceeded to market XP speeding up everything in order to beat possible court injunctions only magnifies their plans to control the entire Internet and by control I mean make as much money as possible off of every conceivable internet transaction. If I don't want XP on my computer because the government has moved so slowly and now is backing off of truly punishing Microsoft for their flagrant and multitudinous violations of the free market economy and antitrust laws, I have really no other choices available to me to continue advancing with the technological features that are now coming on the market place. The article I read that mentioned this email address gave no direct answers as to what the government lawyers are proposing to use to dismantle Microsoft's strangle hold on the progress of the computing world and

the internet. The article only said that the lawyers were assuring the judge that.... so what's the big secret? What are you going to do make Microsoft stop this massive abuse of power?? I would like an answer and at least be emailed an address or website where I can find the exact proposals the government lawyers are suggesting. We have a right to know as consumers what you are doing to protect our future in the computing world.

Sincerely,

Dan E. Craig

MTC-521

**MTC-00000522**

From: Tom Watson

To: Microsoft ATR

Date: 11/16/01 10:30pm

Subject: DOJ settlement is not in consumers' best interest

To: US Department of Justice

Re: Proposed Microsoft Settlement

Having followed the personal computer industry since it's inception, I am greatly disappointed in the government's decision to settle the Microsoft antitrust case on such unfavorable terms to consumers. As far back as the early 90's, Microsoft was using unfair and misleading practices (e.g. intentionally causing errors and misleading messages when Windows 3.1 was installed atop DR-DOS) to hobble competitors. By refusing to provide usable versions of its Office software on competitors' operating systems and making file conversion difficult, Microsoft established Office as a standard for all users. Later, when it had fairly well conquered the personal computer operating system and productivity software market, it began throwing its weight (and financial muscle) around in an effort to hijack the Internet (e.g. giving away/bundling Internet Explorer for free to undermine Netscape's revenue stream). Having retired all comers in the browser market, Microsoft has now set its sights on owning all transactional authentication rights on the internet. The obvious goal is to insert itself into (and charge a fee for) every transaction which occurs on the Internet. In each of these instances, Microsoft has leveraged its Windows monopoly (established as fact in Judge Jackson's court) to move into another part of the computer software market.

By settling the case on the proposed terms, the government would be:

- 1) Forgiving Microsoft for 10 years of monopolistic behavior
- 2) Ignoring the harm caused to consumers by the artificially high cost of Microsoft Windows (which has been used to subsidize Microsoft's entry into all these other software markets)

I urge the DOJ not to settle with Microsoft on the proposed terms. I believe strongly that significant harm has been done to consumers and that Microsoft should be held financially accountable, as well as structurally reformed to prevent further abuse of the Windows monopoly. The remedies proposed by Judge Jackson were appropriate.

Finally, I urge the government to hold the officers of the company responsible (individually and collectively) if it can be shown that harm to consumers resulted from their actions.

Tom Watson

Austin, TX

MTC-522

**MTC-00000523**

From: Karl Hiramoto

To: Microsoft ATR

Date: 11/16/01 10:38pm

Subject: OS monopoly

My opinion:

Anything less than a break up of Microsoft will not break Microsoft's monopoly on Operating systems. On the application programs side. Anyone who develops a good mass market software application Microsoft will put out of business.

Karl Hiramoto <karl@hiramoto.ws>

BS in Computer Engineering

(www.sdsmt.edu)

Practicing Engineer

MTC-523

**MTC-00000524**

From: Eric And Steff Runquist

To: Microsoft ATR

Date: 11/16/01 10:45pm

Subject: Microsoft continues to steamroll

Microsofts behavior while the antitrust case is still in progress should give us a little hint of how they will behave in the future. Their new Windows XP combines an Instant Messaging software package into the Operating System in exactly the same way they bundled their Web Browser in the Operating System. That, after all was one of the origins of this case, so many years ago. If they don't hesitate to pull this kind of stunt while they are under investigation, what will they do after the suit is settled? They've shown their lack of respect for the power of the US government. Microsoft's new strategy centered around web services and their .NET initiative is merely a higher-level monopoly mechanism. This one floats just above the Operating System, but has the exact same potential to force-out any competitors through hardball leverage techniques.

The fact that Bill Gates is so ready to accept this settlement should set off alarm bells. This man is an extremely tough negotiator and shrewd business man. He knows a honey of a deal when he sees it. He also knows it's for a limited time only, so he will push everybody to get this thing finished before the momentum reverses.

Sincerely,

Eric Runquist

A concerned citizen.

MTC-524

**MTC-00000525**

From: Harry George

To: Microsoft ATR

Date: 11/16/01 10:42pm

Subject: Microsoft case

On the one hand I'm not surprised by the proposal. Disgusted but not surprised. A man with \$30B in cash can certainly gain the support of senators, representatives, DOJ appointees, and judges. On the other hand, I suspect there are a few honest civil servants still in the system, who would like to see alternative points of view from impeccably credentialed, true blue Americans. For example, I'm an upper middle class, middle aged swing voter. I work in a Fortune 100

company, bringing technical and business degrees plus extensive experience with both Microsoft and non-Microsoft products to the effort. There is no question in my mind that the issues are much larger than browsers, that Microsoft has no intention of allowing a level playing field, and that the DOJ's proposal is mockery of justice

Simple put, the issue is not "are the consumers better off. That's like saying "El Duce made the trains run on time". No, the issue is balance of power in a representative democracy. See L. Lessig's analyses for details.

[By the way, I notice the parallels to Thomas at EEOC. He got a Supreme Court appointment out of a series of anti-American policy decisions (leaving plausible deniability for the upper ranks). What was the price this time?]

Harry George  
hgg9140@seanet.com

MTC-525

**MTC-00000526**

From: Thomas Cattell  
To: Microsoft ATR  
Date: 11/16/01 10:36pm  
Subject: DOJ consumer comments

Dear Department of Justice,  
Thank you for providing an opportunity for consumers to comment about the current Microsoft legal situation.

My family runs a small business. We are shopping for a new network and work stations. We are talking to a lot of people, and reviewing how best to do our work. We currently use a server run on Novell network software and a program sold by Symantec in the 1980s. We do use Microsoft Outlook Express for our e-mail. We have found Microsoft to be most responsive to our current needs, both personally and with the software applications they have packaged. They are great marketers as well—they consider the customer's needs and work to fulfill them. My mother and I attended a Microsoft Big Day event on Wednesday where our questions were answered and an overview of all the programs was presented. They have what we need to keep our business running efficiently—much better than we have been running it! We have not been able to find any other company who can supply our needs as neatly packaged and as easily to operate as Microsoft has. I would find myself against anything that would break up their product as there is nothing to do the job as efficiently for those of us that are FAR from experts.

Thanks once again for this opportunity to comment.

Tom  
Thomas J. Cattell  
P.O. Box 210  
Lusby, MD 20657  
1-888-243-7215  
1-800-243-7215 (fax)  
tom@JECAL.com

MTC-526

**MTC-00000527**

From: John McBride  
To: Microsoft ATR  
Date: 11/17/01 2:16am  
Subject: The DOJ : An embarrassment to

America

Dear Sir or Madam,  
As a software developer, familiar with most every issue in this case (as well as many left out of the various trials) I have to say that the DOJ has done a fine job of embarrassing the United States of America, not only at the national level, but to the world at large.

Microsoft is a criminal organization that steals from other companies. There can be no argument on this point; it is simply a fact. They are a convicted criminal organization. Yet the DOJ has let them off nearly scot free.

By its tepid action, the DOJ has made the phrase Justice" a hideous parody of the word Americans learned as a child. To many, your action has done nothing but reinforce the opinion that the USA is not a country of fairness or justice, but one of corruption, favoritism, greed and privilege.

How on earth can any American utter that most hallowed of phrases—"With Liberty and Justice for All"—without feeling that those words are now meaningless? That is the legacy this executive branch has given America. I suggest you close all the federal prisons and let the inmates run free. At least your standards of justice will then have been applied equally to Microsoft and the common criminal; to me there is no difference.

Regards,  
John McBride,  
N. Edwards, CA.

MTC-527

**MTC-00000528**

From: art\_frame@mac.com @ inetgw  
To: Microsoft ATR  
Date: 11/17/01 2:09am  
Subject: Microsoft settlement

Sirs:  
I don't understand... You declare Microsoft to be a monopoly but you leave the same people in charge of the company who have lied and ignored other consent decrees as a regular course of business.

You reward them with lengthly legal entanglements time and time again while they continue to force their products onto consumers who have little in the way of other choices. Finally the Microsoft product becomes a defacto standard, even though a bad one, and the argument is mute.

This is the time to punish the truly guilty and to demand that part of the settlement be an ousting of Gates and Balmer from any and all management or oversight of the Microsoft corporation. A little jail time wouldn't hurt these "robber barons", either.

In this time of economic downturn, the DOJ has an opportunity to step up and do its part to eliminate the biggest obstacle to the computer industry. Remember, the telephone system never got very far away from the original Bell box until the monopoly was broken up and the industry got to breathe clean fresh air, once again.

You could also start by not allowing M\$ to sell ANYTHING to the federal government for a period of ten years. Our nation's security would additionally be better served by a migration away from an operating system that draws the most attacks and toward a system that affords REAL security and not what M\$ pretends is security.

Ralph Arnold, CEO

Memories Unlimited, Inc.  
5134 Dublin Cir. N.W.  
Canton, Ohio 44720-7409  
1-330-499-8400

"consultants in video computer products and electronic aids to the handicap with over 30 years experience in computers and related projects"

MTC-528

**MTC-00000529**

From: Jim Perry  
To: Microsoft ATR  
Date: 11/17/01 2:08am  
Subject: I disagree with the MS settlement

I am a satisfied user of many MS products, but also think they are a company that has abused their monopoly position and seriously harmed other companies as well as the public. I believe the court's finding of fact is right on the money. I disagree with the settlement for the following reasons:

- Loopholes and insufficient remedies to prevent similar behavior in the future
- Fails to punish MS for past misdeeds, including gross disregard for the court's authority during the trial (rigging demos, denying the removability of IE, etc.)
- Fails even to address monopolistic behavior since the findings of fact, such as bundling Passport authentication with the operating system, thus channeling e-commerce through MS.

MS has a stranglehold on PC operating systems for the desktop. Companies such as Apple, Be, and others have no ability to compete fairly without restrictions on MS behavior, access to APIs to produce compatibility layers, and the promise of strong support from the DOJ in the future.

Thank you,  
Jim Perry  
163 Third Street  
Fillmore, CA 93015

MTC-529

**MTC-00000530**

From: Michael Bacarella  
To: Microsoft ATR  
Date: 11/17/01 2:26am  
Subject: Microsoft case

It seems increasingly clear that anti-trust law is extremely hard to define and is more a weapon which politicians use to kick uncooperative companies in line. Some say the fact that Microsoft is one of the largest contributors to the Republican party is evidence that Microsoft is trying to corrupt government. I think it's evidence that politicians wanted to see some green from the previously apolitical software giant all along, and now that they're playing the game, the DOJ has been instructed to lay off them.

I mean, which is more trustworthy here?

Sure Microsoft has some shady business practices, but it's not like they've caused ecological disasters related to oil, or support right wing military dictatorships in banana republics, or had fathers who were the head of CIA, or opposed the Civil Rights Act, etc.

Michael Bacarella <mbac@nyct.net>  
Technical Staff / System Development,  
New York Connect.Net, Ltd.

MTC-530

**MTC-00000531**

From: Herrmann

To: Microsoft ATR  
Date: 11/17/01 2:23am  
Subject: Microsoft Settlement

Hello,

I found the settlement being agreed upon between Microsoft Corporation and the Department of Justice to be an insult to American consumers, Microsoft's corporate victims and to the Justice Department itself.

The terms of the agreement do very little to prevent Microsoft's anti-competitive behavior and do nothing at all to lessen Microsoft's monopoly power.

Still worse, you've set a terrible president. Your actions have spoken clearly that corporations can be found guilty of monopoly power and strong arm tactics and will receive no remedial actions. The eyes of the world are watching.

Sincerely,

James Herrmann

MTC-531

**MTC-00000532**

From: Kevin Gamiel  
To: Microsoft ATR  
Date: 11/17/01 2:21am  
Subject: Strongly disagree

I strongly disagree with the "punishment". You must do more, I have watched Microsoft's horrible practices for years, you simply must do more. Please, you probably have Windows and you know how bad it is. That is your best indication of why you should punish more, if there were more competition, software wouldn't be so bad.

Kevin

Kevin Gamiel Email:  
kgamiel@islandedge.com  
Island Edge Research, Inc. <http://www.islandedge.com>  
Kill Devil Hills, North Carolina

MTC-532

**MTC-00000533**

From: Steven Ebeling  
To: Microsoft ATR  
Date: 11/17/01 2:18am  
Subject: Well You know

Here are my comments as follow.

1. You break microsoft up you are just cretaing not 1 but more than one monopoly. Because no matter what The so called computer era that we live in is based and will always revolve around. Yeah you take people that are like me and apt to try something different for example Linux yeah it is great and all but it has more downsides that i dont like and i think windows is still a better OS. What i am trying to say is that people right now are not ready for change they are use to WINDOWS AND OFFICE. It took the common person a long time to learn anything about computers and what have ya. And you are pretty much saying that you are gonna go screw it all up and make them relearn to fit the new "Standard" For me and many other people yeah it wouldnt be hard but for the common person it would be another challenge that they dont need to deal with it.

I may sound stupid and all but think about it really hard and maybe just maybe you will see where i am comming from

Thanks

Steven Ebeling

A.K.A Bio\_nuclear

<blockquote>If you can not forgive others, than god can not forgive you....

bio\_nuclear@yahoo.com</blockquote>

MTC-533

**MTC-00000534**

From: Mike Poz  
To: Microsoft ATR  
Date: 11/17/01 2:32am

Subject: Thoughts on this whole AntiTrust thing...

I can say with some certainty that you're probably going to get a lot of ±ACI-Microsoft is Evil+ACI-emails from the very outspoken minority of Microsoft haters, but I don't know how many emails you'll get from the folks who think the US Government should stay OUT of private businesses. You know, the silent masses who when nothing goes wrong say nothing at all.

Some points here that I want to make that are +ACo-VERY+ACo- valid:

1. Microsoft plays hardball business in it's licensing agreements. Big deal, so do most other businesses, and I don't see those businesses getting taken to court.

2. Microsoft, as far as I'm concerned, has been the victim of a concerted effort by it's competitors, Sun and Oracle to name a few, to get the US Government to do what they couldn't do by ordinary business practices, and that's replace Microsoft in the number one position.

3. Microsoft, in attempting to standardize the desktop and notebook computer operating systems have done so much more to HELP consumers and businesses than any other company that it's ridiculous to sue them. My parents have a much easier time with computers since they've moved to Windows, as many other people in the world.

4. There are so many software and hardware companies that have both come into existence, and +ACo-SURVIVED+ACo— and become prosperous because of Microsoft's efforts to make Windows the standard, that the few companies that have gone out of business can easily be attributed to normal business failures that happen in +ACo-EVERY+ACo- industry, not just the software industry.

5. Microsoft owns the rights and code to Windows. Period. It's theirs legally, and if they don't want to give out source code or want to make it so that their applications software talks to their operating system software a little easier, then so be it. It's MICROSOFT'S RIGHT to do this, and Microsoft's competitors have been given so much by Microsoft already to allow their software to operate on Microsoft's Windows operating system that it stuns me that this travesty of justice has continued for this long. Plainly stated, whiners who couldn't come up with a better solution are using the legal system, and much to my dismay, the legal system is accomodating these whiners.

I spent 11 years serving honorably in the US Marine Corps and Marine Corps Reserves and it SHAMES me to see our government throwing away millions of dollars on a trial that as far as I'm concerned should have been declared a mistrial when Judge TP Jackson was found to have uttered his comments that definitely show a bias against the defendant. Not just in his covert comments but his

comments and actions in the courtroom, both against Microsoft +ACo-AND+ACo- the District Court of Appeals, who have overturned TP Jackson's rulings in the past.

Please end this farce and waste of my tax money and start doing things to help the citizens of this country who need better education, families that need homes and children that need medical aid and food.

Please start taking care of the PEOPLE of this country and stop kowtailing to Microsoft's competitors and political lackeys that are just seeking a re-election platform when their term is due.

Regards,

Mike Poz

MTC-534

**MTC-00000535**

From: battle@pobox4.mot.com@ inetgw  
To: Microsoft ATR  
Date: 11/17/01 2:31am  
Subject: M\$ settlement

You've gotta be kidding with that weak 'remedy'. I've read it. Did you let Micro\$oft's lawyers draft it? It looks like it. Micro\$oft is a master at dodging exactly this sort of thing, and this settlement will have absolutely no effect whatsoever. Do you need proof—? Bill Gates likes it, he calls it "fair". It must be a great relief to him to win after all this litigation. Trouble is, he did NOT win. He was found guilty of serious crimes. Micro\$oft has done more to hold back innovation and progress in the computer software industry than any other party in recent memory. They need to be STOPPED. And PENALIZED. This settlement does neither.

The FIRST thing that I want from a remedy in the M\$ antitrust case is a penalty tough enough to make BillG pout and whine about requiring "fairness" and "freedom to innovate" and all that rot. Right now he's smiling because he knows he's gotten away with it. Tomorrow he'll turn around and do it again. This is no penalty. It's more like dinner and a movie. Why don't you just fine them \$1 and go home?

Mike Battle

1817 N 51st St St J  
Phoenix AZ 85008

MTC-535

**MTC-00000536**

From: Brenden Ashton  
To: Microsoft ATR  
Date: 11/17/01 2:26am  
Subject: Please do not cave in

Hi,

I am writing this email because I am concerned about the 'remedies' that have been proposed in the anti-trust lawsuit against Microsoft. I feel that the DOJ has caved in, and is allowing Microsoft to get away with illegal practices, and is in fact allowing Microsoft to continue these practices. Over the last few years I have bought numerous computers and have been forced to buy yet another copy of Microsoft's operating systems each time, despite the fact that the old computers are sitting in a cupboard. In addition I feel that Microsoft's bundling of Internet Explorer as part of the operating system was a deliberate attempt by Microsoft to eliminate competition. This practice of Microsoft is not new—it has in the

past made sure that some of its software would not run if competitor's software was detected (e.g. DRDOS and MS-Word). Also, this practice is still continuing, for example Windows XP has a lot of bundled software (CD writing software, media players etc) that will make life difficult for Microsoft's competitors in this area.

I think that not only Microsoft should pay a huge penalty for doing the things it has done in the past, afterall they did make piles of money this way, but that Microsoft should be prevented from continuing in these practices. The proposed remedies do not make Microsoft pay any penalty for its past actions and the limitations on its future practices are very weak. It would be easy for Microsoft to continue its business practices under the proposed remedies as they leave Microsoft many loopholes.

Thanks for listening to my rant,  
Dr Brenden Ashton

MTC-536

**MTC-0000537**

From: Brett Stalbaum  
To: Microsoft ATR  
Date: 11/17/01 2:33am  
Subject: Weak deal

Please understand that the European Commission is going forward with their investigation of Microsoft. What will your settlement look like if the EC's findings and remedy is significantly harsher? But putting behind narrow political concerns, I move on to my real concern. You are certainly aware that Microsoft controls a major cost area for almost all corporations, since they provide the desktop OS for these companies. You should be aware that the browser wars are over, Microsoft won via their unfair competitive advantage. This is old history. What Microsoft wants now is the server market, and they are moving on it primarily by leveraging their control over the desktop—via both corporate pricing and closed integration with the desktop—to unfairly influence the choice of server decisions by major US corporations. IBM, Sun, HP, and others all hang in the balance.

If we should lose the vibrant and open innovation that spins out of this particular competitive market, the systems depended upon by Global business will be less secure (MS is the OS of choice for hackers because it is so easy to defeat), more expensive, and less innovative. Think also of the defense implications in this time of global uncertainty. You need strong provisions in the settlement to prevent Microsoft from unfairly closing this market through monopoly (anti-market) power.

Thanks,  
Brett Stalbaum  
Adjunct professor of CIT  
Evergreen Valley College  
San Jose CA

MTC-537

**MTC-0000538**

From: Chris Johnson  
To: Microsoft ATR  
Date: 11/17/01 2:39am  
Subject:

Aren't you ashamed? 0\_0  
(really don't know what else to say. How can you even pretend that the settlement

you've reached will deal with the situation? That you're dealing with people in good faith? You sold us out!)

Chris Johnson  
MTC-538

**MTC-0000539**

From: Danny Crawford  
To: Microsoft ATR  
Date: 11/17/01 2:35am  
Subject: I don't believe it

I can't believe you people allowed Microsoft to get less than a slap on the hand. I had a business that was forced to close because we were unable to get a product into the market because Microsoft has such a strong hold on the desktop operating systems. Microsoft dictates what developers can do with their software and they also dictate what a consumer can do with the software. Clearly after reading the Microsoft Windows End User License Agreement Microsoft is not selling you the software they are renting it to you because at any time they can take it back from you even though you have paid such an expensive price for it. I understand that Bush ask the DOJ to stop pursuing Microsoft. That being the case I can assure you that my vote will be a lot different this time. I can now see the Bush does not have any concerns about the welfare of consumers and consumer's rights.

-Danny  
MTC-539

**MTC-0000540**

From: Charles Martin  
To: Microsoft ATR  
Date: 11/17/01 2:53am  
Subject: you have GOT to be kidding.

To the persons whom it may concern: Having found the media to be inaccurate more often than not when reporting on stories of great technical complexity, I took it upon myself to review the PDF of the proposed settlement with Microsoft because I wish to comment on it.

My comment is summed up in the subject line of this letter. Upon reviewing this settlement, I have to ask why you ever bothered suing Microsoft in the first place. This "settlement" is a disgrace to both parties, provides NO penalties for Microsoft's indisputably illegal previous acts, gives them NO incentive to change the way they do business, has plenty of loopholes allowing for MS to actually CONTINUE the very acts that landed them in court in the first place, and allows Microsoft to choose who will oversee their slap on the wrist, I mean "punishment."

It's a joke. It's cruel to the many businesses that have been crushed or hurt by Microsoft's abuse of their monopoly power and were hoping for a measure of redress, pisses all over the findings of law and fact by Judge Jackson (and affirmed by the Appellate Court) and generally allows Microsoft a free hand in their insane plan to take over the world—LITERALLY.

I don't see why you view a bunch of mentally-incompetent hoodlums in the wastes of the third world as the greatest threat since Hitler, but cannot see that Microsoft's singleminded determination to control the entire US economy (and by proxy,

the world's economy) as any less dangerous. You are not doing yourself any favours and are in fact guilty of a decidedly unpatriotic act of selling out the best interests of the people of the United States.

For god's sake, grow some backbone! At the VERY LEAST, you should craft a settlement that forces the government to review their technological needs and award contracts in ALL areas where MS Windows does not need to be used to some other OS vendor. I've never been more disgusted with the government in my life. The Justice Department needs to rename itself if this goes through ... I suggest "The Department of Two Justices ... one for the Rich, the other for the Rest."

Sincerely  
Charles Martin  
Maitland, FL

MTC-540

**MTC-0000541**

From: Pete  
To: Microsoft ATR  
Date: 11/17/01 2:44am  
Subject: Sellout

This is the worst possible outcome to this case that you could possibly figured out.

I wrote on CNN, YEARS ago that if microsoft was allowed to do that to Netscape then everyone's software would soon be assimilated into the Microsoft collective. Here we are YEARS later and this has become the system of microsoft innovation"

Example: You guys are fighting over desktop icons and microsoft moves there entire platform to the Startup button in XP. Then says ya you can do anything with desktop icons like they're giving you something. You taking so long to get this sorted out Microsoft wins by loosing. While you guys keep wasting time Microsoft has tried to "innovate" the entire web. Then you let them go.... Shame Shame... In ten more years we'll all look back at all of this and realize just how big of a mistake you guys just made.... There is nothing in this agreement that is going to stop microsoft's behavior. They will just innovate around the agreement, You watch and see...

G Conner  
MTC-541

**MTC-0000542**

From: Bill Ataras  
To: Microsoft ATR  
Date: 11/17/01 2:41 am  
Subject: do not settle with microsoft

I don't agree wth settling this case. microsoft has truly abused their position. An "operating system" does not contain anywhere near the amount of user accessible features that windows does. Only a tiny part of the windows package is an operating system. The rest is software products competing unfairly with other products in the marketplace by being shipped with the unerlying operating system.

MTC-542

**MTC-0000543**

From: Jerome Hammonds  
To: Microsoft ATR  
Date: 11/17/01 2:41 am  
Subject: Just One Question...

Why did you even bother with a trial when, in the end, you didn't do a thing? I have completely lost faith in anything you purport. Your apologist press release did nothing but reaffirm my recently-gained belief that you don't plan on doing anything to punish Microsoft for their egregious antitrust violations. Even worse, you've ensured that they can continue doing it in the future with the full reassurance that the American Department of Justice has no teeth whatsoever.

Jerome Hammonds  
CEO, System Medics

MTC-543

**MTC-00000544**

From: Steve Sheldon  
To: Microsoft ATR  
Date: 11/17/01 3:03 am  
Subject: Microsoft settlement fair

As a person who has been intimately involved in the IT industry for 20 years, including working with many of the alternatives to Microsoft products, I feel the settlement proposed is fair. I know that I as well as most of my coworkers are tired of seeing companies such as Sun, Oracle, etc. spending all of their resources on government lobbying, instead of providing real competition in the marketplace by improving their products so they actually work well.

MTC-544

**MTC-00000545**

From: Hooman Katirai  
To: Microsoft ATR  
Date: 11/17/01 3:01 am  
Subject: Comments regarding Microsoft Antitrust Case

The problem with the settlement is that it addresses past abusive behavior by Microsoft while doing little to address the future abuses that may happen or are already happening.

Specifically I would like to highlight one central tenet of the settlement: allowing other companies to integrate their own web browsers. This is not a true remedy in the sense that it does not correct the original problem nor does it correct any of the other more pressing problems to anything more than a petty degree. Succinctly, Microsoft has already won the browser war by abusing its monopoly powers. Allowing other manufacturers to integrate their own browsers will not correct this problem.

There are several reasons why this is so. First, most manufacturers won't bother to integrate a new browser into their products. Even if they did (for example in return for some monetary compensation), any installed browser will have enormous difficulties competing with the "default" browser that will be shipped by the majority of computers worldwide. Thus, many web sites will continue to be designed only for Microsoft's Internet Explorer while the opposite—the creation of web sites for other browsers—will seldom be the case. Thus Microsoft's hold in the browser market will continue to tighten over time.

But more importantly, Microsoft's ambitious plan to illegally usurp Netscape has succeeded. The while the legal remedies purport to address this problem they do will

not have any significant effect on Microsoft's activities. Second, the legal remedies do little to address Microsoft's present and future anticompetitive behavior. Recently we saw an episode of this, when hotmail—a Microsoft owned web-based e-mail service—the largest of its kind in the world, suddenly locked out all competing browsers (including netscape) from its service without prior notice. A message on the site asked users to "upgrade" to Internet Explorer, and it claimed the reason for the lock out was to enable the page to be rendered correctly.

These claims however have since been demonstrated to be baseless lies. It was found that if the hotmail web page was accessed with Internet Explorer, and the source of the page was saved to a file, the file would render correctly in all competing browsers. This demonstrates that the source code for these web pages was in fact renderable by all competing browsers, while exposing Microsoft's claims as manifestly false.

The only solution, as painful as it may be, seems to be to split the company. Only in this way will they be prevented from continually abusing their power as the relentlessly have done and as the Justice department must be well aware. Any belief that such a break-up will be bad for the economy ignores the even greater loss sustained in an environment that lacks competition. Thus we must do the "right-thing" and press on.

Best Regards,  
Hooman

MTC-545

**MTC-00000546**

From: Peter Hoff  
To: Microsoft ATR  
Date: 11/17/01 2:56 am  
Subject: This settlement is a travesty

I strongly believe that the DOJ has done a disservice to the American people, and indeed, the people of the world, by accepting the terms of this settlement. The settlement essentially absolves Microsoft of any wrongdoing and contains huge loopholes which Microsoft will certainly use to avoid the terms which it feels are not to its advantage.

I speak specifically of the clause which allows Microsoft to avoid revealing APIs on security grounds. I am certain this will be broadly abused by Microsoft, and there is no incentive for them not to, as the oversight committee will be on their payroll and has no way to punish Microsoft even if it wanted to. The arguments Microsoft presents in support of this clause are completely bogus, and I offer as evidence the BSD operating system. Not only is the BSD source code (and therefore all APIs) openly available for anyone to peruse, it has also earned a reputation for being far more secure than any Microsoft product. The same is true of Linux, although it is not considered to be as secure as BSD.

The lack of any punishment for past abuse is especially irksome. Microsoft has shown absolutely, and no signs that they have any intention of changing their ways. Quite the opposite in fact, as Windows XP proves.

This settlement seems to only be to the advantage of Microsoft, essentially giving them a license to continue their abusive

monopolistic practices for the next several years, further entrenching themselves.

This settlement is a travesty, a sick joke played on the American people by those who are supposed to defend our interests.

Disappointed,  
Peter Hoff

MTC-546

**MTC-00000547**

From: Alex Hochberger  
To: "microsoft.atr(a)usdoj.gov"  
Date: 11/17/01 3:21 am  
Subject: The current settlement fails to address the issues

I am a small business owner that has worked in the computer industry for 5 years, as well as an active enthusiast for over 10 years. While I applaud the attempts to negotiate a settlement and remove the uncertainty in the computer industry, I fear that the short-term gain is outweighed by the long-term consequences.

The primary problems that I have with the settlement is that there is nothing in it that punishes Microsoft for their illegal actions, and does nothing to remove the gains that they have made through anti-trust violations over the past 5 years.

As a result of Netscape's experiences, it is impossible to get venture capital or angel funding in any market that Microsoft currently has a presence. The rest of the computer industry is unable to go into business against Microsoft, because of a belief that they will change their APIs or otherwise undermine the validity of your business.

The problem is not that Microsoft is a fierce competitor; the problem is that any software business must reach customers on Microsoft desktop computers. Despite the positions of Apple and Linux in some niche markets, computer software will not work without reaching Microsoft desktops. Given trends over the past few years of not charging consumers directly (particularly for software), this puts the remainder of the computer industry in a difficult position. As Kodak saw with their printing services being pushed aside by XP's printing services, it doesn't matter if consumers choose to install your software, Microsoft will change their system to force their choices upon the consumer.

I support Microsoft's ability to innovate, but the rest of the industry must be allowed to innovate as well. It is impossible to innovate in an environment where your competitor controls the ground rules of the engagement.

The most interesting effect of a structural remedy would be allowing a Microsoft OS company to continue reaping the monopoly rents for the shareholders, while the applications company would need to compete on equal footing with the rest of the industry because the OS company would have no incentive to provide unique access to the Microsoft applications company. Without a structural remedy, the agreement must accomplish the goals of allowing open access for all companies to consumers utilizing the Microsoft desktop operating system. Further, Microsoft must be prevented from utilizing its current monopoly to stop

competition from Linux and other Open Source software initiatives.

The provisions allowing Microsoft to disclose their protocols and APIs must be strengthened to prevent the security exemption (which is unnecessary, proper protocol security is not undermined by revealing the source code, protocol security should be mathematically secure, not obscured in the software source code) from shielding the important interoperation protocols. Further, the disclosure should be public disclosure, not limited to people under NDA at a Microsoft facility. Several of Microsoft's new competitors (Red Hat, Suse, Sun Microsystems, etc.) rely upon technology that is build in open source projects under the GNU General Public License. For these companies to compete, people without nondisclosure agreements must be able to access and work with the protocol specifications.

As Microsoft is found to have a monopoly in the desktop operating systems market alone, these restrictions should be limited to the desktop environment.

I propose that all protocols utilized by Microsoft (any exchange of information between software included in any distribution of Microsoft desktop software with another computer) have a detailed specification released into the public domain. If protocols are found that are not documented, Microsoft should be fined severely and the source code to the Windows operating system that communicates with those protocols should also be released into the public domain. Additionally, if specifications are found to be erroneous, the source code should be released into the public domain.

Microsoft should not be able to gain an advantage in any market as a result of their desktop operating system monopoly. Any attempts to do so should result in severe penalties.

Microsoft should be prohibited from providing any services that generate revenue for Microsoft with the operating system. Microsoft should be forced to compete on equal footing with third parties for this business. Microsoft's MSN service is able to compete with AOL in large part because Microsoft leveraged its desktop monopoly to place MSN in a prominent location, while AOL was forced to reach deals with OEMs.

While Microsoft will maintain an advantage as a result of having a business relationship with the OEMs, they should be forced to compete with third parties. OEMs should be able to bundle commercial services with the computers (including those from Microsoft), but allowing Microsoft to skip this stage allows them to leverage their monopoly.

Microsoft should be able to include any reasonable amount of technology with the operating system. However, if this technology is part of a service, Microsoft should not be able to leverage their position to achieve this goal.

For retail versions of the software, Microsoft should not be allowed to bundle the services. Allow them to sell or give away CDs that provide this software, or allow users to download any service that they want.

However, Microsoft should not be able to force the user to have their services accessed (or have the operating system offer to let you download their software).

Microsoft should be forced to fully document their new technology 9 months before the retail version of the software is released. When Microsoft announced that IE was going to be bundled with Windows, Netscape should have had the full documentation for how this occurred. Netscape should have had an opportunity to let users replace the bundled Internet explorer with a fully integrated Netscape system.

I wish to see Microsoft encouraged to innovate in the technology sector without preventing competition by the nature of their desktop monopoly.

Sincerely,  
Alex M. Hochberger  
Alex M. Hochberger, CEO, Chairman  
Feratech, Inc.  
123 Newbury Street, Third Floor  
Boston, MA 02116  
Phone: 617-517-9343  
Cel: 617-821-6015  
Email: alex@feratech.com  
Web: http://www.feratech.com

MTC-547

**MTC-00000548**

From: bud  
To: Microsoft ATR  
Date: 11/17/01 3:15am  
Subject: DOJ/MS Settlement

To Whom it may concern:

I would like to respectfully suggest:

- 1) That Microsoft be required to publish and commit to the Public Domain the API's (Application Program Interfaces) ('documented' and "undocumented") for all of their Operating Systems from MSDOS V1.0 onwards and into the future;
- 2) That likewise they be required to commit to the Public Domain the source code for all of their Operating Systems from MSDOS V1.0 to (but not including) Windows XP;
- 3) That they be restrained from anti-competitive practices in perpetuity.

Thank you,  
D. Woodrow Compton,  
consumer and U.S. citizen  
3204 41st Street  
Metairie, LA 70001

MTC-548

**MTC-00000549**

From: michael  
To: Microsoft ATR  
Date: 11/17/01 3:05am  
Subject: Feedback

The proposed settlement falls far short of dismantling the Microsoft monopoly for the following reasons:

- 1) The company is allowed to profit enourmously from criminal activities.
- 2) The The language of the agreement is far too vague. Restrictions appear in one section, and appear to be countered in other sections.
- 3) The monopoly has created illegitimately based, closed, standards. No one can compete because the large majority of pc users would lose access to their data if they wanted to switch. These illegially based standards need

to be exposed to allow competitors to adopt them, ultimately providing consumers with equally functional alternatives. This means the Windows API, networking system, and document file types.

4) In my opinion, bundling is not an issue so long as consumers can choose to install competing products and use them as defaults.

The only idea from the agreement that I believe will help consumers is the restrictions on the ability of Microsoft to force OEM's to sell only Windows on their PC's. The option of a dual boot computer, one that boots Windows as well as a competitors Operating System, will allow consumers to try alternative operating systems without having to overcome the often difficult task of installing and configuring the operating system. I believe this perceived difficulty is the reason most consumers purchase pre-configured PC's. Placing all operating systems on potentially level ground will promote innovation in the PC industry.

Thank you for your time,  
Michael Wollenberg  
mikeywol@home.com

MTC-549

**MTC-00000550**

From: mrlee@neo.rr.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 3:04am  
Subject: Please...do something...

To whom it may concern,

I must chime in a say that SOMETHING must be done to help break up the monopoly that is Microsoft.

I know that there was a settlement and that there were penalties levied again Microsoft, but the majority of those levies were one that were already in place and being followed. Microsoft's dominance in the desktop computer market is staggering and stifling.

Competition sparks innovation and competition is exactly what Microsoft does NOT have. With this lack of competition, Microsoft has little reason to significantly improve their product or open up their specifications to others so that they may develop competing products:

Letting Microsoft bully the computer industry and the government is truly a blow against all that American industry has been about for the past 150 years. We have made sure that monopolies don't maintain a grasp, thereby choking innovation and inspiration, all in the name of money. Please stop Microsoft now, before it is truly too late.

Sincerely,  
Lee McLain

MTC-550

**MTC-00000551**

From: Jeff Sepeta  
To: Microsoft ATR  
Date: 11/17/01 3:37am  
Subject: failure of the justice system

As a computer consultant with 10 years experience in the industry, I find that the settlement you've offered to Microsoft threatens to instill even more animosity between the American public and our ailing legal system— and this, within months of the Supreme Court selecting our President. After

years and millions of dollars spent on this case, you've basically walked away from any kind of credibility. Why? Was Bill Gates' donations to the Bush candidacy an influencing factor?

Microsoft has been stealing technology from their competitors for over 15 years, but only gets a hand-slap with this, the most important intellectual property case ever. Warnings to Microsoft have worked in the past, and there is little reason to think that it will work now. The only way to send a message to Microsoft that weilding their monopoly power over the industry is wrong is to come up with a stronger settlement—perhaps a 5 billion dollar judgement to be divided up amongst their competitors? Actually, the suggested breakup made the most sense.

Please note that Windows 98 cost \$100 new. Windows XP costs \$200. Now that they've knocked their competitors to the ropes, they can charge whatever they want for products. This is a sign that they have won, and the Justice Department has abandoned their role as protectors of democracy.

Jeff Sepeta  
Sepeta Consulting, Inc.  
www.sepeta.com  
jeff@sepeta.com

MTC-551

**MTC-0000552**

From: Eric Porter  
To: Microsoft ATR  
Date: 11/17/01 3:31am  
Subject: The Microsoft Case

Microsoft should not be punished for their success, which is what the antitrust laws are used for. I defend Microsoft's freedom to innovate. The antitrust laws are immoral. Those laws should be revoked and the Government has no right to destroy productive legal businesses.

-Eric Porter

MTC-552

**MTC-0000553**

From: John Reyst  
To: Microsoft ATR  
Date: 11/17/01 3:26am  
Subject: Microsoft DOJ Settlement

I'll keep this brief. While the restrictions on Microsoft's future actions may be adequate (I don't believe they are) I fail to see any clearly punitive consequences. At the VERY LEAST I would like to hear Bill Gates be forced to make a statement admitting guilt. Up to now we have never heard Bill admit anything illegal, even though the courts very clearly indicate they did. "We admit that we knowingly broke the law. It was a mistake, and we knowingly and willingly harmed the consumers choice because of our illegal acts. We further state that because of our past misdeeds, we are forced to be supervised so we don't continue to harm consumers, or consumer choice."

Thank you,  
John Reyst

MTC-553

**MTC-0000554**

From: John Hightower  
To: Microsoft ATR

Date: 11/17/01 4:02am

It's time to let Microsoft's competitors compete by making better products, not paying off the Justice Department with political contributions. The anti-trust laws are for the benefit of end users (consumers), NOT competitors who can't make the grade with customers because of shabby marketing of their inferior products. The settlement should stand as is. The original case should never have been brought in the first place.

MTC-554

**MTC-0000555**

From: Immanuel Raja J  
To: Microsoft ATR  
Date: 11/17/01 4:02am  
Subject: Microsoft Sir,

I have purchased a desktop PC Fujitsu. I didnt wanted MS Windows 98 on it but I have to pay for it. (I payed for the product which I didn't want to use.) Now I am forced to use the product (which ofcourse I rarely use) because I have payed for it. I had some problems with the product. Looking at the Advertisement for Windows ME (which claims to be a better product then other Windows for home versions) I purchased an upgrade and installed it. I feel very sad to say this that when I defrag the hdd I found that I could not restart my computer. On further investigation I found that Windows ME DEFRAG has eaten all my systems files. I feel I am cheated because they had sold me an inferior product. Latter I found that Windows ME when installed in partition heigher then 8GB gives me error. I also have linux (SuSE 7.1) running on my PC. Though Linux is free I paid a little heigher then the price I paid for my Windows ME. But interestingly SuSE kept its promise. I have no problem in running Linux. Though Linux GUI may not be as good as that of Windows the following are the points why I prefer to use Linux.

1. Stable: I have had no crash so far.
2. Fast: Linux is faster in executing a command or program.
3. On the long run I have no fatigue using Linux but using Windows I get frustrated every time I run it for a long time.
4. Secure: I was never in need of any additional software then the ones SuSE offered me. (No Anti-Virus, No Additional firewall, etc..)
5. I AM FORCED TO RETAIN THE WINDOWS PRODUCTS BECAUSE THE LICENCE SAYS THAT ONCE I OPEN THE CD I CAN'T RETURN.—How will I know if windows is good for me or not. I should be able to return Windows CD, with all the original packing to MS and should be able to get a return on my receipt.
6. I DON'T LIKE SOME TO FORCE ME TO BUY THE A PRODUCT I DON'T WANT— Consumers should be protected. Computer hardware vendors should offer products what their consumers want and not be forced by misuse of monopolistic attitude of the software manufacturer. I definetly want multi-vendor support on my hardware like AOL Instant messaging and Yahoo Messaging, Real Player, Netscape. I would also like to use open-source products like Apache server, MySQL server, PERL. I would prefer my hardware vendor to support me on products like this.

I am concerned that this case should not only address microsoft issue but also any future company which will try to misuse their monopoly.

I make my humble suggestion that such companies should not only be legally penalised but also should be made to pay hefty fines to the government And such fine money be use further to stops all sorts of misuse of monopoly.

Please protect the consumers from such companies. I have confidence in you. You can make a change now. Thank you for allowing us to raise our voices.

Kind Regards  
Immanuel

MTC-555

**MTC-0000556**

From: Jeremy Horwitz  
To: Microsoft ATR  
Date: 11/17/01 3:56am  
Subject: Devastating Settlement

As a longtime observer of Microsoft's software development and business tactics, I feel compelled to write and express my sincere shock and disappointment at the limited scope of the proposed settlement tentatively reached with Microsoft. That untold millions of tax dollars could have been spent to reach a conclusion such as this—political motivations aside—is, from my perspective, an indictment of the entire antitrust enforcement mechanism of the FTC. What results from a settlement such as this one is a Microsoft no worse, and in fact considerably better, than the one that threatened or tore smaller companies to shreds only several years ago. All of Microsoft's core applications, from the Office suite (Word, Powerpoint, Excel, and Outlook) to Internet Explorer, and Media Player have become so tightly integrated with Windows as to be the near-exclusive choices of PC users. The Justice Department and FTC's inactions during the course of this prosecution have resulted in the continued bundling of products that were at one point competing with other companies' crown jewels— Netscape Navigator and RealPlayer—products that because of Microsoft's dominance are now on the cusp of irrelevance. Microsoft today is stronger than ever, its competitors are weaker than ever, and its products — as evidenced from their latest licensing agreements and pricing structures for Windows—are more expensive and restrictive than ever.

By focusing in a strict textual sense on bullying of Microsoft's competitors, e.g. by telling them that they "shall not retaliate," you ignore the truth of their actions—through monopolistic power, Microsoft need not retaliate against those who threaten them. They can give away products that render their biggest competitive threats (and your greatest agency concerns) completely irrelevant if not bankrupt. Frankly, the specific phrases and terms used your proposed agreement uses are unbelievable. Look at Microsoft's history—their famed case against Apple, their innumerable one-sided development deals, and their previous history of working against their own distributors and customers. This is a company that tests and twists the meaning of

every word in every written agreement they sign. Face it: they pay some of the world's best software programmers and lawyers a lot more money than you do, and they will figure out ways around a document as hastily drafted as this one. Force Microsoft to sell a Windows stripped of Internet Explorer, Media Player, and Messenger. Force the price to be one third the price of what they sell the entire suite for. And allow Microsoft's competitors— AOL/Netscape, Real, Apple Computer, and many smaller companies with great ideas—to have a fighting chance to succeed in the marketplace again. This is what the FTC and Justice Department are charged to do under our federal antitrust laws.

Yours,  
J. Horwit

MTC-556

**MTC-00000557**

From: vedder  
To: Microsoft ATR  
Date: 11/17/01 3:40am  
Subject: On the alleged "settlement"

Please actually punish Microsoft for their actions. While I applaud you finding them guilty of! for their monopolistic practices, the "remedy" posed in the settlement you have reached does nothing more than say "Gosh, you were bad. You shouldn't be the huge monopoly you are. We won't do anything to prevent you from furthering your monopoly, or even punish you for getting where you did. Just know that we are all awfully upset with you. Remember to continue donating huge sums of money to the political party of your choice. Or both, as that covers all your bases." No penalty. No reason for them to stop doing what they are doing. This is a "settlement"?

I wish I could donate dollar for dollar against them, but I'm just a citizen, so I guess they win.

—David Vedder

New York State resident and US citizen.

MTC-557

**MTC-00000558**

From: P0 Box  
To: Microsoft ATR  
Date: 11/17/01 4:12am  
Subject: MS & DOJ

I would like to comment on the Microsoft/DOJ antitrust settlement. I do not feel that the proposed restrictions' on Microsoft will achieve anything or compensate for the damage that the company has wrought in the past.

"simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained."

Very wise words from the now retired judge Stanley Sporokin and the recent arrangement between the DOJ and Microsoft does nothing to address unfair advantages gained by Microsoft through it's previous (on-going) anti-competitive practises.

I would also like to thank the justice dept. for setting up this email address for feedback.

Regards,  
Paul Berrecloth

MTC-558

**MTC-00000559**

From: REF

To: Microsoft ATR  
Date: 11/17/01 4:08am  
Subject: Microsf Settlement

I was and still am appalled by this anti-trust suit against Microsoft! If the government thinks Microsoft has been uncompetitive I think the government had better look into the grocery business. There is where they will find activity not in the best interest of the public! Look at how many grocery stores operate under the pretense as an independant grocer, yet are owned by a single parent" company. This is what I consider an UNFAIR PRACTICE and DECEPTIVE to the consumer. Microsoft should NOT be reprimanded for their innovative products that have revolutionized the computer industry in a way that allows the average person to comprehend and therefore use a computer. The products offered by Microsoft have opened a whole world of ideas and other products introduced by their competitors. America stands for FREE INTERPRISE and the opportunity for anyone with a good product the capability of marketing that product to the world. That ideal should extend to Microsoft just as it extends to any other company.

Edie L. Fisk  
MTC-559

**MTC-00000560**

From: Donnell Sam  
To: Microsoft ATR  
Date: 11/17/01 4:03am  
Subject: Comments from Australia on the Microsoft case

I think it is funny that the DoJ lets a company which has preyed on others left, right and centre get away with less than a slap on the wrist. Is the DoJ technically ignorant? Have you ever tried using any other browser along with Internet Explorer on Windows? Has anyone from the DoJ tried playing Real Audio clips on XP? Are all the technical writers fools? Are they all biased? How can a company with such a horrendous record be allowed to continue to produce software which reduces the chances of anybody else competing?

Why must peoeple be condemned to use mediocre software just because Microsoft produces it?

Sam  
Sam Varghese  
<http://www.gnubies.com>

MTC-560

**MTC-00000561**

From: Brian Jamison  
To: Microsoft ATR  
Date: 11/17/01 4:31am  
Subject: Comment from a high-tech CEO on the proposed settlement

I am a high-tech startup CEO with a track record of several successful companies and over fifteen years in the computer industry. I am also a published author on electronic commerce (Electronic Selling, McGraw-Hill, 1997).

As proposed, the settlement means total victory to Microsoft, and will only encourage their illegal behavior. The settlement will not magically spur our economy into growth— in fact it will only take us further into recession. There is a solution. Allow me to explain.

There is a way to reintroduce competition back into the marketplace and jumpstart our economy—force Microsoft to openly disclose its source code for Windows. Every line of it. I'll tell you why.

Opening up the Windows source code will spur a wave of investment, job creation, and innovation. No sane investor will back a company that plans to compete with Microsoft today. But were the rules of the game known, as they used to be, innovation and economic growth would return.

Because investors will not back Microsoft competitors, there has been a disturbing lack of advancement in software for personal computers that runs on Microsoft Windows in the past few years. The pace of software development used to be so fast that businesses and consumers felt an urgent need to undertake the substantial cost, both in time and capital, to upgrade their hardware and software at least every two years.

That need is no longer present. Ask the leaders of Dell, Gateway, Intel— ask the leaders of America's great businesses. They will tell you there is simply no compelling reason to upgrade their systems with anywhere near the same frequency as they used to. They do not percieve a competitive advantage in doing so.

Microsoft's lawyers claim that certain parts of the Windows source code cannot be made public because of security concerns. As an expert in security and cryptography I tell you this is nonsense. I should know, I wrote an article on cryptography for the Microsoft Developer's Journal. The worst form of security is security through obscurity. The best form of security is that which is subject to public scrutiny. Language that allows any part of the operating system to be shielded from open release will be exploited by Microsoft.

No other penalty is necessary than this. None other will serve to spur on our economy. You have in your hands the obligation to restore competition to the marketplace. I trust you will do the right thing, and force Microsoft to open Windows source code to the public.

Thank you for your time,  
Brian Jamison  
CEO  
Interest Bearing, LLC  
937 Westwood Blvd  
Los Angeles, CA 90024  
[brian@www.interestbearing.com](mailto:brian@www.interestbearing.com)

MTC-561

**MTC-00000562**

From: jwilkins @bitland.net@inetgw  
To: Microsoft ATR  
Date: 11/17/01 4:28am  
Subject: unwise.

So here's the story to date.

Microsoft is discovered doing things to squelch competition in 1995. They are hit with a ruling that should have discouraged further abuses.

Flash forward 4 years.  
They're still at it..

So another settlement is reached.. more or less the same.. no restructuring. Another 'go forth and sin no more' type of settlement.

What on earth makes you believe that they'll do anything different? An incredulous observer

Jonathan

MTC-562

**MTC-00000563**

From: Greg Handy

To: Microsoft ATR

Date: 11/17/01 4:21am

Subject: Microsoft settlement

The Microsoft settlement is too lenient. It does almost nothing to stop Microsoft's monopolistic behavior. Let me talk about why it does practically nothing.

1. Sure, preventing Microsoft from coercing computer makers into excluding certain icons on the desktop is good. But it has a limited effect. Do you go to the desktop every time you want to run an application, or do you use the Start button? Personally, I don't see my desktop for weeks at a time. This is a very small concession from Microsoft.

2. Forcing Microsoft to disclose information about the OS... This is not a concession at all. They have always been good about sharing technical information. That is why Windows won the battle against OS/2. They made it easier for developers than IBM. Bill is laughing at you guys for this one. I know about this. I am a software developer. I have never had a problem obtaining information about Microsoft APIs. Go to <http://msdn.microsoft.com/library/> and see all the documentation they provide for developers. Or search their knowledge base at: <http://search.microsoft.com/advancedsearch.asp?qu=&siteid=us>.

3. Do you really think somebody on Microsoft's campus is going to do anything? Microsoft will only allow them to see what they want. And what if there is a disagreement? We will go back to court for a long protracted battle, and 3 operating systems later, maybe a judge will issue an injunction. It will not stop their monopolistic behavior.

Here is the real issue. Microsoft can run just about any software company out of business, as they did with Netscape. All they have to do is include a certain piece of software in the operating system for "free". Will people play for something, they can get for "free"? No, I don't think so—Microsoft will run the competition out of business. And of course, it is not free. Microsoft has to pay their developers for every application they develop. The price of the operating system goes up, and consumers have to pay for products they may not need. This is tying two products together. If you want the operating system, you have to buy a web browser, and TCP/IP stack, and media player, and Paint program, and work processor, and games, and phone dialer, and email program, etc. Is tying illegal? I suspect it is.

Judge Jackson's decision to split Microsoft into 2 companies is a good one. Let the MS software company compete with others on an equal footing. Put somebody in the MS operating system company to ensure that only OS functionality is added to the operating system. Any new additions to the OS must be approved as an integral part of the operating system, and not an application. That way, all applications have an equal chance to succeed, and competition is restored. Not only that... but the OS company can focus on making the OS smaller, faster,

and more stable, without having to worry about writing applications.

Splitting Microsoft into two companies is a win-win situation for consumers. They get a better OS, and competition is restored to the software applications business.

Greg Handy

<http://greghandy.org>

[greg@handy.org](mailto:greg@handy.org)

(703) 234-3954 x8786

MTC-563

**MTC-00000564**

From: Dave Kjar

To: Microsoft ATR

Date: 11/17/01 4:32am

Subject: Microsoft Antitrust Remedies

Dear Sir or Madame,

Please accept my comments as a concerned US citizen pertaining to the proposed remedies in the ongoing Microsoft anti-trust litigation. I consider myself an informed and conservative opinion. I have 20 years of computer software and hardware development experience, a degree in Electrical Engineering, and focused experience using and developing for Microsoft's systems as well as for their competitor's. A remedy such as is proposed simply requires Microsoft to 'sin no more' and is inadequate because:

1. This is not the first ruling of anti-competitive behavior. If Microsoft chooses not to comply, it would not be the first time that such remedies would be ignored by that company. Microsoft has in the past show no sign of a conscience when it ignored previous remedies and invented additional methods to squelch competition.

2. There is no apparent financial incentive for the company to comply, based on the precedent set by this and previous light actions against the company. Microsoft is clearly placed a regime where crime pays, handsomely. Since previous judgements were levied, Microsoft has "innovated" the art of squelching its competition in ways that are not addressed by the remedies. Examples include:

Frontpage licensing, which prevents the publishing of information critical of Microsoft.

SDK licensing, which prevents alternative compiler tools to be used.

OEM agreements, hidden behind a woefully mis-applied veil of "trade secret." SQL Server licensing, which disallows publishing of performance data.

Requiring licensees to disclose participation in government investigations, as noted by Texas' Attorney General in 1997.

Impending expiration of licensing and support for older operating systems.

Nearly all Microsoft application licenses, which specifies Microsoft operating systems, and does not allow for emulated or competing systems.

Misinformation in public statements, regarding competitors licenses (recently Novell) and common free licenses (as GPL and Berkeley).

Corporate perjury, as in the falsification of evidence presented in the USDOJ trial.

Very few of the above list of infractions are prevented by the USDOJ's purported remedy. Again, market forces alone cannot correct the

above situations, since Microsoft has monopolized PC software infrastructure market. The remainder of practices actually addressed by the ruling are weakened by loopholes in which the ruling's terminology is explicitly left to the interpretation of the convict! This freedom of interpretation must be removed from any effective remedy.

A far more effective remedy would be to separate the part of Microsoft that sells to the infrastructure market from the divisions of Microsoft that compete in creating applications that run on that infrastructure. Note that this would not devalue a legally operating corporation, since the court has ruled that the markets are separate. (In fact, the only way that it could actually devalue the company is in the way it deters product tying, monolithic integration, and abusive licensing practices to continue.)

I wonder, will the USDOJ's policy against criminals, as displayed by this proposed remedy, be applied to drug pushers? Under such application, a man guilty of selling crack, heroin, marijuana, and speed would be convicted of possessing marijuana and speed, and be sentenced to a handshake and a promise not to use anything the convict believes is marijuana for 5 years.

I have personally been injured by Microsoft's conduct. Over the past 6 years I bought 2 leading edge computer systems, actively seeking for vendors that would sell me the hardware without the cost of Microsoft OS added in. In each case, I was unable to find a vendor that could meet my specifications without buying unneeded software from Microsoft. I estimate that Microsoft's practices robbed me of \$500.

It is obvious that, unless it seeks additional remedies of a punitive and structural nature, the Justice Department will fail to perform its duties in upholding the law of the land, and in acting in the interest of the citizenry. Do not make our government a party to the robbery.

Dave Kjar <[dave@kjar.org](mailto:dave@kjar.org)>

7427 Castle Wood

San Antonio, TX 78218

MTC-564

**MTC-00000565**

From: Cathy Gage

To: Microsoft ATR

Date: 11/17/01 4:48am

Subject: Comments on Microsoft Judgement

If Microsoft is allowed to get away with this slap on the hand that the Justice Department calls a settlement, then we know longer have to wonder who will control the world of technology when it comes to operating systems and anything currently known as software... Microsoft is a monopoly and it seems the Justice Department is just allowing them to continue to be one! I hope the states still holding law suits against them succeed where a weak-kneed Justice Department is obviously not willing to. If Microsoft is allowed to continue to set the standards we see in the computer world today, we can obviously forget anything that even comes close to excellence! And so much for innovation because they have yet to even come close to such a thing...the only thing they seem able to be innovative about is screwing the American

public and using "so-called" representatives in the US government as their agents.

Sincerely,  
Cathy Gage  
Chugiak, AK  
gagecathy@gci.net

MTC-565

**MTC-00000566**

From: John Pampuch  
To: Microsoft ATR  
Date: 11/17/01 4:45am

Subject: Microsoft settlement

I realize that you will receive extensive email at this address; no response is necessary.

Microsoft will continue to extend its software monopoly by leveraging their already massive deployment advantage. Prior to the earlier settlement, Microsoft strong armed OEMs into bundling their office software with their OS. In the context of web browsers, I find it interesting that the market penetration of MSIE matched the market penetration of the first version of Windows where the browser was integrated.

What will prevent this from happening in the space of instant messaging, or other genres of software? I would be curious to see what happens in these markets.

John Pampuch  
408-504-3544

MTC-566

**MTC-00000567**

From: Christopher Griesel  
To: Microsoft ATR  
Date: 11/17/01 4:39am

Subject: Microsoft Upgrade Eligibility—  
Competing Products and Computing science advancement for humanity, not for gross profit.

Hi,

1. A glaringly obvious thing for me was that for Windows 95 and NT4, to be eligible for the upgrade version, owning a competing O/S made you eligible to purchase the upgrade, with every subsequent release of Windows, the only way to be eligible for the upgrade version was to own a previous Microsoft O/S, not a competitor's (Not that there is anymore).

2. IF they figured on the Internet integration for windows so long ago, why did Windows 95's default network and dial-up installation not have TCP/IP by default, but rather Microsoft's preferred tech: IPX/SPX at the time?

3. I remember having to fork over money for the first versions of Internet Explorer, imagine if Netscape never gave theirs away for free, we'd be paying for our www browsers from the very beginning, just the way Microsoft would like it.

Last point:

If computing is supposed to become such an integral part of our everyday lives and were supposed to embrace it as a society, isn't it scary that one company has totalitarian control over the system running the most widely adopted technologies today?

Shouldn't the systems adopted everywhere be open for integration, examination and evaluation by representatives of humanitarian society? e.g. Professors, writers, academics? and not profiteers whose

clouded primary objective is profit and not the advancement of society through the technologies we adopt?

MTC-567

**MTC-00000568**

From: Russ Magee  
To: Microsoft ATR  
Date: 11/17/01 4:33am  
Subject: Concerns over DOJ/MS Settlement  
Dear Sirs/Madams;

As a computing professional who has worked in the industry for nearly 10 years, I feel I am qualified to comment on the USIDOJ anti-trust case and Microsoft's conduct in the computing industry.

I feel the settlement reached with Microsoft is totally unacceptable. Microsoft's hold on the market is unaffected by the DOJ's lawsuit, as MS still retains complete control over the defacto standards for doing business today—the Microsoft Office data formats; MS still has 'trade secret' OEM contracts which are rumoured to prohibit the installation of any non-MS operating system alongside theirs; and MS still refuses to disclose critical programming information to other software companies and programmers worldwide.

The concept of an operating system, which all PCs require to run at all, in our day and age must be considered 'critical infrastructure', much like our system of national highways, or the electrical system. Microsoft, as well as any other popular OS vendor, should be required to adhere to strict standards of public availability, without prejudice, for the common good (\*not\* for one corporation's benefit).

Microsoft is constantly modifying their software (especially their Office Suite's data formats) so that no one can make an adequately compatible software. To truly open up the desktop computing market again to competition, Microsoft should be required to:

1) Publish \*complete\* specifications of the data formats used in Microsoft Word, Excel, Access, and Powerpoint applications;

2) Be required, for a period of at least five (5) years, to make \*freely\* available (no NDA contracts) any planned changes to the above formats, at least ninety (90) days prior to releasing any product, or product update, which would modify the above formats;

3) Be required to fully document the Application Programming Interfaces (APIs) and network communication protocols for the current flagship Windows operating systems (Windows 2000 and Windows XP); it has been \*proven\* many times over that Microsoft withholds critical API information in order to prevent competitors from designing fully compatible software.

4) Be required to make all OEM licensing agreements publicly available (they are currently claimed to be 'trade secrets' by Microsoft), and be compelled to remove any clauses prohibiting or penalizing OEMs for placing other, non-Microsoft operating systems, on PCs at time of sale alongside their own operating systems.

Please consider these points before final judgements on the Microsoft anti-trust case. If the above points are not implemented, Microsoft will be perceived to be 'above the law', and I, among many others in the

computing industry, will have lost a great deal of respect for the American Department of Justice as an instrument of the law.

Truly,  
Russell Magee

MTC-568

**MTC-00000569**

From: rogersandco@seanet.com @ inetgw  
To: Microsoft ATR  
Date: 11/17/01 5:24am  
Subject: COMMENT ON SETTLEMENT w/  
MICROSOFT

As an American citizen I must tell you I have about lost all faith in American 'justice' with this so called "settlement" between the U.S. Government and Microsoft after Microsoft was found guilty of predatory (and I might add egregious) anti-trust actions.

I agree with the CEO of Sun Microsystems that what has happened is the "equivalent of being caught on tape committing murder then simply walking away scott free."

This settlement is an affront to every American's sense of justice in this country. How you lawyers can expect young kids in the barrios of East L.A.—or anywhere for that matter—to be good citizens and "obey the law" when the law is a joke and that joke is right out front for them to see, is beyond me. All you have done with this decision is prove to these kids that with enough money and power you can hire good lawyers to "get you off" (does the name O.J. Simpson come to mind here?)

I agree with Ed Black of the Computer & Communications Industry Association when he says "Every one of those (meaning the settlement "elements" that give Microsoft loopholes to slip through) is a loophole I can drive an aircraft through".

I cannot imagine what in God's name government lawyers in this case were thinking about with this insulting "settlement" unless there is some sort of kickback or favors involved here. This thing makes no sense at all to the average American.

Microsoft had a trial, fair and square. Even MORE than fair since they had the best lawyers money could buy—something the average American does not have. Microsoft was convicted despite it's "best-in-the-land legal minds that money could buy". Now damn it, the company should pay a heavy price for breaking that law and destroying God knows how many businesses along the way —just like any American would have to pay. In destroying those business ventures along the way with it's predatory practices Microsoft also bloodied the lives and dreams of thousands of hard working men and women.

As far as I am concerned, every government lawyer involved in this decision to slap Microsoft on the wrist is either a crook, terminally stupid or hopes that by his actions he'll end up someday with a sweet job on Microsoft's payroll.

God help us all if these lawyers are representative of the people we taxpayers have on the payroll.

Ron Faver  
Seattle

MTC-569

**MTC-0000570**

From: yottahz @EARTH @inetgw  
 To: Microsoft ATR  
 Date: 11/17/01 5:23am  
 Subject: freedom

Greetings,  
 I am an open source developer and a US citizen. As far as I am concerned, the free software movement does not need, or benefit, from the help of the government. Open source IS the PEOPLE, and PEOPLE WILL prevale over corporations that prevent our freedoms. IN FACT, by punishing Microsoft you are giving them an excuse to attack us further.

signed,  
 James D Taylor

MTC-570

**MTC-0000571**

From: Jean-Claude Gervais  
 To: Microsoft ATR  
 Date: 11/17/01 6:05am  
 Subject: About the Microsoft suit

Hello,  
 I'm a software developer with 20 years experience.

I feel I owe Microsoft for the last ten prosperous years I've had in my profession. The meteoric rise of Windows coupled with my knowledge of it has assured me a good living, and I thank them wholeheartedly.

I think that it is suicidal for the economy and the IT industry to hamstring them.

Microsoft started out small and became a tremendous success; they followed the American dream.

The only reason they are being persecuted now that they are successful is that some of their competitors can't win with a superior product because they don't have the wherewithal to pull it off, and instead have to resort to lobbying and other dishonourable methods to attack a great software company.

Thank you.  
 Jean-Claude Gervais  
 Laval, Quebec  
 Canada

MTC-571

**MTC-0000572**

From: Ian Struckhoff  
 To: Microsoft ATR  
 Date: 11/17/01 5:54am  
 Subject: Settlement

I am appalled by the settlement agreement with Microsoft. The company has abused one of the biggest monopolies in recent history, and was essentially already convicted. What sort of prosecutor would settle out of court during sentencing, and settle for far weaker a remedy than the court would demand? This is an important process, and represents our ability, or lack thereof, as a nation, to stop a unabashed monopolist with arrogant policies from abusing its position. At least some of the states know that a big crime demands a stronger punishment.

Ian C. Struckhoff  
 Enfield, NH

MTC-572

**MTC-0000573**

From: George Polly  
 To: Microsoft ATR  
 Date: 11/17/01 6:34am

Subject: comment

your settlement has not gone far enough to break a microsoft takeover of the PC industry, you need to force them to break the OS from the applications, this is the only way to allow other companies to compete on the application side. why would anyone buy an instant messenger or browser if they can get one for free with there OS?

if microsoft can control the OS and the major applications, they can then control the technology and economics of the PC industry. please force microsoft to release its OS bare, meaning no applications (at a reduced price, of course). this would open up more people, like myself, to get the latest OS technology without being forced to install the microsoft applications which i dont want or need.

thanks,  
 george polly  
 Get 250 color business cards for FREE!  
<http://businesscards.lycos.comlvp/fastpathl>

MTC-573

**MTC-0000574**

From: Ken Alverson  
 To: Microsoft ATR  
 Date: 11/17/01 6:21am  
 Subject: support for microsoft

You guys made the front page of Slashdot.org, so I'm sure you're receiving a flood of mail right now. Rather than write a long drawn out message detailing my support for Microsoft (which I don't have time to write and you probably don't have time to read), I'd just like to briefly ask you to take the current surge of emails with a grain of salt. Slashdot is populated in bulk by rabid anti-Microsoft teenagers. Loud, idealistic, reactionary teenagers, who enjoy flooding emailboxes supporting their latest cause, whether or not they know what they are talking about.

I do not mean to characterize all Slashdot members as idiots, there are smart people there too, with opinions worth considering, both negative and positive. However, please do not take the sheer bulk of negative mail as representative of the world at large.

Thanks!

Ken  
 MTC-574

**MTC-0000575**

From: Carl Lumma  
 To: Microsoft ATR  
 Date: 11/17/01 6:10am  
 Subject: Illegal Climate? (in the style The New York Times;)

First, allow me to suggest that the points agreed upon in the recent settlement with Microsoft (MS) are meaningless—nothing but the collected idle gripes of anyone who's ever had a product 'ruined' because MS used the Windows desktop as ad space for their own competing product while the plaintiffs actually had to get users to run an installer to convert the desktop into a billboard on their behalf. If advertising were the issue, users ought to be able to charge for their desktop space. [If you get caught thinking this far-fetched, consider that such a system has evolved in the shareware industry.] But advertising is a non-issue; anti-trust

legislation is not meant to reward reparations to vanquished competition. The issue is preserving a climate for future competition.

The smorgasbord of gripes, even if we didn't agree with the above, or if we did agree that MS should be punished but could see no other course of action, is at least so difficult to implement that it is effectively harmless to MS and useless in supporting a competitive marketplace. The Justice Department, who takes three years and three judges to get a "settlement", would have us imagine that they can enforce such a complex and ambiguous policy in market-time? The one single, effortlessly and unimpeachably enforced, admirably fair and effective sanction that could have been imposed on MS but was not is: A Complete Good-till-canceled Moratorium on Exclusionary Licencing. The measure would leave MS to compete with only their own highly-touted (and justly so) merits as a software maker and their indisputable dominance, even by classical standards, of the computer software marketplace. nt can be argued that the engine of backward- compatibility means egregious degree of dominance x in a classical market is on the order of unstoppable monopoly lOx in the computer software market, once the size of the software standard in question, and thus the cost of engineering a new standard from the ground up, reaches a certain point. After, only a 'shadow' (playing in the dominator's sandbox) model is viable; a niche which never seems to win more than 5% (and seldom more than 1%) of such a sandbox, even in the volatile arena of microprocessor hardware, where the sandbox in question is defined by a relatively small and well-published item; an instruction set vs. oceans of poorly-commented and poorly documented MS source code.]

This raises the question: is exclusionary licensing against the law? The answer is: It isn't. It is a practice grandfathered everywhere from soda fountains to newspaper routes. Has Microsoft done anything illegal at all? It has been found to be a monopoly, and to the extent that is illegal we are justified to meddle in some of the more aggressive of their trading practices, and exclusionary/restricted licensing policy is the Jimmy Valentine of their notorious efforts here, especially regarding their publicly-leaked goal of eradicating the Linux sandbox.

But is MS really a Monopoly? I have dispute x with Jackson's findings of fact... Instead of asking Jackson, let's ask Linus Torvalds, a person with more knowledge of the computer industry, and likely with more general intelligence anyway. He asks if there is any company other than MS at all, in any sandbox, that is profitable on the basis of EULA software binaries. With the forgettable (if not dubious) exceptions of Adobe and Corel, the answer would have to be: No. Notable are Sun and Apple; companies with excellent software products who tried unsuccessfully to leave their hardware-based economics. Also notable is IBM, the hardware company that gave birth to MS but was unable to profit on software, finding a role only as a service/solution provider. In a market truly so difficult, is there any one who would hear Microsoft cry Judas having

been denied the right to restrictively license their product?

Carl  
CC: smalin@well.com @inetgw, jeremy@keyspan.com@inetgw  
MTC-575

**MTC-00000576**

From: Giles Constant  
To: Microsoft ATR  
Date: 11/17/01 7:10am  
Subject: A small comment about Microsoft

Dear sir/madam,  
It is impossible to buy a laptop computer in the UK without giving money to Microsoft. Really—I've tried. Even if I intend to use Linux on the machine, due to the OEM licensing restrictions (which the DOJ settlement has failed to effectively address), licensees are not allowed to provide me with the hardware without Windows. The EULA has a clause which says if you do not use the software, you can take it back to the vendor for a refund, but unfortunately, this is only applicable for the price of the entire laptop. This is (in my opinion) the most definitive example of the term "monopoly" I can possibly imagine. Although I speak from the UK, where the problem is likely to

MTC-576

**MTC-00000577**

From: Steve Evans  
To: Microsoft ATR  
Date: 11/17/01 6:09am  
Subject: no sir, i dont like it

The views that you will promote with the signing of this agreement will hurt everyone's interested, and will hurt foreign economies like the one that I am in, Australia. We lived through the monopoly of Microsoft for far too long. Not only cant we sell solutions to our clients that can run on alternate operating systems on the users desktop, we are shunned and forced to move and support Microsoft products. They do not innovate any part of their products, and just force customers and myself to buy and use their products. I don't like it. It has hurt the business that I work for's bottom line when we have to re-install a Microsoft product on a server or workstation because the product was faulty and the customer did not want to move to an alternate platform.

No sir, I don't like it.

Please do not continue with the current approach with Microsoft. I do not know where I will be in 1 years time if they keep forcing me to support their products that eventually eat up my business? bottom line through endless support and paying for Microsoft to fix their bugs (ie when I call their help line and don't receive my \$320AU back because it is a bug that isn't going to be fixed until I purchase the next version of their operating system).

Regards,  
Steve

"triumph of hope over history"—  
Connecticut Attorney General Richard Blumenthal describing the Microsoft/DOJ settlement proposal.FP≤MTC-577

**MTC-00000578**

From: Jack  
To: Microsoft ATR

Date: 11/17/01 6:55am  
Subject: Microsoft Settlement  
How can there be NO monetary penalty in this settlement?  
Microsoft has stolen billions from the American people and businesses and you are letting them keep their ill gotten gains?  
Disgraceful!

MTC-578

**MTC-00000579**

From: denis miller  
To: Microsoft ATR  
Date: 11/17/01 6:40am  
Subject: microsoft settlement  
I have reviewed the settlement reached and found it to be a totally unacceptable capitulation of the rights of the citizens for a free and honest market place.

How can the consumer be protected when a convicted monopolist does not suffer any penalty, does not agree to any real forced change in behaviour, not even a promise not to do it again?

The settlement can only be viewed as a total capitulation to microsoft by the US government.

The only hope for any real justice is the remaining states will persue the action until a real settlement is reached.

Denis Miller  
MTC-579

**MTC-00000580**

From: Scott Peterson  
To: Microsoft ATR  
Date: 11/17/01 7:34am  
Subject: proposed settlement

To Whom It May Concern:  
I am a consumer who uses Microsoft Windows and many other Microsoft programs both at home and in my work as a physician, part of a very large group practice also using Microsoft products extensively.

Even through rejected by my state of Connecticut, I write in strong support of the proposed settlement.

While I think the government's case has been greatly overblown, the courts have in fact found that Microsoft engaged in anticompetitive behavior and requires a penalty. The proposed settlement should be accepted quickly, so Microsoft can get on with its excellent work.

I particularly write to comment against stronger penalties that would disrupt software integration and convenience for consumers, require consumers to spend useless time and money rsearching all sorts of "competitive options," and then have to fiddle around with their computers for hours getting all this stuff to work properly together—to say nothing of troubleshooting and other problems. The Microsoft group of products is a wonderfully useful and efficient system. Their software is a tribute to American ingenuity and should be supported rather than attacked. Microsoft's competitors are just using this case to try to force consumers like me to buy products of theirs which we don't want—let them win my business in the marketplace, not through some heavy-handed intervention of the government.

In short, settle this case, move on, and let us all worry about things that do matter.

Thank you very much for this opportunity to comment.

Sincerely yours,  
W. Scott Peterson, M. D.  
317 Tranquility Road  
Middlebury, CT 06762  
wsp@opticare.net

MTC-580

**MTC-00000581**

From: paul  
To: Microsoft ATR  
Date: 11/17/01 7:33am  
Subject: Justice

I have read the "settlement", it will not stop Microsoft, I, a "dumb consumer" can tell that. Greed is at the heart of this, and having seen the "corruption" in this government in the past I cannot help but believe that down inside this settlement there is an exchange of money. Time will reveal all.

Microsoft will find a way around almost if not every provision and will continue to behave in exactly the same manner as before. They have been very successful with their current pattern and will not change it unless forced. Leopards can't change their spots. And this agreement allows Microsoft to basically decide for itself what to change and who will oversee and enforce the changes. The crooked judge letting off the crooked company for a fee.

This a wonderful example of why this government is doomed to failure. Greed has led to corruption at the highest levels. Everyone knows it, nobody in government is doing anything really about it, just pocketing the money and giving it lip service.

And you wonder why people don't have any confidence in it. Just look at it's fruits....

MTC-581

**MTC-00000582**

From: T.Baden  
To: Microsoft ATR  
Date: 11/17/01 7:33am  
Subject: DEPARTMENT OF JUSTICE AND MICROSOFT CORPORATION ([http://www.usdoj.gov/opa/pr/2001/November/01\\_at\\_569.htm](http://www.usdoj.gov/opa/pr/2001/November/01_at_569.htm))

Dear Sirs,  
I read the posting at [http://www.usdoj.gov/opa/pr/2001/November/01\\_at\\_569.htm](http://www.usdoj.gov/opa/pr/2001/November/01_at_569.htm) with great interest. I work in the information technology (IT) industry. I started getting paid to work with computers 1980. I have watched the implosion of IBM (and it's resurrection), I saw Apple start up, (building on great Xerox research). Then a startup company put out inferior technology using questionable tactics that ate the desktop market alive. I wholeheartedly support the antitrust action against that company. But it is with a sense of ?what could have been? I read current agreement.

While I would have preferred a stronger judgment (more later on that), I understand the current climate mandates a lesser punishment. Please bear with me as I detail:

It looks like the agreement is easy to enforce. Or is it? "Disclosure of Middleware Interfaces" and "Disclosure of Server Protocols" are good fulcrums to pin Microsoft down on, but may be difficult to enforce. The published set of Microsoft interfaces is very large (and documented at

a mediocre level) set of interfaces and protocols: there are 10's of thousands of them and while many of their characteristics are documented, many of the ways they interact are not documented (it takes programmers years to learn a useful subset of them). Without going into the details, I submit that you will find the undocumented set of APIs and protocols to be at least as large if not larger and the documentation to be worse. What if Microsoft publishes a select group of these, enough so that the initial attempts to use them take 12 months before people start to figure out there is something missing. Meanwhile Microsoft releases 2 more versions of Windows (just the way Microsoft did with IE) adding much more hidden functionality that makes the old sets obsolete. I think the "On-Site Enforcement Monitors" would have a terrible job of keeping up.

If there is at least the possibility that this might happen, it will be a very significant barrier to the server and middleware developers. Now instead (here's the later bit): contract "On-Site Enforcement Monitors" to find every last stitch of Windows source code, and stamp it all "GNU copy left" (see <http://www.gnu.org/licenses/licenses.html>) and publish. Should not take more than a year, maybe less. Contract ends, enforcement complete, no chance for Microsoft to renege (again) because "the horse has left the barn". Also: do not split Microsoft, do not collect any money from Microsoft.

The damage to Microsoft would be immense; it is possible that Microsoft may not recover from it. But, not only does Microsoft get a penalty, the IT industry gets a boost from the action: The IT community are given all windows code (and the right to make as many copies as they like). I know Microsoft would never agree to such a thing. You'll need to fight for this one. But, this type ruling would send a much stronger message than any fine or break up: antitrust law would surely be regarded not to mess with after such a ruling.

Okay, back to reality:

I think you have a nice agreement given that the political reality of the day probably excludes the "GNU copy left" option. Go get ?em!

I want to thank you for allowing me this opportunity to comment. One final thought:

Yes, this is about market and money, but for me, it feels personal. I expect that many people working the software development community feel this way: I respect good technological solutions to problems; I appreciate elegant (as mathematicians use the word) solutions to problems. What Microsoft did was much worse than violate antitrust law: elegant and good solutions count for almost nothing in the IT industry today (there are exceptions-the Palm for instance). I think this is sad. If a \*strong\* message is sent, maybe we can leave most of the mediocrity behind and get back to good elegant solutions.

Sincerely

Toby Baden.

MTC-582

**MTC-0000583**

From: Brian Sadler  
To: Microsoft ATR

Date: 11/17/01 7:20am

Subject: The Microsoft Settlement

As a citizen of the US, I would like to take the time to comment on the settlement. First, I think it is a bad idea to settle because they have a proven track record of not living up to their agreements. Second, their products are not helping the economy, they are tightening a noose around it. And third, they ARE a monopoly.

I feel that this administration simply "sold out" to microsoft and its citezens are going to pay the price.

Thank You.

Brian Sadler

Houston, Texas

MTC-583

**MTC-0000584**

From: Praedor

To: Microsoft ATR

Date: 11/17/01 7:50am

Subject: You failed the users and the overall industry

I am strongly disappointed in the outcome of the case against the clearly guilty Microsoft. You caved and gave them everything, extracting virtually nothing. Your "settlement" doesn't prevent Microsoft from continuing business as usual.

They are free to bundle to their hearts content, a weapon to use against ANY potential competitor. They are free to continue trying to turn the internet into a Microsoft-net via closed, proprietary protocols and by altering or adding to fully open standards.

You all skipped over the meat and gave them a very useful and stern "Stop it, OK?" Brilliant. And the punishment: Do not violate the new consent decree like you have violated ALL other such beasts in the past or we will make sure you are still "burdened" with the decree for 5 more years so you can continue to violate and ignore it.

Your agreement needs to go further. Microsoft must be enjoined from producing ANY new communication protocols without fully disclosing/publishing them for general use. Microsoft must be enjoined from modifying ANY standard, general communication protocol already existing without first FULLY disclosing the nature of the modifications so that anyone else who might wish to interoperate with Microsoft systems are free to do so—no restrictions. All Microsoft programming APIs must be fully released and documented so any software maker can create competitive or interoperating applications that fully work as they should on Microsoft operating systems. Finally, Microsoft must be prevented from making ANY restrictive licensing deals with ANY company that in any way hinders competitors from gaining full access to users or systems.

MTC-584

**MTC-0000585**

From: Mike McMahon

To: Microsoft ATR

Date: 11/17/01 7:40am

Subject: thanks (for wasting our tax dollars)

So after spending 4 years and many millions of tax dollars to prove that microsoft obtained and maintains an illegal monopoly,

and you win the case and survive an appeal, NOW you decide that all you wanted was another concent decree?

What a total lack of conviction on your part! How could you make such strong arguments during the trial and now simply walk away from seeing that justice is served? Either you have a worthwhile case or you dont, but to pursue and WIN a case but then settle for a meaningless wrist slap, this makes me wonder if law abiding companies (and citizens) are just being nieve to think their own DOJ can protect us.

The proposed settlement does nothing to prevent continued abuse of this monopoly and nothing to remedy their previous illegal acts. Thanks for NOTHING!!!! !! !!!!!

R Michael McMahon

mcmahon @ activewire.net

PS. I do not work for a Microsoft competitor, in fact I own a computer network company which makes 80% of our revenues supporting Microsoft products. My reason for being so outspoken is that I have witnessed Microsoft's continued repression of valid, alternative technologies whenever MS is not part of the equation. The case at hand may be the last chance to constrain a convicted lawbreaker from perpetrating similar offenses in emerging markets such as web services.

MTC-585

**MTC-0000586**

From: Sean Hurley

To: Microsoft ATR

Date: 11/17/01 3:23pm

Subject: microsoft antitrust

The government settlement with Microsoft is a disgrace.

You should be ashamed of yourselves, selling out hardworking Americans the way you have. At the least Microsoft should have been forced to license its propnetory operating system to third party developers, with an agreement that standards for the OS should be maintained by the national Bureau of standards.

Agh.

Sean D. Hurley

60 Lilac Drive #5

Rochester, NY 14620

MTC-586

**MTC-0000587**

From: bengroes @mindspring.com@inetgw

To: Microsoft ATR

Date: 11/17/01 3:09pm

Subject: (no subject)

Everybody get off the back of Microsoft.

MTC-587

**MTC-0000588**

From: alsee

To: Microsoft ATR

Date: 11/17/01 3:08pm

Subject: The public needs CHOICE

I don't want WindowsXP.

Most programs will soon only be available in XP only versions. I WILL HAVE NO CHOICE.

I might want to stay with Windows98.

Microsoft is terminating support for Win98 and older operating systems. I WILL HAVE NO CHOICE.

I don't want to inform Microsoft of my complete hardware configuration.

WinXP requires my info be sent to Microsoft in order to activate. I WILL HAVE NO CHOICE.

I don't want to inform Microsoft every time I upgrade my computer.

WinXP requires reactivation when I change hardware. I WILL HAVE NO CHOICE.

I do NOT want to give Microsoft authority to "automatically download[software] onto your computer" and I do NOT want to agree Microsoft may "disable your ability to copy and/or play [music/video]".

These OBSCENE clauses are in Microsoft's MEDIAPLAYER7. Some internet files are only supported by

Microsoft's media player. I WILL HAVE NO CHOICE.

I do not want to give Microsoft my personalpassword/creditcard data.

Microsoft is developing it's new ".NET" project to be inescapable online. I WILL HAVE NO CHOICE.

I am a PROGRAMMER. I would like to be able to write programs.

In order to receive "API, Documentation or Communications Protocol[s]" the proposed DOJ settlement requires that I have "reasonable business need", meet "standards established by Microsoft for certifying the authenticity and viability of [my] business", and to "submit, at [my] own expense ... to third-party verification, approved by Microsoft". As an individual, I WILL HAVE NO ABILITY.

And in order for me to "exercise any of the options or alternatives expressly provided [me] under this Final Judgment" I may be required to pay "royalties or other payment of monetary consideration". As an individual, I WILL HAVE NO ABILITY.

These clauses benefit Microsoft, and in particular they penalize free software. Free software is currently Microsoft's biggest fear. Do not hand them a weapon.

I am concerned by any settlement clause that says "[anyone] may be required to grant to Microsoft ... any intellectual property rights". Microsoft has broken the law and should not receive additional rights as a reward. There is concern Microsoft may attempt to use this to attack the Gnu Public License. Do not hand them a weapon.

I am concerned that "Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which ..." Software I CHOOSE NOT to use should NEVER be invoked!!!

I am concerned that Microsoft is not paying financial penalties for illegal tactics/profits.

I am concerned that Microsoft is not threatened with substantial and specific penalties for failure to comply.

I am concerned that Microsoft is not required to release API's for Windows prior to WinXP. Microsoft has certainly made/can make self-serving changes in WinXP in anticipation. Microsoft should be required to release full API documentation without qualification, starting at from Windows98 or earlier.

I am concerned that Microsoft will have influence over selection of 2/3 of the TC.

I am concerned that the TC will be under a gag order. "No member of the TC shall make any public statements".

I am concerned that Microsoft will be watched for only 5 years. In terms of

Microsoft's business strategies is on the scale of the life span of one product—Windows98.

I am concerned that the DOJ is being pressured to accept a bad settlement, whereas Microsoft is quite happy to drag out the legal battle. This position is allowing Microsoft to make unreasonable demands. Microsoft abuses proprietary file formats, communications protocols, and API's. These should be disclosed without qualification. I am not a lawyer, however following section sounds to me like free reign to use anti-competitive tactics on any business that uses their upcoming ".NET" service: "Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, TAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IL-TV, LAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time."

MTC-588

**MTC-0000589**

From: Duane Mann

To: Microsoft ATR

Date: 11/17/01 3:05pm

Subject: Microsoft made the industry, but killed competition

To whom it may concern:

Please include me in the thousands (hopefully millions) who are displeased with your Microsoft settlement. Did their earlier settlement teach us nothing? They have complete disregard for government regulation. If you've given them the slightest loophole, they've already seen it and are altering their strategy to take advantage of it. They did it before, which is why we had this new trial in the first place! This is the company that faked videotape evidence. This is the company that created a non-bootable version of Windows when asked to remove Internet Explorer and tried to argue that they were just doing what the judge asked for.

I am not a complete anti-Microsoft zealot. I admit freely that their work on DOS and Windows essentially created the home PC market. But they have destroyed competition. Windows might have made the home PC possible for the masses... but what about folks like me who understand the options and choose not to use Windows? Does Microsoft give me a choice? Not if they can help it. That's why they are a known monopoly. Sure I can choose to run Linux (and I do), but can I go to a retail store and buy a machine with Linux pre-installed so that I don't have to pay the proverbial "Microsoft tax"?

Nope.

I would prefer not to use Microsoft Word, Excel, or any of the other applications in Microsoft Office. They are poor applications with a mediocre interface, a bloated file format, and countless known security holes. But do I have much of a choice? No, because Microsoft has eliminated competition in those areas as well. That's a monopoly of theirs that was barely touched upon. I would

prefer not to use Microsoft Internet Explorer. Again, does Microsoft give me much of a choice? Just barely.

There are many, many people out there who will argue that there's nothing wrong with Microsoft applications. That is because they don't know what competition is like. Why do we have viruses like Code Red and Nimbda? Because of the quality of products like uS and Outlook. The masses don't understand this. They think that viruses and blue screens of death are just part of the normal computing experience. Sure, it was good that Microsoft made it possible for them to have a computer in the first place, but they've also got people so frustrated that they're screaming and swearing at their computers and rebooting 3 times a day because they think it's the only option they have. And it's not.

I have never wanted to see Microsoft broken up, or restrained, or any other number of remedies that would hurt the masses at large. If people like to use Windows and other applications, they should have the right to do so. But the fact is that there are many people who choose not to, and many more people who do not know that there is a choice, and those are the people that need to be considered. Microsoft deliberately acts to prevent competition, and that is where they need to be stopped. If the argument is truly that Microsoft is good for the industry, then only healthy competition will prove that. Does Linux compete? Only to the extent that Microsoft lets them. We've already established that Windows is a monopoly, after all. Isn't there supposed to be some sort of punishment for that?

Thank you for this forum to express my thoughts. I truly hope that the government can modify Microsoft's proven anti-competitive, monopolistic practices and not just produce a settlement that registers as little more than a speedbump on their road to industry domination.

Duane Morin

978 691 5795

dmorin@morinfamily.com

MTC-589

**MTC-0000590**

From: Joe Yong

To: Microsoft ATR

Date: 11/17/01 3:35pm

Subject: Enough already

I thought the DOJ did the American public a huge justice when it decided to settle. Granted, Microsoft does need tight monitoring to ensure it stays within the boundaries of the law but penalizing a company for competing fiercely is NOT the American way. Else, we're implicitly saying, America breeds and protects slackers and whiners.

The settlement is more than adequate so long it is enforced. Let's move on. There's much to do in rebuilding this nation and its economy. Microsoft is a huge contributor in many aspects so taking them down does no good to the rest of us. Also, if you're REALLY interested in protecting the public against unfair practices by companies with large/monopolistic market shares, check out the following:

—SUN Microsystems in the enterprise server business

—Oracle in the database business  
 —AT&T in the cable TV business  
 —ebay in the online auctions business  
 —Intel in the PC chip business  
 —IBM in the mainframe computing business

There are lots. Difference is, Microsoft is by far, the most well known, in your face, company while others are squeezing consumers dry, often without anyone knowing it. Btw, anyone notice that the state AGs that did not accept the settlement are also home-stats for Microsoft's major competitors? If the law can be manipulated by corporations to attack their competitors, we've got some serious problems in this country's system.

Joe Yong.

MTC-590

**MTC-0000591**

From: Jeff Donosky  
 To: Microsoft ATR  
 Date: 11/17/01 3:32pm  
 Subject: Microsoft settlement

Dear Department of Justice:

I would like to provide positive feedback on the proposed settlement of the case vs. Microsoft Corporation. I do believe that the Department and Microsoft have found a wide reaching and fair settlement to the Department's allegations against Microsoft Corporation. I believe that it is sufficiently wide reaching regarding product development and business practices, while keeping flexibility for the company to continue to innovate and meet customer needs in the future while continuing to drive America's leadership in the highly competitive global technology business.

Sincerely,

Jeffrey Donosky  
 Seattle, WA 98052  
 Tel: 206/547-5119

MTC-591

**MTC-0000592**

From: Lyle McDermed  
 To: Microsoft ATR  
 Date: 11/17/01 3:28pm  
 Subject: Microsoft Settlement

It is my opinion that this case should never have been brought against Microsoft in the first place. It seems to me that, we had some inefficient competitors who claimed the victim status and the justice department fell for the scam. However, this case should be closed now so that business and productivity can get on in the U.S. Also, it would seem to me that the innovative and productive companies, which leads to profitability for stockholders and jobs for many peoples, should not be punished. If the justice department wants to punish a business, do so to the companies that are failures, such as most of the airlines.

Sincerely,

Lyle K. McDermed  
 741 Grandview Dr.  
 Corsicana, TX 75109

MTC-592

**MTC-0000593**

From: Keith Fulton  
 To: Microsoft ATR  
 Date: 11/17/01 3:45pm  
 Subject: Comments about Microsoft

Settlement Proposal

Hi,

My name is Keith Fulton and I am a registered voter in Houston, Texas. I do not believe the settlement proposal is sufficient because all it does is address Microsoft's future behavior without punishing them for numerous and systematic violations of the law for which they have been convicted in court. If someone was accused of murder, tried, found guilty and then was given probation, most people would see that as a miscarriage of justice. I believe that is a good analogy for this settlement. Microsoft has been convicted of violating the law in a way that affected millions of people over a period of years and continues to affect both them and the multi-billion dollar market they comprise. Both punishment and remedies are appropriate. This settlement provides for only the latter. The only way I can think of to break Microsoft's ill-gotten stranglehold on the OS market is to make the full source code for Windows publicly available and adaptable for modifications and resale by other parties. Only then will the market truly return to having multiple viable choices for consumers. Microsoft would then also be put back on an even footing with the rest of the OS industry. I don't know if these comments will have any effect or not. Hopefully the Justice Department will take under advisement my comments and the countless others I am sure they are receiving, since we have taken time out of our busy schedules to voice our opinions despite the slender odds of anything being changed.

Kind regards,  
 Keith Fulton  
 1316 Crocker St.  
 Houston, TX 77019

MTC-593

**MTC-0000594**

From: kay in arizona  
 To: Microsoft ATR  
 Date: 11/17/01 3:42pm  
 Subject: Microsoft settlement

With regards to the settlement for Microsoft, we believe it will be in the best interest in the economy and the consumer to settle this case as soon as possible. The nine states that are holding out apparently are doing it with the interest of companies in their state that are competitors of Microsoft. Microsoft should be able to innovate and press forward on the various aspects of technology. The technology companies that are on the stock market all suffered with the continuous pursuit of this suit against Microsoft. We hope this soon will be over. Thank you.

Howard & Kathryn Worden

MTC-594

**MTC-0000595**

From: Charles D Hixson  
 To: Microsoft ATR  
 Date: 11/17/01 3:41pm  
 Subject: Microsoft is an abusive monopoly

Microsoft is an abusive monopoly. It has routinely engaged in illegal actions to drive its competition out of business. Sometimes the actions are borderline, and sometimes (I wanted to write occasionally) they are even legal.

I will admit that many of the actions that I have characterized as illegal would, in fact,

be legal were Microsoft not a monopoly. But it is. And it routinely acts, both tactically and strategically, to restrain trade.

The Stac case is a case in point. At that time Microsoft may not actually have been a monopoly, though I feel that it was one. Still, it appropriated the software that Stac had written against their express desires and included it within the Windows source code. (At this point the value of the Stac company took a strong hit.) When challenged in court, Microsoft tied things up for a long time, and then replaced the challenged code with code from another company (that they got cheap.. it wasn't anywhere near to being as good). I don't remember the details here, but Stac was now in such bad shape that Microsoft was able to buy it up for an extremely cheap price. Nobody has dared to challenge them similarly since then, and that was over twenty years ago. But they've spent the time since then improving their monopoly, if not their software.

Please do not misunderstand me. I doubt that any other monopoly would have been much better. Monopolies tend to engage in unsavory practices, and large successful monopolies tend to assume that criminal law doesn't apply to them. They usually seem to prove themselves correct, but I had had some slight hope that this wouldn't have been another such case. It's been quite blatant.

Charles Hixson

MTC-595

**MTC-0000596**

From: r(u)hdg Hodgson  
 To: Microsoft ATR  
 Date: 11/17/01 3:39pm  
 Subject: Microsoft Settlement

I would like to express my opinion. I cannot see how MS has hurt the public in any way and I believe that any undue harsh judgment would do the country more hurt than any thing. If any other co. or person can make a better os I would buy it and not theirs. Thank You Robert Hodgson;

MTC-596

**MTC-0000597**

From: John Dawson  
 To: Microsoft ATR  
 Date: 11/17/01 3:53pm  
 Subject: Proposed Settlement.. Just say no.

Your Honor, dear sir or madam,

I work with both Microsoft based personal computers, and UNIX based servers, on a daily basis. I hold a Masters of Science degree in Electrical Engineering and work as a principle developer of hardware and software techniques for automated testing of large data communication networks. I respectfully submit my personal views on the proposed settlement offer relative to the ongoing Microsoft anti-trust case.

I am concerned that many people in the U.S. Department of Justice have portrayed the proposed settlement agreement as being good for the American people—it is not.

I am terribly worried that Microsoft appears to be able to manipulate the American political system and assert undue influence upon the current legal proceedings.

Who will decide which future software innovations are strategic to Microsoft, and hence, must be an integral part of the computer operating system?

When Microsoft "bundles" a new capability into its operating system, it immediately gets a monopoly share of the market for any similar products. Since Microsoft gets to define the minimum operating system bundle, they set the base fees that manufacturers must pass on to their customers. In order to maintain lower costs, most manufacturers will be unwilling, or realistically unable, to add or substitute programs that compete with the base services already provided by the operating system. This gives Microsoft a significant advantage in the software marketplace. Without splitting Microsoft's applications away from its' operating systems, Microsoft will be able to force its way to the top of any software or information service market it chooses.

I further believe that the proposed settlement agreement does not give sufficient consideration to the advantages Microsoft will maintain over competitors based upon the proprietary nature of their computer operating systems. Microsoft's own internal development will not be hampered by, or relegated to use, the same published interfaces that competitors must use. By not fully disclosing the internal mechanics of the operating system, Microsoft is free to optimize significant advantage for its own "bundled" solutions.

For the past several years Microsoft has used this advantage in clearly illegal ways to crush competitors. Where is the penalty for Microsoft's heavy hand? Without significant sanctions in this case, the proposed settlement will let a brutal monopoly force a proprietary delivery platform, for Microsoft market domination, upon the American people. This is not a matter of innovation, this is a matter of Microsoft being able to fix pricing for bundled solutions that force competitors out of new and emerging marketplaces.

I ask that you please reject the proposed settlement and instead, pursue a ruling to break this company into two or more separate entities. Thank you in advance for your consideration in this important matter.

John Dawson  
1405 N.E. 148th Ave.  
Vancouver, WA 98684  
(360) 883-1382

MTC—597

**MTC-0000598**

From: Luiz Delima  
To: Microsoft ATR  
Date: 11/17/01 3:49pm  
Subject: Microsoft settlement

The idea that Microsoft or any company cannot add features to its products is utterly absurd. It would be a major hassle to consumers if car buyers had to buy tires or radios or whatever from different suppliers in order to avoid "bundling" or if they had to buy mustard and ketchup separately when ordering their burgers. History has shown that Microsoft products have lowered prices and benefitted consumers. I don't see why competitors should be protected to the detriment of consumers. America is all about freedom including the freedom to improve. Competitors should compete on features and prices and not survive by government sponsored cocooning. Even the old Soviet

Union moved away from economic dictatorship.

MTC-598

**MTC-0000599**

From: Konrad M.Kempfe  
To: Microsoft ATR  
Date: 11/17/01 3:45pm  
Subject: Microsoft Settlement

This is to encourage a swift and fair settlement of the case against Microsoft.

It is in the interest of the United States economy and thereby in the interest of the American People. A prolongation of the litigation process is not in the interest of the American People.

Konrad M.Kempfe MD  
715 Bogar Drive  
Selinsgrove, PA 17870

MTC-599

**MTC-0000600**

From: Emmanuel Huna  
To: Microsoft ATR  
Date: 11/17/01 4:34pm  
Subject: A comment on the Microsoft antitrust case

Hello, I have learned that citizens can send comments about the Microsoft antitrust case to your address, [microsoft.atr@usdoj.gov](mailto:microsoft.atr@usdoj.gov) <<mailto:microsoft.atr@usdoj.gov>>, and I am including a story that I hope you'll find relevant.

From 1998 to 2001, I worked as a software engineer for a company called ThinkLink, a San Francisco, CA based startup. We developed a product that allowed customers to access their email, faxes and voicemail over the Web or the phone (this is generally referred as "Unified Messaging?"). The company grew from 6-7 employees working in an old milk factory to a booming business with 140 employees in offices in downtown San Francisco, CA.

I won't go into more details on the technology or our business model, but suffice to say that we created a product that was scalable and feature-rich. We integrated our system with companies like Netzer Inc. ([www.netzero.com](http://www.netzero.com) <<http://www.netzero.com/>>), Lycos ([www.lycos.com](http://www.lycos.com) <<http://www.lycos.com/>>) and many others. By summer 2000, we were signing up over 10,000 new customers per day, and we reached over 6.5 million accounts 7 proving that we were the leaders in the voice over IP/ Unified Messaging space.

At that time, our top management announced that Microsoft had approached us and was interested in purchasing ThinkLink. Not being on the board of Directors nor top management, the only information I received came from our weekly company meetings. For months, our CEO, David Ward, kept telling us that the deal with Microsoft was almost ready? he used the expression "a matter of days? a few times. In fact, Microsoft Engineers came to ThinkLink and we even started integrating our system with their Web email product, Hotmail ([www.hotmail.com](http://www.hotmail.com) <<http://www.hotmail.com/>>) Unfortunately, on February 2001, all 110 employees were called on a Friday afternoon and the announcement was made that ThinkLink ran Out of funds—since a secure loan was called upon, the company was closing down. The

hard work and hopes of hundreds of people were shattered in one instance.

After ThinkLink closed down, I learned many details on what had actually happened. As previously mentioned, for months Microsoft dragged its feet, but an offer was finally made in August 2000. Microsoft was to purchase ThinkLink Inc. for \$400 million dollars. From what I understand the deal was almost sealed: even seating arrangements for ThinkLink employees at Microsoft's offices in Mountain View, CA were defined.

The lawyers from both sides had agreed on the details, and ThinkLink's top management signed the documents. The documents were then sent to Redmond, WA to be signed by Microsoft. Unfortunately, to everyone's surprise at ThinkLink, Microsoft decided not to go through with the deal, the official reason being that it was afraid of getting into trouble with the DOT since it was entering the communications business and it already had some deals with AT&T. But to prove its seriousness, Microsoft offered ThinkLink a \$25 million dollar secured loan? this would help the struggling startup in our difficult economy until Microsoft decided that it was the right time to go through with the deal.

ThinkLink's top management had wasted so much time in the negotiations with Microsoft that it had no choice: it accepted the secure loan, thereby sealing the coffin on ThinkLink's future. By the beginning of 2001, Microsoft started putting pressure on ThinkLink to pay back the secure loan? and ThinkLink had no choice but to close down and all assets from the company were transferred to Microsoft. Microsoft tried to recruit some employees from ThinkLink's Engineering Dept. and offers were made after ThinkLink closed down. Not one engineer accepted an offer? most of us felt betrayed and we did not wish to help Microsoft in any way.

With its secured loan trick, Microsoft was able to get its hands on ThinkLink's technology (which was a perfect fit to their "Voice.NET" services with XML/I-ITTP based applications) and in any case, it eliminated a potential competitor. They had to spend \$25 M dollars, instead of the original \$400 M.

There is no doubt in my mind that Microsoft planned this from the beginning. Although ThinkLink's top management did have some responsibility in accepting the loan and the conditions, I feel that ultimately Microsoft had the most to gain and the ThinkLink's fall was a direct result of dealing with the big, powerful and unscrupulous monopoly from Redmond. Recently, a company called Reciprocal was victim to the same Microsoft tactics—how many other companies have fallen in the same way?

To summarize, here's how I see the situation: 1) A startup has some kind of product/technology that Microsoft needs or that could threaten it in some way. 2) Microsoft shows interest in the company and offers to purchase it for \$Y million dollars. 3) After months of negotiation, Microsoft does not purchase the company, but to prove its seriousness about the whole deal, it offers a SECURE loan of \$X million (where X is a fraction of the original price, \$Y, discussed in 2—something like \$25 million instead of \$400 million) 4) The company now against

the wall (since so much time has passed and its a startup with limited funding) accepts the loan from Microsoft. 5) A few months later, Microsoft calls on the secure loan and forecloses on the company: they now have the technology they wanted and they have eliminated a competitor.

This is exactly what Microsoft did with ThinkLink, and they can only do this because they have billions. Wasting a few million with ThinkLink or Reciprocal is worth it—they are actually making money since they don't have to spend the R&D dollars to get the technology or the marketing dollars to fight the competitors. I still am in contact with many of ThinkLink's previous employees ? in fact we have an online discussion group with over 70 participants. We would appreciate a response, and thank you for trying to make our markets a fair playground.

Regards,  
Emmanuel Huna  
ehuna@ehuna.org  
<http://www.ehuna.org>

MTC-600

**MTC-0000601**

From: Marcella Fenske  
To: Microsoft ATR  
Date: 11/17/01 4:15pm  
Subject: microsoft, good reliable company, let the show begin, onward mfst..(\*.\*). . . .  
microsoft, good reliable company, let the show begin, onward mfst..(\*.\*). . . .

MTC-601

**MTC-0000602**

From: Jim Brown  
To: Microsoft ATR  
Date: 11/17/01 4:11pm  
Subject: Let there be choice for the average software consumer!

The home computer is a staple of modern life. People use their computers to communicate with each other, conduct business, research, and even for entertainment. Our society as a whole depends upon the home computer.

I am a fan of windows 2000. It is an operating system that doesn't crash very often. It is easy to use and has a lot of built in features. I understand Windows XP takes this to a new level.

I am not against features in an operating system. They add to a users experience and the power of their computer. What I am against is the lack of competition that Microsoft faces. Admittedly they do a good job of innovating even when they hold a monopoly of the market. But imagine for a moment that two Windows XP caliber operating systems were being produced by two different companies, both vying to land on your desktop as a home user. Undoubtedly, prices would be lower to the consumer and features of the operating systems would become even better. Problems that today are overlooked would be given quick attention (such as some of the serious security holes that Microsoft rarely gives second thought to.)

The consumer wins. It has been established that Microsoft uses the most aggressive tactics of anti-competitiveness available. If there is any way that they can take out a competitor,

or assimilate them, they will. This only increases their monopoly, and decreases competition in the market place. I say this is unfair, and it is high time the government steps in and does something intelligent to remedy the situation. What action is called for I do not know. But something must be done! Although innovative in features and user-friendliness, Microsoft has a long standing history of serious security flaws that repeatedly appear in their products. So called "e-mail viruses" actually only affect people who use Microsoft's Outlook Express mail reader. Why the media calls them "e-mail viruses and not "Outlook viruses" I do not know.

Why is Microsoft not held accountable when their mail program facilitates the spread of these so-called "e-mail viruses?" I do not know. But I call for accountability. And I call for government intervention that there might be serious competition in the market place. All this so that your average consumer can have more than one good choice for a full featured operating system.

Microsoft does not stand for the freedom of choice that capitalism offers as it's benefit. Microsofts first interest is market dominance at all costs, and to them the consumers interests come second. More and more features of the home computer now fall under the power of this monopoly. The only good choice for Word Processing is Microsoft Word. The only good choice for web browsing is Internet Explorer. The only good choice for your operating system is Windows. This is how Microsoft wants it to be.

Unfortunately for most people, this is how it is. No good and meaningful competition in the marketplace, no good alternative choice for the average consumer. Something must be done to remedy our situation as consumers, who for now must depend upon one company alone—Microsoft.

The innovation and development of the home computer has come from many companies and still continues to come from many companies, such as AMD, Intel, IBM, Cyrix, Macintosh, HP and others.

For a society which has reaped the benefits of computer hardware engineered competitively by many different businesses in the private sector, why must we reap the shallow benefits of software engineered by only one company? Please, as the government of this wonderful country, do something to protect our rights as consumers. Please do something to let there be choice and freedom in the software market.

Please stop the company Microsoft that has shown it will at any cost try to destroy this choice and freedom for us, the consumers.

Thank you sincerely,  
Jim Brown  
trustyjim@hotmail.com  
CC: trusyt—jim@hotmail.com@  
inetgw.jwb44@email.byu.edu@ . . .  
MTC-602

**MTC-0000603**

From: Andrew Ness  
To: Microsoft ATR  
Date: 11/17/01 4:02pm  
Subject: microsoft settlement

When considering the settlement between the Ashcroft DoJ and Microsoft, the word

"sellout" rather than "settlement" comes to mind. This settlement is effectively a reward for predatory behavior, and sets a dangerous precedent for future companies with monopolistic aspirations. If a company manages to corner the market on a particular item, they can expect to be dragged into court by their victims, but as long as they make a large enough soft money contribution to the winning party, they will get off with a settlement so riddled with exceptions that no business practice is affected and all future lawsuits are effectively stifled.

My congratulations, Mr. Gates. You've bought the Department of Justice.

Andrew Ness

MTC-603

**MTC-0000604**

From: robert  
To: Microsoft ATR  
Date: 11/17/01 4:43pm  
Subject: settlement comments

I find the proposed Microsoft (MS) woefully inadequate and should be discarded.

First, there are absolutely no penalties for past illegal behavior! Make no mistake that MS did profit from past misdeeds. Under the proposed settlement, they get to keep their illegal profits. MS is hardly a first time offender, and has shown absolutely no remorse. This, in and of itself, provides a powerful incentive for both MS and other companies to break the law.

Second, the conduct only remedies would be largely ineffective. Microsoft has shown in the past it's ability to get around any conduct probations. Look at the Windows 95 decree. They just released a "new" operating system called Windows 98, and went right around the decree.

Third, the technical committee that is supposed to oversee the conduct of MS is a joke. MS, who is a lawbreaker (the District Court was unanimous in this), gets to select one member out of three, who in turn gets to have a voice in selecting the third member. The phrase "fox guarding the hen house" comes to mind. Further, the committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. This will render the committee completely ineffective and MS will continue breaking the law.

Fourth, there is little to no protection for the open source and free software movements. Right now, they are the only potential competitors to MS. Yet, under J. 1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that MS does not certify the "authenticity and viability of its business." MS has repeatedly described the licensing system for Linux (the most widely used open source/free software operating system, but not the only one) as a "cancer" that threatens the demise of both the intellectual property rights system and the future of research and development. It is apparent that MS will use J. 1 and J.2 to deny interoperability information to the movement in an attempt to kill them off or marginalize them and maintain its illegal monopoly.

Only by forcing MS to release FREELY the information early in the development cycle can competition, all competition not just open source, be given a chance. Releasing the information at the same time as MS releases a new product will still give MS a big advantage. It takes time to develop new file filters and other interoperability components, and MS would be given a large headstart.

Please consider these and other criticisms of the settlement proposal, and avoid allowing the illegal activities to continue. It is far better to send this unchastened monopoly juggernaut a sterner message than the less than a slap on wrist message the proposed settlement sends.

Robert Spotswood

MTC-604

**MTC-0000605**

From: Carl J. Clement

To: Microsoft ATR

Date: 11/17/01 4:39pm

Subject: microsoft settlement

Micosoft has been an innovative company which has contributed valuable standards to the computer industry.

The anti-trust suit against Microsoft represents a tawdry attempt by its unworthy competitors to accomplish by government fiat what they couldn't accomplish by good old-fashioned honest competition. The Federal settlement should not be punitive, and the States should accept it.

Cordially,

Carl J. Clement

MTC-605

**MTC-0000606**

From: Marion Behiert

To: Microsoft ATR

Date: 11/17/01 4:39pm

Subject: settlement 11/17

From what I understand of the settlement, it sounds like Microsoft is getting off pretty easy and still has restricted other companies more than is fair for competition. I also believe some of the other companies are trying to limit Microsoft's innovation ability, which isn't fair either.

Marion Behiert

5926 Price Rd.

Milford, Oh 45150

MTC-606

**MTC-0000607**

From: Doug Drizd

To: Microsoft ATR

Date: 11/17/01 4:52pm

Subject: Microsoft Settlement

Dear Sirs:

I have to say that I outraged by the agreement that your offices have reached with Microsoft. This is not an agreement that will benefit the public either in general or in its specific application to users of personal computers in personal or commercial applications. It is rather evident that this was basically a selling-out on the part of the Justice Department who appears to have lost the will to fight in a case which they were clearly defending the American people from the predatory and self-serving practices of a company whose clear desire is to destroy all competition so that they can direct our individual use of our computers to their line

of products. The Justice Department was right to pursue Microsoft; they should have been tried and, even though the courts may not have agreed with the way in which Judge Jackson handled the case, the fact remains that Microsoft was guilty of the charges against it. You threw in the towel when you were winning and could have gotten a genuine settlement that could have benefited the American people, too. Instead Microsoft can now go on with their past practices cognizant of the fact that you have no ability to limit the same practices that they were tried for in the past. You could have done so much better. You really owed that much to the American people.

Sincerely,

Doug Drizd

Clearwater, Florida

MTC-607

**MTC-0000608**

From: steve erickson

To: Microsoft ATR

Date: 11/17/01 4:50pm

Subject: Microsoft Settlement.

I am relieved the settlement is nearly complete. I think our Nation needs Microsoft to get back to business as usual.

Steve

MTC-608

**MTC-0000609**

From: norman Spector

To: Microsoft ATR

Date: 11/17/01 4:44pm

Subject: AGAINST THE ENTIRE

PROCEDURE

THE ENTIRE PROCESS OF MONOPOLY AND ANTI TRUST IS FOOLHARDY. I USE WINDOWS AS MY OS, MICROWAVE OFFICE FOR SPREAD SHEET AND WORD PROCESSING, NETSCAPE AS MY BROWSER, YAHOO FOR MY PERSONAL MAIL AND SPINNER FOR MUSIC. I CHOSE THESE PIECES BECAUSE I THOUGHT THEY WERE BEST.

EARTHLINK IS MY WEB SITE HOST.

THIS DOES NOT APPEAR TO BE A

MICROSOFT MONOPOLY TO ME.

NORMAN SPECTOR

CC: WENDY @norsal.com@inetgw

MTC-609

**MTC-0000610**

From: amedeo60 @juno.com@ inetgw

To: Microsoft ATR

Date: 11/17/01 4:43pm

Subject: Microsoft Settlement

From A. Pozzuoli 50 Martindale Road Clifton, NJ 07013 at amedeo60@juno.com

Leave microsoft alone! They have contributed to our economy and they have done all the hard work. I don't see where the Government has to keep butting into their endeavors. Let the competitors invest time and money as Gates did. Thank you.

MTC-610

**MTC-0000611**

From: chief chief

To: Microsoft ATR

Date: 11/17/01 4:59pm

Subject: This Administration is the protector of money not people.

This Administration is the protector of money not people. We the people did not get the cost (real) of the trial. Microsoft's punishment is words, which they will interpret any way they wish. This Administration will not enforce Anything unless it involves the little guy

MTC-611

**MTC-0000612**

From: Jim and/or Betty Weber

To: Microsoft ATR

Date: 11/17/01 4:57pm

Subject: Opinion on Microsoft

Can you imagine what the federal government, AND MOST BUSINESSES would be like if there were dozens of operating systems using totally incompatible versions of software that would result in a larger debacle in Washington and the business world than we now have.

Bill Gates had the initiative to start Microsoft. It would serve all those jealous jerks right if Mr.... Gates would sell ALL of his shares in the company, close it down, and say ADIOS!! I DON'T HAVE TO PUT UP WITH THIS CRAP !!!!!

MTC-612

**MTC-0000613**

From: TESTA558 @aol.com@inetgw

To: Microsoft ATR

Date: 11/17/01 4:55pm

Subject: Microsoft Settlement

I found the untitrust agreement settlement as by far in the interest of all of us Consumers. We should indeed settle this case entirely as soon as possible in order to allow the Nation to focus on much higher priorities: Domestic Security, War and Economic Growth. The greatest strength of America has always been Innovation and Innovation, not Investigation.

At a time like this, with the Nation involved in a protracted grinding war and furthermore in a near collapsing economy, a unanimous settlement agreement will be definitely in the interest of Consumers and Entire Economy

Respectfully

Anthony Testa

MTC-613

**MTC-0000614**

From: nirgilboa@magicaldesk.com@inetgw

To: microsoft.atr@usdoj.gov

Date: 11/17/01 4:53pm

Subject: MS, Be and gobeProductive

Hi!

I thought this might be of interest.. Many people have been hurt by Microsoft in an unfair and illegal way, and many of them look up to you for some kind of closure. I really hope you can provide it.

Here's a link to a first preview of gobeProductive 3, an office suite that debuted on the BeOS and is making an entrance on the Windows platform. [http://www.osnews.com/story.php?news\\_id=265](http://www.osnews.com/story.php?news_id=265) As an ex-employee of Be Inc. (RIP), I know Gobe as a small company that has come to excel both technically and in its ability to gain its customers' respect and loyalty. It would be a shame to see them getting brutally slaughtered by the usually unfair practices of the Redmond giant.

The entrance of their new product on the Windows platform might also be a good time to quietly monitor how Microsoft reacts to new competition with one of its core businesses and if its practices have changed since the beginning of the antitrust trial.

Regards,  
Nir Gilboa.

PS: I forgot to mention that in my opinion you have missed perhaps the biggest offense by Microsoft-threatening OEMs to revoke their licenses if they decide to include an OS other than Windows on their products. But I'm sure JLG already pointed that out. Farewell to him and his great company.

Global Virtual Desktop  
<http://www.magicaldesk.com>

MTC-614

**MTC-00000615**

From: Frank Manheim  
To: Microsoft ATR, nnamelet@yahoo.com @ inetgw\_fmanheim @ u...

Date: 11/17/01 5:10pm

Subject: Observed problems and costs incurred because of Microsoft monopoly

FROM: Frank T. Manheim, 13126 Pebble Lane, Fairfax, VA 22033; telephone workplace 703-648-6150, home 703-631-0166.

I am a chemist working at the U.S. Geological Survey National HQ in Reston VA, and have experienced certain problems and costs due to Microsoft policies in the course of my work. My observations and opinions are my own and don't reflect official policy at USGS. I don't have the expertise to know whether the below problems can be legally applied to the remedies sought from Microsoft. But to the extent my observations reflect similar problems experienced by other computer users in governmental agencies and private industry, they imply economically significant damage not related to browsers or middleware, due directly and indirectly to anticompetitive practices of Microsoft. I did not find these issues explicitly mentioned in the documentation your recommended for examination.

(1) Viruses. Microsoft's near-monoculture status in the U.S. and elsewhere has made computers and servers running MS software an especially tempting and damaging target for malicious purveyors of viruses. In July of this year I was shut down for one week because of the dangerous Nimda virus. Many other persons and some servers at USGS were likewise affected. This affected my cooperation in groundwater research with the Delaware Geological Survey, the University of Delaware, and the National Park Service, as well as other USGS groups. The loss of working time for me from this episode alone is equivalent in costs to more than half of the year's computer purchases made by me and assistants. Damage from other viruses targeting Microsoft products is widespread among users in my acquaintance. MacIntosh users have been far less affected by viruses.

(2) Crashes and poor operating efficiency. Windows is famous for its bugs and crash-prone performance. In my experience no other leading software has been so prone to serious operational flaws so consistently. When design flaws and problems emerge in

ordinary software products, they are either corrected, or competition emerges and the software is superseded by better products. Performance problems have slowed my everyday operations using Windows 95 and 98 in ways not experienced by colleagues using MacIntosh. I have had to use Microsoft because of its monopoly position in low-level database management software (until recently) critical for my work.

3—Avoided or inflated-cost software support. Keeping software functioning and solving use problems is a critical part of computer efficiency. It is also expensive. When pioneering computer manufacturers slackened in support of their products—or priced it out of range, a number went out of business or were relegated to minor roles. This happened with Commodore Computer and Ashton Tate's DBase line of database management products. In contrast, products like WordPerfect rose to leadership in large part because of outstanding support.

Because of its dominance Microsoft has been able to push its own Office products into leading roles and then almost completely relegate costs of support for WORD, EXCEL, ACCESS, and POWERPOINT. To hardware manufacturers or third-party suppliers. Microsoft's own support—at monopoly-aided prices—is now mainly provided to larger businesses and agencies. Recently, my handheld device, Compaq's iPAQ, suffered from synchronization problems due to bugs in Microsoft's Outlook driver (version 3.1). These flaws were beyond the ability of Compaq support staff to fix. But Microsoft's support page for its PDA drivers explicitly pointed out that responsibility for support of drivers was given to users and manufacturers. Business user support is provided at \$245 per incident—almost half the cost of my PDA. In short, not only does Microsoft charge more for widely used office software but it has largely freed itself from the cost of supporting that software due to its monopoly position. That applies to virus control as well operating system and secondary products. It's as though General Motors dominated American auto production through key patents, and thereby was able to deemphasize product quality, and after a 30-day guarantee period, leave responsibility for failures and operating problems totally to dealers.

SUMMARY: The cost in time and personal efficiency owing directly or indirectly to Microsoft's dominance and policies sustained by that dominance I estimate as being at least 3-4 times my total yearly cost of computer equipment and software. At least 10% of my total computer use time is wasted or severely impacted by software difficulties in ways that are affected much less for other firms' software products. I realize that this may be harder to document or assess accurately, but I suggest that the effect may be measurable. Part of the normal and necessary cost associated with computer support from which Microsoft frees itself owing to its monopoly position could be estimated by calculating relative outlays for MS and other firms including Apple, Adobe, and Corel. To the extent that the courts accept the charge that Microsoft has

wrongfully built and exploited its market dominance, then it should be penalized for the unfair advantages it has recovered through avoiding software support.

Respectfully submitted.

MTC-615

**MTC-00000616**

From: Kyle Putnam  
To: Microsoft ATR  
Date: 11/17/01 5:06pm  
Subject: More than just a slap on the wrist  
Good Evening,

I am writing to express my concern over the proposed settlement between the DOJ and Microsoft. I haven't been following it recently, but news reports make it sound like the settlement has already been accepted and is in effect.

Anyway, I think that the government is going easy on Microsoft because of the current economic conditions. It may be true that the latest version of Windows requires new hardware, and will increase both hardware and software sales, but it will also cause a further monopoly for Microsoft over the PC software market.

For example, Windows XP recommends that its users sign up for a Microsoft Passport account, but uses words like "You won't be able to use the internet services without signing up with a Passport account. Click here to get one." New users will think it is required to use the Internet at all, and as Microsoft pushes its Passport technology to Amazon, eBay, and several other major retailers, they will gain another fist around the neck of the technology market.

I think Windows XP should have DEFINITELY been put on hold until a decision was finalized about the case. The analogy has been made before, although it is not quite the same magnitude, that letting Microsoft release Windows XP while Microsoft is on trial is like letting a serial killer buy handguns and kill more people while he is on trial. I think the punishment against Microsoft must be swift and harsh, no matter what the state of the economy is. The technology stock market didn't really fall, it was only hype that made it appear so big in the past, and Microsoft can't change this.

Splitting the companies divisions such as the Windows, Internet Explorer & Media Player, Office, Hardware, Xbox, PC Video Games, and all other factions of the company should be actual separate companies. Different names, different CEOs, and all in competition with each other. The fact that Microsoft has gotten this far is plain appalling. Another possible solution is that Microsoft should be forced to release source code, specifications, or other information on its products.

Microsoft lately has shown no responsibility for its poorly designed, insecure software such as Windows NT, Windows 2000, and especially IIS.

As I am sure you are aware, they have drafted an agreement between business partners (and worse yet, security companies) that forbids them from releasing detailed information on a security exploit. They claim this will make things more secure, but time has proven over and over that obscurity leads to insecurity.

I urge you to take swift action against Microsoft, and action much stronger than the proposed (or already effective) settlement between the DOJ and Microsoft. Don't you think Microsoft has had its time to get rich, (in)famous, and "innovate"?

Kyle

MTC-616

**MTC-00000617**

From: Mumsy37@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 5:04pm  
Subject: Enough

Think it is time to leave Microsoft alone and let them get on with producing great products. You, DOJ, need to encourage state attorney generals to let go of the bone and not be so petty. I think with 9-11 we have more important things to do.

Thank you.

Mumsy37@aol.com

MTC-617

**MTC-00000618**

From: Vincemiele@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 5:28pm

Subject: Just Action US Justice Dept,  
MSFT has NOT harmed a single consumer. Please cease further action...except to shut down the case. We customers would not be as advanced in computer knowledge and capability if it had not been for Bill Gates and Co. America is also better off for having had MSFT products and services AS-THEY-HAVE-BEEN-SOLD.

Antitrust action protects consumers not competitors. Again, I cannot see where the first consumer has complained.

V.P. Miele

MTC-618

**MTC-00000619**

From: Rachel Campbell  
To: Microsoft ATR  
Date: 11/17/01 5:24pm  
Subject: Good work

I'm glad that you're working towards a quick resolution with MS—many companies have put off IT decisions until a judgement is made.

-Dave Campbell, programmer

MTC-619

**MTC-00000620**

From: Frank Agnello  
To: Microsoft ATR  
Date: 11/17/01 5:16pm  
Subject: Do Your Job

What a shameful performance. The Department of Justice nominally exists to bring about justice for the citizens of the United States.

You have failed the citizens and the nation in the Microsoft case by failing to bring about justice in any way shape or form. Did you notice the lower courts found that Microsoft acted monopolistically? Please discharge your responsibility to address this violation and redress wronged parties. Your actions are so far from just, its as if you are trying to equal the Supreme Court's partisan role in the election. Making the world safe for 'General Motors' is not the standard. Your role is to help make the world safe for fair

competition in software and Microsoft must be brought to justice.

Corporations are not citizens. That corporations are indemnified from legal redress for wrong doing that individual citizens are punished for is on its face improper.

A government high-jacked by savage capitalists is no government.

Sincerely,  
Frank Agnello

MTC-620

**MTC-00000621**

From: Jose Niell  
To: Microsoft ATR  
Date: 11/17/01 5:11pm  
Subject: Microsoft Settlement

I think the matter should be settled. There is no reason whatsoever to accuse Microsoft of monopoly. I feel very strongly that Microsoft has benefited me and everyone I know. Any inconvenience has been to the competitors of Microsoft, not to the consumers. They should improve their products and beat Microsoft in the market. The government has no business hurting one company for the benefit of another.

This lawsuit was a hoax to begin with, to protect the competitors of Microsoft and not the public. Millions of taxpayers dollars have been wasted in this useless demand. And millions of work hours have been miserably wasted, that would have been put to much better use in other endeavors. If the government is really concerned about monopolies it can concentrate on the public school system, Medicare, the Post Office and Social Security for starters. And then go to all the other government supported monopolies. But I think the public school system is the most damaging of them all.

Not Microsoft.  
Jose P. Niell, MD

MTC-621

**MTC-00000622**

From: Tim Maroney  
To: Microsoft ATR  
Date: 11/17/01 5:36pm  
Subject: about the Microsoft settlement

I work in the software industry. Specifically, I am a longtime Macintosh software developer, which means I have lived under the shadow of Microsoft for my entire professional career. The shadow is long and dark; it is a shadow that seeps into every crack, and plays every trick it can imagine, crushing competition through both blunt assault and subterfuge. I was encouraged by the initial remedy imposed in the antitrust trial, and discouraged for the future of my industry when it was reversed on appeal for no apparent reason besides the judge voicing his understandable frustration with the weaselly antics of the defendants.

I do not understand how you can even consider a settlement based on conduct remedies, when Microsoft has been repeatedly placed under conduct remedies in the past and has done everything in its power to find loopholes in them, and in many cases simply flouted them completely. In addition, there is no limit to the number of new abusive practices the company can come up with, and no conduct remedy can anticipate

them. The only feasible anti-trust remedies given a history of flouted conduct remedies are structural ones. The breakup was an excellent starting point, though the actual lines of division could have used more careful consideration with respect to strategically important issues like development tools.

Another structural remedy worth considering is the public utility solution, in which key parts of the Microsoft edifice—I'd suggest operating systems and development tools—become publicly owned in return for a reasonable payment to Microsoft, minus the value of penalties for its monopolistic behavior, and with interoperability constraints imposed on its applications to counteract the benefit they have already derived from monopoly pressures. If Microsoft were just another application developer without the ability to use its monopoly position in operating systems to dominate the application market and other software markets, we might start to see some real competition emerging again in the software industry. At the same time, Microsoft would remain quite profitable and successful, although to maintain its success, it would have to try the radical approach of producing superior products at lower prices.

Tim Maroney tim@maroney.org

MTC-622

**MTC-00000623**

From: Robert A. Morley  
To: Microsoft ATR  
Date: 11/17/01 5:32pm  
Subject: Settle the case now!

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. And any time, and especially during these difficult times, we should applaud Americas successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

MTC-623

**MTC-00000624**

From: Vivian Papsdorf  
To: Microsoft ATR  
Date: 11/17/01 5:32pm  
Subject: Microsoft Settlement

The proposed Microsoft settlement is a fair one and it should be accepted and implemented as soon as possible by all states involved in the controversy in order to benefit the industry, the general economy, and the shareholders.

MTC-624

**MTC-00000625**

From: Deirdre Yanes  
To: Microsoft ATR  
Date: 11/17/01 5:31pm  
Subject: Microsoft Settlement

I think it is about time that the federal government and all the states drop all charges against Microsoft and get on with other more important things. It seems a shame to me that Mr. Gates is punished for coming up with new ideas that help us all with our computers. Frankly, as a normal ordinary customer, I would much prefer having everything bundled into one application so I don't have to worry about going out and searching for the applications I need. With Windows, they are all right there for me.

MTC-625

**MTC-0000626**

From: Tim VanAsselt  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 2:15pm  
Subject: microsoft settlement

If Microsoft operating systems division and their application software division are not separated then you will never see Microsoft applications (e.g. Office) run on other operating systems such as Linux and Unix. Not the case for the rest of the software world.

Tim Van Asselt  
Mgr of software engineering  
Enernet LLC

MTC-626

**MTC-0000627**

From: Marge Moe  
To: Microsoft ATR  
Date: 11/17/01 5:37pm  
Subject: Microsoft Settlement

It is about time this matter was settled. It never should have begun. Microsoft is a wonderful company doing wonderful things for consumers! Where would we consumers be without the technology Microsoft has developed? We use it every day.

MTC-627

**MTC-0000628**

From: A.J. Kirby Co.  
To: Microsoft ATR  
Date: 11/17/01 6:06pm  
Subject: Microsoft settlement.

To whom it may concern: Regarding the Microsoft settlement: I am a consumer and a very small voice in this matter. My opinion is not based on extensive technical knowledge. Experience is all I have and my experience is that Microsoft products are mediocre. They are the standard for most computer users but not the best technology. I have heard them described as "just good enough". Their ubiquity insures their longevity. A monopoly that has been found to act in an illegal manner is in charge here and not the marketplace. The DOJ settlement will do nothing to correct this situation in my opinion. Over the years I have watched many software companies loose ground to Microsoft. Independent reviews of their products place them ahead of Microsoft's products yet they did not survive competing with Microsoft and its illegal behavior.

This oppressive power does not just apply to software. For example, by simply deciding not to produce the program Microsoft Office for the Macintosh operating system, Microsoft would most likely cause Apple Computer, Inc., to declare bankruptcy. In fact

it was brought out in the trial that Microsoft did indeed threaten to stop development of the program. How can competition be served when a company has that power? How many other companies are threatened in the same manner? I also wonder how many companies are reluctant to speak out for fear of reprisal?

I think of it this way: computers need an operating system to run and software to perform specific functions. This is why, in fact, the proposal to split Microsoft into two companies was so logical. One Microsoft company would produce an operating system and the other Microsoft company would produce software to run on that system. Microsoft would have to compete with other software companies. Their products would have to be more than just good enough. As it stands now, and this settlement does nothing to prevent this, Microsoft does not have to compete with other application companies. All it has to do is make any application part of the operating system and the other software companies can do nothing. How can a company compete with that situation and why is it so hard for the DOJ to understand that this is so damaging to the software industry? It is sad that the settlement the DOJ has reached with Microsoft appears to have been influenced so much by politics and haste. It would be difficult to prove the extensive harm Microsoft has caused the computer industry but it would be very rewarding to think of all the wonderful programs and innovation we could have had. It is depressing to think Microsoft is once again going to just take up where it was before all this court business.

I do not think this settlement is going to have much impact on Microsoft and I would predict that the government and Microsoft will probably be back in court within the next five years. Thank you for this opportunity to express my opinion.

Sincerely,  
Richard K. Cooley  
28 Willingdon Ave.  
London, Ontario  
Canada N6A 3Y6

MTC-628

**MTC-0000629**

From: Frank Lowney  
To: Microsoft ATR  
Date: 11/17/01 5:52pm  
Subject: Microsoft

As a citizen and consumer, I cannot understand how the DOJ has allowed itself to be worn down to a nub by the Microsoft monopoly. No one disputes the facts of the case: Microsoft has attained and is abusing its monopoly status in computer operating systems and several major genres of software (word processing, spreadsheet, presentation, web browser, etc.).

Now they seek to leverage this power to conquer other markets such as media, e-commerce and a host of other areas. Consumers in these monopolized markets now pay significantly more than they otherwise would and get shoddier and shoddier goods and services in return. This is how monopolies have always behaved, behave now and will forever behave. That's why we have anti-trust laws and the means to enforce them. The only remedies that will

work and be acceptable in the long run by consumers are remedies that convert Microsoft from a monopoly to something else.

We need and have every right to expect your protection. Please reconsider just slapping Microsoft on the wrist and do the right thing—remove their monopoly power.

Dr. Frank Lowney flowney@mail.gcsu.edu  
Director, Electronic Instructional Services, a unit of the Office of Information and Instructional Technology, Professional Pages: <http://www.gcsu.edu/oit/eis/> Personal Pages: <http://www.faculty.de.gcsu.edu/~flowney>

Voice: (478) 445-5260

We don't make instruction effective, we make effective instruction more accessible.

MTC-629

**MTC-0000630**

From: Bernard D. Dunn  
To: Microsoft ATR  
Date: 11/17/01 6:20pm  
Subject: Settlement

The case against Microsoft is nothing more than a Clinton administration vendetta. The worst possible thing the Justice Department could do is breakup Microsoft. It is because of Microsoft that I am able to send this E-mail. The Country is as far ahead in the computer world because of companies like Microsoft. The anti-trust suite was ridiculous and should have been thrown out the first day in court. The best one can say for Janet Reno and her case against Microsoft is she headed the Injustice Department. Long live Microsoft and what they have done for the computer industry.

Bernard D. Dunn  
Alexandria, Virginia

MTC-630

**MTC-0000631**

From: Lincoln Shumate  
To: Microsoft ATR  
Date: 11/17/01 6:19pm  
Subject: Microsoft Settlement

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to imposed the kinds of penalties and restrictions on Microsoft as is necessary to prevent them and deter others from engaging in similar monopolistic and anticompetitive practices.

There will be more benefit to the health of the economy for business, labor and the consumer when there is an environment in which entrepreneurs feel there is no unfair advantage against producing better products. Entrepreneurs need to be rewarded by the marketplace for their creativity and innovation in an environment which doesn't allow strong arm methods that prevent them from succeeding on their own merit. More successful businesses also means more employed people and lower prices for the consumer. An environment which fosters competitiveness is better for everyone except the monopolists. The penalties and deterrents should be such that they do not

discourage business from innovating and producing, only from using unfair practices.

I would recommend requiring Microsoft to admit to their violations of the law in a highly publicized manner with an apology to their competitors and the consumers. Also Microsoft should have to pay for an advertising campaign which explains the problems with anticompetitive business practices and to cite and praise other businesses which have succeeded without engaging in those practices.

Sincerely,  
Lincoln Shumate

MTC-631

**MTC-0000632**

From: Ryan Doherty  
To: Microsoft ATR  
Date: 11/17/01 6:14pm  
Subject: Questioning lawsuit.

Something just struck me as I was reading an article about the trial. Why aren't car manufacturers being sued for selling automobiles with Air-conditioning, AM/FM radio, CD-player, power-windows, power-steering, sun-roof, ABS brakes, air-bags, etc...

Most consumers look to buy a simple product with as many built-in add-ins as possible, since it avoids the complications of shopping for additional products. Also, I feel that the inclusion of additional microsoft products with their operating system is equally important, since it prevents errors or incompatibilities that occur between almost all computer products between almost every operating system available.

Reliability is an important aspect of computer technology... so is protecting intellectual property...

Reliability will be fortified by forcing microsoft to share the workings of it's operating system with other companies, which will assist in the production of software that will take full advantage of the operating system. Although, acknowledgment and protection of Microsoft's intellectual property will be compromised by such a decision.

A new form of intellectual property protection must of applied to computer technology (similar to the biotechnology property protection surrounding genetically modified organisms and biotech patents)...

Knowledge is important for ensuring that a company survives this fast paced world (especially during the current world-wide recession)... Sharing of such knowledge is equally important to ensure that new products grow from the old ones...

Ryan Doherty  
Ottawa, Canada

MTC-632

**MTC-0000633**

From: ESQ  
To: Microsoft ATR  
Date: 11/17/01 6:08pm  
Subject: f9500/9549.htm

Dear Renata, and other DOJ participants in the MS antitrust suit. I'm a Swede that induced by problems with the W98 "OS" during the shift between 98 / 99 went ravingly mad over a crashing computer while heavily dependent on the same while promoting finance of some mines and Oilfield in the Republic of Kasachstan.

So if that were not difficult enough, when having an obstructive computer loaded with expensive analysis software, that constantly gave up on me. Well,, everything ended up in a judicial assault by corrupted structures in the Republic of Latvia Clearly another story, but inevitably linking me in to the Microsoft issue again. Forced to give up all financing work remigrating to Sweden completely out of cash after six months in closed arrest, it came on me again. Tried to find a job in computing, as in ground being an Electronic Engineer with some 25 years of experience in microelectronics and software, really from scratch. The Swedish authorities had introduced a "Drivers License" for computers based on MS windows, Hi Dee Hoo.

Almost all educational material were based on the highly manipulative MS Visual Studio, as I regard to be in violation of a principal human right, The freedom to Assemble. Was essentially subjected to a boycott as being able to define MS structured program generating Creativity Suites, tying up program creation to API's while it exist compilers f.o.x. Inprise Borland Bcc32 generating close to OS independent byte code, as well as Assembler and of course Java that Microsoft tried to obstruct by introducing their own API's in the MS version. The Java maneuvering actually flashed back a bit as MS Java don't perform as well as the original SUN product, even on Windows.

Though not a US citizen, I've lobbied hard against MS initially through a member of the US congress Judiciary Committee between the end of Mars 99 to November 99. I regard Microsoft a world wide plague, and could participate the ability to produce software enslaving the users. The issue "To use Software, or to be used by it" turned obvious, as MS already was on their way to implement it in full scale. Take their "Product range" Windows 95 / 98 / ME / XP / NT 3 / 4 / 5 "2000" I can and I've installed all API's of those "products" on my close to four years old machine everything works extremely well after some stripping down of highly experimental automation code (mostly producing system crashes), that in every way has to be done in order to have a non kamikaze computer.

Talk about "The Emperors New Clothes" So be it.

Must congratulate you to you conclusions and the remedy proposed. The "Violating Structure" must either comply or face self erosion. Well done.

O.K. Microsoft have created jobs, but based in poor software, generating problems, generating maintenance, and so forth.

What will happen if that grows, and finally collapses, as most Windows OS's do, but in full scale?

Would not personally object if Gates serves life long prison, remembered for to introduce "the human factor" into a machine that properly loaded never fails.

With My Best !!!!

Peter Johansson.  
searcon@alert.infogate.com,

MTC-633

**MTC-0000634**

From: Martin Caron

To: Microsoft ATR  
Date: 11/17/01 2:16pm  
Subject: grow a spine

history will remember that period as the far west in technology. Terror from the big dark microsoft.

What i love the most about ALL THIS is that a simple baby toy that can be dangerous or or a simple leaking rubber around a window on a car mean imediate recall at the manufacturer cost but an operating system that don't work (they are always wost and worst) can be sell with no support!! (don't tell me patch exist because i don't personally fix my recalled car).

Tanx a lot USA to tell all young in this country that you must not fight for your right. Resistance is futile. Don't inovate because the bigger lawyer win.

I hope the DoJ will be included in future law suit because you are part of the problem. BTW do you have a purpose. And remember, grow a spine because you look like a slug around the world!

MTC-634

**MTC-0000635**

From: CJROOTH@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 2:15pm  
Subject: Big Brother

Being that we are TaxPaying Citizens. What Right does the Federal Government have telling us how to run our Business, as long as we are not Breaking the Law. The Group that Created the Law that MircoSoft is experiencing, is made up of Lobbyist and self-servient People that are only upset because they are not on the successful end of this situation.

The Government should take into consideration how much Monies MicroSoft has not only Saved the American Public on the Costs of the Internet, as well as Computer Software, but how much additional Tax Revenue it has received from The Public because of Monies spent on the same. I the Cost of Computers and Internet Access were at Higher Levels, the populous of the World would not be able to afford such luxuries. That is exactly what they would be, Luxuries. Thank you MicroSoft for allowing everyone access to the World!

Craig J Rooth  
President  
S & R SALES GROUP

MTC-635

**MTC-0000636**

From: peter gillespie  
To: Microsoft ATR  
Date: 11/17/01 2:25pm  
Subject: re: microsoft settlement

Dear DoJ, I think the proposed settlement is woefully inadequate to provide any relief to the billions of consumers who have been victims of this machiavellian monopoly. It is estimated that the monopoly effect on the price of Windows is around \$20.00 per copy. An adequate remedy would start with a full reimbursement together with triple damages for all purchasers, of which I am sure Microsoft has very thorough records. Then it would address the contemptuous behavior Microsoft and its ceo toward the prior judgement in this case and the judicial

process in general and provide substantial incentives to correct their behavior in the future. Anything less condones the type of behavior Mr. Gates displayed in the depositions that were introduced at trial.

sincerely peter gillespie

MTC-636

**MTC-00000637**

From: JOY BROWN  
To: Microsoft ATR  
Date: 11/17/01 2:23pm  
Subject: Microsoft Settlement  
Honorable Sirs,

We think this case has long overdone its constructiveness. Too much politics have been in play. It is in the consumer's interest to settle this promptly with a minimum impact to Microsoft who has helped bring the computer industry up to its high level. Without their aggressive tactics we believe the computer science would be behind where it is at this time. We urge a prompt settlement to end this turmoil.

GOD BLESS,

Joy & Lila Brown 1526 Thomas St. SW,  
Olympia, WA 98502

MTC-637

**MTC-00000638**

From: Joe Buczek  
To: Microsoft ATR  
Date: 11/17/01 2:23pm  
Subject: Comments on DOJ proposed settlement with Microsoft

Dear DOJ,

The published proposed settlement with Microsoft concerning its anti-trust conviction is a travesty of justice. Microsoft, by its own admissions and demonstrated behavior, plus the considered testimony of numerous, credible expert witnesses violated anti-trust laws. It earned its guilty verdict. The proposed settlement does NOTHING to prevent Microsoft from continuing the behavior that got it convicted. It does NOTHING to undo the monopoly Microsoft has established.

At a minimum, the settlement should include these stipulations:

—Microsoft shall publish the programmatic API's to \*all\* of its system and application software, without restriction and without cost, to the public. The information should be published on the internet and should require no binding agreement between Microsoft and anyone who wishes to use it.

—Microsoft shall publish all data, protocol, and file formats for all of its products. The publication of any changes to these must precede the publication of software by Microsoft by a minimum of 6 months prior to any commercial release of Microsoft products that use them.

—Microsoft shall be required to charge all customers, regardless of buying volume, the same price for all of its products.

—Microsoft shall be prohibited from "bundling" any products based on the purchase of any other products, regardless of whether they are made by Microsoft or not.

Anything less than the above simply ignores the gravity of the legal judgement that Microsoft BROKE THE LAW. It will do nothing to foster competition in the software

development business. Microsoft should pay treble damages for the cost of the government's prosecution of the case against them, especially since it was demonstrated DURING THE TRIAL that they attempted to deceive the court.

The proposed settlement is an affront to the justice system's conviction of Microsoft, and it is an insult to the hundreds of expert witnesses and thousands and thousands of independent software developers who must face monopoly power if the judgement does not include the above stipulations intended to, for the first time, PERMIT COMPETITION with Microsoft on a more level playing field.

As an independent software developer, I urge the DOJ to put the above stipulations into the settlement.

Respectfully,

Joseph Buczek, independent software developer

Buczek Consulting  
1261 Lincoln Ave., Suite 218  
San Jose, Ca 95125  
(408) 298-6178  
jbuczek@buczek.com

MTC-638

**MTC-00000639**

From: John Lemke  
To: Microsoft ATR  
Date: 11/17/01 2:30pm  
Subject: Repeat offenders needed tougher sentences

Dear Department of Justice:

I have read the recent ruling and proposed resolution to the Microsoft anti-trust case. It is my strong belief that the proposed remedy will have almost NO IMPACT on the current market abuses by Microsoft.

There are three items in the proposed remedy that need to be brought to light:

—Microsoft was given a similar ruling in 1995 to disallow the bundling of Internet Explorer and Windows, in an attempt to prevent Microsoft from illegally leveraging its Desktop OS monopoly into the Web Browser market. Six years later, we see that Internet Explorer has over 90% of the web browser market. The Department of Justice FAILED to prevent Microsoft from illegally extending its monopoly into the Web browser market.

—Microsoft has dealings with OEMs which prevent them from installing any other operating system except for Windows on a new PC. The proposed remedy makes it more difficult for Microsoft to continue doing this. However, the issue that it fails to address is this:

What other operating system would OEMs install? There could have been an opportunity two years ago to help out Be, Inc. gain a foothold with its superb desktop OS, but they are gone now due to Microsoft's abuse. This leaves Linux, (which is either a toy for hobbyist geeks or a server operating system), or OS/2. It's doubtful that OEMs would want to install either of these on a desktop PC. Thus we see that the Department of Justice IS FAILING to prevent Microsoft from continually reaping the benefits of its past illegal behaviour.

—The proposed remedy makes a provision to force Microsoft to disclose protocols to qualified 3rd parties for the purpose of interacting with its software. This alone

could have been the single most important part of the remedy, if it hadn't been declared by the "Security" except granted later on. Microsoft can propose that its implementation of the SMB / NetBIOS protocol uses password encryption, whose protocol cannot be published due to security concerns. Therefore, Microsoft will continue to keep that protocol a secret, and use it to enhance interoperability between Windows systems and destroy / eliminate interoperability with non-Microsoft systems. (such as Unix / Samba) The security clause in the remedy MUST BE REMOVED, or the Department of Justice WILL FAIL to prevent Microsoft from leveraging its desktop monopoly into a communications protocol monopoly.

Thus we see how the Department of Justice has failed, is currently failing, and will continue to fail to protect the industry from Microsoft, unless the proposed remedy is altered significantly to address past abuses, current abuses, and future abuses that inevitably will happen.

I propose the following:

—Microsoft be forced to disclose—every—protocol used for communication between two PCs, or between two separate services or programs on a single PC. This disclosure will be UNCONDITIONAL, regardless of the protocol's intended or actual use. (Note that this will not require the disclosure of encryption keys.) The availability documentation for said protocols must be prominently displayed on <http://www.microsoft.com>, and endorsed as enthusiastically as the current flagship product. The documentation must be available for free download in a simple, open format (such as HTML 1.0, or plain text), and must also be available for hardcopy, costing no more than the printing and shipping cost.

—Microsoft be forced to not make—any restriction whatsoever—on the freedom of OEMs to modify, change, add to or delete from the hard drive of the system which they sell. OEMs must be given the ability to modify any and all parts of the PCs hard drive, regardless of whether that section of the hard drive contains a Microsoft product or a non-Microsoft product.

—To address the benefits that Microsoft currently enjoys due to past abuses: Microsoft be forced to make known the availability of competing software products. (such as Red Hat Linux, Sun StarOffice, and Opera Software) The method by which Microsoft makes these products known shall be up to them, provided that they, at a minimum, display a link to at least one competing product on their home page for EACH of their own products featured on the same homepage. The link to the competing product must be as prominent and enthusiastically displayed as the link to Microsoft's own product. This specific remedy shall be in place for 3 years.

While it is doubtful that my proposed changes would have a significant impact on the Desktop OS monopoly, it would raise awareness of the availability of competing products and ensure that those products are able to interoperate with Microsoft's. It is my hope that the Department of Justice will consider these changes and avoid falling into

the same pitfall which they previously have, are currently, and are about to fall into.

Sincerely,  
John Lemke

MTC-639

**MTC-0000640**

From: Joyce Harness  
To: Microsoft ATR  
Date: 11/17/01 2:32pm  
Subject: MSFT Settlement  
Gentlemen:

In my opinion I feel the country's economy would best be served in the full settlement of the Msft case. I personally feel the Msft has helped the economy much more than hurt it. Thank you.

Joyce Harness  
3015 NW 73rd  
Seattle, WA 98117  
206-784-9126

MTC-640

**MTC-0000642**

From: Joe Beach  
To: Microsoft ATR  
Date: 11/17/01 2:27 pm  
Subject: ridiculous settlement

Hello,

I have read about the settlement that you reached with Microsoft, and I was wondering just how much Microsoft paid you to cave in to them in such a flagrant manner.

How is it that a department with the word "Justice" in its name, comes to an agreement with a company that has been legally found to be an abusive monopoly that has unfairly destroyed its competition, and that agreement has no punitive damages? Wouldn't it make sense to fine the company to remove the profits that it has made illegally? Wouldn't it make sense to return some of that ill-gotten gain to its victims? Wouldn't that be, in normal circumstances, considered justice?

When a criminal is prosecuted and FOUND GUILTY, the prosecution does not customarily then as the criminal if he would please, if it is okay with him, and if he doesn't have any better idea or have something else he'd prefer to do, go to jail now. This is no different. Microsoft does not get to decide the terms of their punishment. They have been found guilty of a crime. They must accept a fair punishment handed down by the court. The court and the prosecution does not need to worry about whether Microsoft will be upset with the punishment. In fact, if the punishment is reasonable, I would EXPECT Microsoft to be upset with it. The fact that Bill Gates has stated that he is happy with this settlement should be a big sign that the settlement has no teeth, and will not prevent Microsoft from continuing to use its market position to prevent competition.

A settlement with Microsoft should have several components. Some of them are:

1. Fines to remove the profits that Microsoft has illegally gained from its monopoly abuses.
2. Compensation to the victims of its monopoly abuses.
3. Provisions barring Microsoft from using its license terms to prevent computer manufacturers from selling computers with multiple operating systems pre-installed.

4. Requirements that Microsoft make its data file formats public, so other software makers can be assured that they will be able to make interoperable products. This is the major barrier to entering the office software market.

Any settlement that does not at least have these terms is a sellout to Microsoft, and makes it appear that the current administration is in Microsoft's pocket. Most of the computing world knew that Microsoft was attempting to delay the legal process in the hope that a Republican would become president and end the prosecution against them. It appears, though, that the Bush administration decided that would be too blatant, and so instead had the prosecutors offer Microsoft a ridiculously lenient settlement instead. These are the type of sell-out actions that undermine people's confidence in the legal system.

Joe Beach  
11533 East Alaska Avenue  
Aurora CO 800 12-2220

MTC-642

**MTC-0000643**

From: Art Holland  
To: Microsoft ATR  
Date: 11/17/01 2:25 pm  
Subject: some criminals

Dear Sir/Madam,

I have been a computer user for close to 20 years and my general impression of Microsoft over that time is that they have done more to retard progress in the industry than advance it. However, I'm disgusted by that fact that having broken the law, as verified unanimously by the Court of Appeals, they are not being punished or restricted in how they go about obtaining dominance of the internet.

The government should have levied a serious fine on the company (at least \$10 billion) and required them to sell a basic, functioning (as determined by an independent panel) operating system for 1/2 the cost of Windows with competition stifling add-ons.

Thanks,

—Art

MTC-643

**MTC-0000644**

From: Ray D Pratt  
To: Microsoft ATR  
Date: 11/17/01 2:35 pm  
Subject: Whore

You know it, and I know it.

MTC-644

**MTC-0000645**

From: Brett Christoffersen  
To: Microsoft ATR  
Date: 11/17/01 2:34 pm  
Subject: Microsoft Settlement

Please retract your settlement offer.

Microsoft is the most destructive force in the computer world today, any product that competes with them is either bought (hotmail.com) or crushed (Netscape ... by giving away Microsoft's browser for free), or excluded from functionality (Quicktime (Apple) is now systematically excluded in favor of Microsoft's RealMedia ... the only way to get this functionality back is to

download patches from Apple—Microsoft and AOL's fight over instant messenger and Microsoft's competing product is another example). When Microsoft can't do these items, they try to set up "standards" that exclude their major competitor so that the Microsoft product is the "standard" that PC users "should use" ("J++" is a good example—fortunately, Java by Sun Microsystems won this war ... it was simply too good to be supplanted by the inferior J++). When all else fails, they bribe their competition (\$100 Million to Apple ... \$135 Million more to Corel).

Microsoft's goal is to rule with an iron fist ALL of computing from the desktop (90% marketshare) to the mainframe (Windows NT) to gaming (the "XBox", which competes with Sony and Sega) to the internet (Explorer sets MSN.com as its default) and all the content on it (many Microsoft pages are written in html that is "Windows-only" ... try to access them with a Mac or Netscape and the page with either fail to load, or the browser will crash). Even their e-mail client (Outlook) sets its preferences in such a way that many older e-mail programs cannot read the e-mails that come from Outlook machines ... thus the recipient thinks (s)he must upgrade to "keep up".

Windows XP is even worse than previous versions at these tactics from what has been leaked to the net. It integrates everything now ... try to "uninstall" Explorer and the OS will collapse, try to use Netscape and you'll likely find it so hard that only the most experienced user can do it.

I am a loyal Macintosh user for years, but am well versed in PCs as I've used both platforms for years. I've seen the Mac innovate (the Graphic User Interface, the mouse, the 1.44 Meg floppy, Quicktime, back-side L2 caching, FireWire, parallel process computing for the home user, voice recognition, a nearly virus- impenetrable OS) and the PC destroy or mimmic. Stop Microsoft (and Bill Gates) from destroying the world of computing by making it "my way or no way". Go after him with the furver that we are currently going after Osama Bin Ladin.

Brett Christoffersen

MTC-645

**MTC-0000646**

From: davis chris  
To: Microsoft ATR  
Date: 11/17/01 2:34 pm  
Subject: you failed us

Its hard to express my disappointment in your decision to settle on such weak and meaningless terms. I am a software developer in MN. MN is dominated my MS. Most IE manager's are afraid to use anything else. During the trial this mentality was weaken and IT workers were starting to convince our employers that open source and alternative technologies were safe to use. I was actually proud of our government for what they did. MS was destroying our industry, and they were about to save it before it was too late. But, now its over and MS won. I can't understand that you could settle on with these weak provision when just 1-2 years ago you want to break the company up. That's quite a change of heart. Almost 180 degrees.

Its truly sad, and I hope it wasn't a back room deal. Now the fight is over. IT managers view MS as stronger than the government itself. Most of the IE developers who were fighting in the trenches for the DOJ, the fight for public opinion, are not unemployed or shunned.

You failed those who supported you. Now what are we suppose to do?

-Chris Davis  
ex software developer

MTC-646

**MTC-00000647**

From: Judy Ponto  
To: Microsoft ATR  
Date: 11/17/01 2:33 pm  
Subject: antitrust

I am on Microft's in this on-going struggle. The are intovative and now share with other providers in the industry. From my prospective this company enhances the American tradition of free enterprise, intovation and creativity.

Sincerely,  
Judy Ponto  
jobbob@nwinfo.net

MTC-647

**MTC-00000648**

From: cartercherry3  
To: Microsoft ATR  
Date: 11/17/01 2:48 pm  
Subject: Support DOJ-MSFT Settlement

The DOJ settlement with MSFT is in the national interest and fair to both parties. Hopefully, the recalcitrant attorney generals who have not settled will reconsider.

Cordially,  
Carter M. Cherry, MD

MTC-648

**MTC-00000649**

From: Justin Zygmont  
To: Microsoft ATR  
Date: 11/17/01 2:40 pm  
Subject: microsoft case

I've been following this case for a long time, if you let them off it's going to hurt us dearly. The DOJ is the only one that can do anything at this point, Please don't let them get off like this.

MTC-649

**MTC-00000650**

From: Harold Mead  
To: Microsoft ATR  
Date: 11/17/01 2:40 pm  
Subject: Microsoft settlement

You have no teeth in the settlement. Go and sin no more wont do it, and that is all you have in this document. The wording is so vague Microsoft can, and will, do whatever they want to do. It will be business as usual at Microsoft. And who can blame them. They got exactly what they wanted from the Government, A vaguely worded unenforceable document with A business as usual Guarantee. You had better listen to some of State lawyers. Microsoft has aptly demonstrated, business as usual, in the recent past, and will do so again in the future, with this document in place.

MTC-650

**MTC-00000651**

From: Michael A. Alderete  
To: Microsoft ATR  
Date: 11/10/01 1:53 pm  
Subject: Re: U.S. v. Microsoft: Main Index

In a shocking, I say <I>shocking</I> development, the Department of Justice' has completely capitulated on the Microsoft antitrust trial, giving a convicted monopolist a light slap on the wrist. Just another example of George Bush helping the rich get richer. A quick recap of history: in 1998, the DoJ sued Microsoft in federal court for alleged antitrust violations. After months of dubious legal strategy, damning evidence, and ludicrous courtroom behavior, Microsoft was in 2000 convicted by a conservative Federal judge of being a monopoly and abuse of monopoly power. Note the word <B>convicted</B>.

In 2001, seven more Federal judges—a full sitting of the appeals court, most of them conservative appointees also—unanimously upheld the bulk of the conviction. Note the word <B>upheld</B>. Now, after weeks of “negotiation,” the DoJ and Microsoft have arrived at a “settlement” that is so full of ambiguities and loopholes that it's not clear that it will have <I>any</I> effect on Microsoft behavior, let alone actually restore balance to the technology industry.

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 settlement fails on every one of these.

I've read a few objections to this position, penned by Microsoft apologists, or Microsoft's buddies at the DoJ, and none of them hold water:

<b>The proposed settlement is strong, and it really will modify Microsoft's behavior.</I> No, it's not. Ralph Nader (a man I'm not fond of) and James Love have <A HREF="http://www.cptech.org/at/ms/rnj12kollarkotellynov501.html">written an open letter</A> which details the deep flaws in the settlement far more eloquently than I can manage. Read that for the details.

<I>That letter assumes the worst about Microsoft's behavior, but Microsoft is good, the settlement will have a positive effect.</I>

History suggests this is not correct. Inserting weasel words and then using them to studiously adhere to their interpretation of the agreement while flagrantly ignoring the spirit is <I>exactly</I> what Microsoft did to the last consent decree with the DoJ. Certainly, depending on Microsoft to be “good” is a pretty flawed way to approach handling a convicted and unrepentant monopoly abuser.

<I>This antitrust case is all about Microsoft's rivals complaining, not about real consumer harm.</I>

If that were really true, I doubt if eight (count 'em, eight) Federal judges would have upheld the conviction. It's not as though they don't understand the law.

And if that were really true, what's up with Microsoft raising the prices on their products? The price of the operating system has been steadily creeping upwards;

Windows XP is \$10 more than the prior upgrade, and Microsoft is currently moving corporate customers onto new support programs which will cost twice as much as the old programs.

Explain to me how paying more for a product is not “consumer harm.”

<I>But Windows XP delivers more value, that's why it costs more.</I> Um, no. Look at other parts of the software industry where there is actual competition. Over time you get more value, and you pay the same or less. I've been upgrading Quicken for many years, getting lots more value in every release, and the price to upgrade is the same. Quicken has competitors, so Intuit can't raise the price. Windows does not have competitors, so Microsoft abuses their monopoly power and raises prices.

<I>Microsoft just wants to protect their freedom to innovate.</I> Aha ha ha ha ha ha! Aha ha ha ha ha ha! That's a good one! Aha ha ha ha ha ha! “Innovation” has nothing to do with it. Microsoft wants to protect their freedom to crush their competitors. Microsoft has never had a reputation for innovation, for good reason; they copy the best ideas from their competitors and put those into Windows in such a way to steer consumers towards other Microsoft initiatives (currently that's MSN and Passport; if you've installed Windows XP, you know exactly what I mean).

<I>But if Microsoft can't integrate functionality into Windows, then consumers won't get the benefits of that integration. The integration <B>is</B> the innovation.</I>

Integration of extended functionality into a users computing environment is certainly desirable. However, that integration can be done in a way that fosters innovation and competition, or it can be done in an exclusionary way. Guess which way Microsoft has been doing things.

The current settlement proposal recognizes and acknowledges this, and is attempting to change Microsoft's anti-competitive behavior in this area. But the language is so weak and riddled with holes, it depends on Microsoft to be “good,” something they have repeatedly demonstrated they don't know how to do.

Final note: I'm not an <A HREF="http://news.cnet.com/news/0-1276-210-7815103-1.html">alarmist who see a possible conspiracy</A> in the total capitulation of the DoJ. I think it was a perfectly ordinary case of George Bush making sure that rich people can stay rich, by making the world safe for large corporations to do whatever they want. But I don't have strong opinions here at all.

Michael A. Alderete  
<mailto:michael@alderete.com> <http://www.alderete.com> voice: (415) 861-5758.  
MTC-651

**MTC-00000652**

From: garypr7265 @ worldnet.att.net@inetgw  
To: Microsoft ATR  
Date: 11/10/01 3:30pm  
Subject: Someone thinks you'll like this...

Someone you know, going by the name, “Gary Rost”, thought you'd find this interesting. If you don't like it, you can yell at them. They said their email address was garypr7265@worldnet.att.net.

I, Cringely The Pulpit. Caught in a UNET Don't Expect Microsoft to Give Up One Weapon Without Acquiring Another—How .NET Assures the Continuation of Monopoly By Robert X. Cringely.

The proposed Microsoft settlement with the Department of Justice has been out for several days, and there has been more than enough ink used to say that it is a sweetheart deal for Microsoft. The DOJ wants to get on to more important duties like confiscating nail clippers at airports, so the deal looks good to them. But to those of us who got our legal education from old episodes of "Law and Order," the deal stinks. How does it restore competition? What does it do for those hundreds of competitors who are no longer even in business because of Microsoft's monopolistic tactics? Well, those outfits—if they exist and if they can find the money to do so—can file civil suits. But most of them won't. I would like to see a class action lawsuit against Microsoft. What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife. So the best use of this space this week, given all the other pundits who have already criticized the settlement, is for me to throw out some ideas about why Microsoft went for it, and how their behavior will change as a result.

It is important to understand here that Microsoft management does not feel the slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that \$36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.

Microsoft has to open-up certain Windows communication APIs to other developers, 1 of 6 12/11/2001 4:24 pm but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs, many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself.

Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing

code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and screw the opposition one year after they stop distributing it separately. These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights. Bill Gates would want to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET.

But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft.

Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft.

.NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved.

Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open.

These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about "innovation," this is what they mean. Nothing is going to change. 2 of 6 12/11/2001 4:24 pm

It is easy to criticize, but for a change, there is actually something that you and I can do about this problem. Under the Tunney Act, the court has to open a 60-day period for public comment before any settlement can become final. This will happen after the settlement is entered in the Federal Register and will probably involve the court establishing a web site. This will be your chance to say what you think should happen in the case (look in the "I Like It" links for

further information). My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products. You might think to suggest that in your comments to the court.

Finally, I have a little space left over to respond to some of the critics of last week's column about the predicted rise of Microsoft's C# language at the expense of Java. This column was wildly unpopular in the technical community. Remember that unpopular is not bad for a columnist. UNREAD is bad. So I thank all those people who got upset and told their friends to read what idiotic things I had written. But I also stand by my words. So here are the typical complaints followed by my typical responses. Thanks go to those nerds who provided such pithy criticism and especially to those who helped me sound halfway intelligent in my response. For those whose eyes glaze over when the talk gets technical, just reread the first part of this column and get mad at Microsoft all over again.

Criticism 1: C# Apps are tied to Windows, Windows, Windows. While this is fine and wonderful for windows developers, there are thousands of UNIX/Mac/mainframe/PalmOS/etc developers out there that will be left high and dry. And let's not forget Java runs on everything from mainframes to smart cards. Bob's reply: Java won't die and I never said it would. Java didn't kill C++—it just stole market share. Visual BASIC was one of the biggest languages of the 90s yet it was Windows-only. Unix is entrenched on the server side, but that's the fault of Windows, not C#. So maybe we can rephrase it—C# will dominate Java on Windows. That's still a pretty big statement. Not to mention, C# is compiled to an IR, making a C# runtime for Unix possible and even probable as long as it skips serious Windows-specific APIs.

Criticism 2: The "Java is slow" myth. More recent JVMs can actually perform as well as or BETTER than natively compiled code. This is because they do just-in-time compilation, making the Java code as fast as native machine code. Also, there is only so much optimization the compiler can do when you compile a program, having no idea how it will actually be used when it is run. At runtime, there is a lot more information available to the system as to what parts of the code are the real bottlenecks. Recent Java implementations employ dynamic runtime optimizations, where parts of the program that run more frequently are recompiled in an optimized manner to improve performance. These dynamic optimization schemes are a very exciting new field for compiler and virtual machine engineers—and they are totally lacking from poor old statically compiled C#. The very way that C# gets compiled ties you to Windows, so dynamic optimization of running C# code will be all but impossible to implement. In the long run, Java has the potential to seriously outperform all statically compiled languages.

Bob's reply: I have very informed friends who have ripped JVMs inside out and they 3 of 6 12/11/2001 4:24 pm can't even see HOW JVMs can be claimed to reform better than compiled code. C (we're

not talking about C# yet, because the critic is talking natively compiled code, like C) will always outperform Java. C doesn't have garbage collection, runtime type checking, runtime array bounds checking, dynamic linking, runtime dynamic-optimization, etc. Java just does too much for the user at runtime to ever run as fast as C.

Here's some code:

```
for (int g=0;g<x;++g) a[g] = 10;
```

This code is legal in both C and Java. Java will array check, C will not. Every other conceivable optimization could be applied to either language. Whether C# will beat Java (or more precisely whether C#'s compiled version beat Java's compiled "bytecode" remains to be seen. But we can expect compilers to compile Java to C#'s compiled representation soon—it is not a hard problem. C# does introduce many of the same things that slow down Java. However, Java's fixation on platform independence does cost it in terms of abstraction. That is, it is abstracted farther from the architecture than C# will be (because of C#'s dedication to Windows). We can't say for sure yet, but the C# runtime makers have the experience of the Java runtime makers to build on and can rely what they're underlying architecture is—Windows. So I'd bet C# will be faster, but for now that's just a bet.

As for just-in-time compilation, it has never, ever, made things as fast as native machine code. Look at Tower Technology's Tower JVM that specializes in compiling Java TO native machine code. They beat JITs easily.

About pre-runtime optimization, it simply doesn't work as elegantly as people would like to believe. Pre-runtime optimizers can spend all week optimizing EVERY spot, not just hotspots. The only time dynamic optimizations come into play is in inlining virtual methods that appear to be non-virtual. DashO-Pro is a static pre-runtime Java optimizer that can inline virtual methods with great success. Hotspot goes a little farther. But C# will also have dynamic optimization. Saying that doing so is impossible is just naive.

C# will JIT'd in Windows. The dynamic optimizations are sure to be implemented. Being coupled to Windows is irrelevant. In fact, C# will have MORE optimization opportunity because it is tied to Windows and Intel. Heck, a C# runtime could get to the level of avoiding CPU pipeline stalls because it can be sure of what its running on. Java could never come close to that.

When Quake 4 comes out in Java, let me know.

Criticism 3: Java is open. Sun develops Java APIs and technologies in conjunction with hundreds of other companies and individuals around the world. Anyone in the world can implement most Java APIs without paying Sun a dime (now if you want that little coffee logo on your product, that's a different story, the make you pay for interoperability testing for that). While Microsoft seems willing to "standardize" C#,

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they will probably open up the language while holding the runtime libraries close to the vest. What good would C have been if the standard C runtime libraries were vendor-

specific? What this means for developers is a single-vendor solution, just like Windows. A large part of Java's success comes from the fact that you can put together applications by mixing and matching pieces from multiple vendors and be guaranteed easy interoperability. For example, you can build an e-commerce web site by buying a Servlet engine from Allaire, an EJB app server from BEA, and Java database drivers from Oracle—and they will all work FINE together—AND you can pick any kind of hardware and operating system! Want your developers to work in Windows, but deploy the app on UNIX? No problem. Want to upgrade from your Intel-based Dell servers to Sun's new 64-CPU UltraSPARC machine? Your code requires NO changes! You don't even need to recompile it, because Java is not statically compiled! What's Microsoft's answer to this? Run everything Microsoft: ASP, IIS, ADO, etc. Develop the app on Windows. Deploy the app on Windows. Stay with Windows forever, and hope Microsoft is good about fixing the plethora of bugs and security holes that will inevitably arise. With C#, who will supply the runtime libraries?

Bob's reply: Java's strength surely is its standardized APIs. C might have that for standard libraries, but branch off into networking or HTTPS and you have plenty to choose from, which is the problem. C# will have standard libraries too. Just as Sun provided all of Java's libs (users had no say) MS will provide all of C#'s. The idea that software components from different vendors can be mixed together and work FINE is an oversimplification. Even getting Java applets to work in Netscape and IE at the same time can be a major pain. Java's platform independence is dubious. It seems like 95 percent of your application will work perfectly when moved to another platform like Unix and it takes another week to fix five percent of the quirks. No problem? I disagree.

Java is "statically compiled", but it is not statically linked. And even if it was statically linked, it runs everywhere because it is compiled in a generic stack-based intermediate representation called bytecode. Bytecode is then interpreted or JIT'd by some Java runtime build specifically for a given architecture. Java runtimes cannot be built in Java, they are usually written in C or C++.

Microsoft already has supplied the runtime libraries for C#. Check the docs for .NET.

Also, we're sort of forgetting here that C# compiles to CIL (an intermediate representation) but so does Visual BASIC and C++. In other words, modules between these languages will interoperate seamlessly.

Where Java gives you platform independence, .NET is giving you language independence. I fully expect Java to be added to the interoperability list too.

It is too early to be sure, but is highly likely that existing C++ and VB code can be recompiled under Visual Studio 7 and then called and used by C# programs. That is, every library written in VB or C++ is already a .NET library.

Criticism 4: Developers have learned long ago that single-vendor lock-in solutions are a recipe for disaster. If you can't swap out a buggy piece with a functionally correct one from a different vendor, you're tied to the poor-quality vendor (like Microsoft).

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I, Cringely the Pulpit

Bob's reply: And 90 percent of the world runs Windows because...? OS/2 was better than Windows, but that didn't matter. This is about marketing and company strength. Microsoft has \$36 billion in the bank while Sun is laying people off.

Criticism 5: Do not discount Java simply because you don't see tons of consumer applications written in Java. Java has serious momentum on the server side.

Bob's reply: Java GUI is dead. Go to Best Buy and look for Java apps. They aren't there. Java's platform independence was all about satisfying a million clients running Windows, Unix, Mac, etc. and then we abandoned Java on the client because it was too slow and klunky.

Now we tout Java platform independence on the server as if we never had the foresight to buy the right server in the beginning. Or even if we must upgrade, we must upgrade to a radically different architecture. Sure, platform independence on the server is great, but is nowhere near as grand as the original vision of PI on the client.

Java's true strength is its programmer productivity. It's broad set of standardized libraries make programmers far more productive than C++ or C. Unfortunately, C# can match that. Technical merits and zealotry aside—Sun would BE Microsoft if they could. Even if Java had wonderful technical merit over C# and .NET (which it really doesn't), it would lose. That's business.

Home The Pulpit I Like It Baloney Old Hat Tell Me When Pass It On Bobs World

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MTC-652

**MTC-00000653**

From: donspra@attglobal.net@inetgw

To: Microsoft ATR

Date: 11/10/01 4:22pm

Subject: I am a consumer that Microsoft continues to harm

Over 4 years ago I began writing to the DOJ asking your help. Microsoft continues to harm me and other consumers. You let us down and I would like to know how to let the courts know that the agreement is harmful to consumers.

I want an operating system that allows me to add just the applications I want. I do not want all the junk that Microsoft adds to the operating system. They fill the computer with extra code that is of value to only Microsoft. It is like a person trying to purchase a sports car then adding a rack for bicycles. Microsoft is the only player but they do not offer a sports car, they only offer a semi tractor and trailer. The trailer is full of their code. If I want to add a competing application, I must add a tandem trailer behind their trailer. I do not want or need their trailer full of their code. I only need the tractor and an empty trailer that I can fill as I desire or need.

Microsoft comes into my home a few times a month and causes my machine to lock up. I know that I could end some problems if I were to switch to all Microsoft applications but I prefer to use the applications of the originators vs. the master copier.

I would be happy to discuss this with you any time. Please call. 423-235-4663.

Don E. Sprague  
3105 Gap Creek Rd  
Bulls Gap, Tn 37711

MTC-653

**MTC-00000654**

From: Empresas  
To: microsoft.atr(a)usdoj.gov  
Date: 11/10/01 10:20pm  
Subject: Base de Datos—1.000 Empresas  
EMPRESAS—Base de datos con las 1.000 Empresas ms grandes del pas (ventas superiores a \$20.000 millones anuales), con los siguientes campos: razn social, sigla, Nit, direccin, telefono, fax, actividad empresarial (cdigo CIU Rev. 3.0), nmero de empleados, ciudad y departamento, cifras de Activos, Patrimonio, Ventas y Utilidad para los ltimos cinco aos (Incluye cifras del ao 2.000). Adicional a esta base se encuentra la base de datos de directivos y ejecutivos de estas empresas (ms de 9.500), con los siguientes campos: nombre, cargo, rea por cargos, direccin, telefono y fax.

Estas bases de datos se encuentran relacionadas, la APLICACION que las maneja permite hacer bsquedas simples o complejas por todos los campos, agrupa diferentes tipos de bsquedas, prepara e imprime reportes, rtulos y cartas, hace llamadas telefnicas y enva email's. La aplicacin es totalmente autnoma, es decir no necesita ningn software adicional para su total desempeo en Windows 95 o superior.

COMO VALOR AGREGADO le damos acceso a toda la informacin sobre COMERCIO EXTERIOR (27.000 importadores y 4.000 exportadores), a travs de enlaces Va Internet a MINCOMEX, PROEXPORT Y LA COMUNIDAD ANDINA. Tambin le facilitamos la conexin a sus propios enlaces.

PRESENTACION—Las bases de datos y la aplicacin se entregan en un CD, que permite la auto-instalacin. VALOR DEL CD—Col\$ 100.000, los cuales se deben depositar en COLMENA en la cuenta de ahorros No. 0114500194215 a nombre de Directorio Nacional de Fax, copia de la consignacin con las instrucciones de entrega enviarlas al Fax 6178 102/6179073 Bogot y el CD y la factura sern enviados al da siguiente va Servientrega. Si ya adquiri la versin 500 Empresas deposite nicamente Col\$50.000 Empresas—Tr. SiA No 123-01 mt. 10— Tel. 6135184— Fax 6178 102/6179073— empresas@elsitio.net.co - Bogot Colombia Si desea ser removido de esta base de datos, responda a este mensaje indicando—remover—en el subject

MTC-654

**MTC-00000655**

From: Judy & Leo Klohr  
To: PITECH@PRODIGY.NET  
Date: 11/11/01 10:28am  
Subject: Re: Case: 9712583

Sirs,  
I am very disappointed in the fact that you direct your subscribers to update their Microsoft Browser, and even give them a link directly to the update site, but do not support your Netscape subscribers the same way. Is this another of Microsoft's Monopoly effects, or your own weak subscriber support?

Regards  
Leo Klohr...

—REPLY, Original message

follows—  
Date: Saturday, 10-Nov-01 02:00 PM  
From: PITECH@PRODIGY.NET / Internet:  
(pitech@prodigy.net)  
To: Leo Klohr & Judy Occhetti-Klohr /  
Internet: (judyandleo@prodigy.net)  
Subject: Case: 9712583

Dear Leo Klohr,  
Thank you for writing and for using the Prodigy Internet service. We value your membership and are committed to bringing you an Internet experience that is much more in-depth, personalized and organized.

Since Prodigy Portfolio and Money pages require an upgrade to Netscape 6 for full functionality. You need to upgrade the Netscape Navigator on your system. You can upgrade it from the website <http://netscape.com>. To ensure that you receive the most updated benefit information, go online to the Member Help Center at <http://myhome.prodigy.net/help/> to access updated information and quick solutions for any problems that you may encounter.

Thank you for being a Prodigy!

Sincerely,  
Shawn  
Prodigy Customer Care

MTC-655

**MTC-00000656**

From: judyandleo@prodigy.net (Leo R. Klohr)  
To: pitech@prodigy.net  
Subject: I want to be able to use Netscape

Navigator like I have been all along.  
I logged onto Prodigy just like I always have and the display was not at all like I have gotten before.

When I try to look at my portfolio, which has always worked, it is not there In both cases, I get a message telling me I must update my MS browser, which I have never used.

I do not want to use the MS browser, I want to use my Netscape browser. Here is more detail on the questions above: Windows 95 4.0 (Build 1212) homenummer->9 19/782-0667 OS->W95 OSVers->05R2 Brand->IBM Aptiva Chip->Pentium Mem->32 modem->LT Win Modem Speed->576+ PIVers->5x Browser->NC Source->5 SUBMIT->Send Support Request —REPLY, End of original message— 5013 Sandlewood Drive Raleigh, NC 27609-4422 Home: 9191782-0667 Fax: 919/783-6637 (call before sending a fax)

The terrorists who attacked the United States on September 11 aimed at one nation but wounded the world ... But if the world can show that it will carry on, that it will persevere in creating a stronger, more just, more benevolent and more genuine international community across all lines of religion and race, then terrorism will have failed.

—Kofi Annan  
Secretary General of the UN and Winner of the Nobel Peace Prize for 2001 E-Mail: judyandLeo@Prodigy.net  
CC: US vs Microsoft

MTC-656

**MTC-00000657**

From: William M. Edwards  
To: Microsoft.atr(a)usdoj.gov  
Date: 11/11/01 11:46am

Subject: U.S. v. Microsoft: Proposed Final Judgment  
Hello,

Last week, I returned from vacation to learn about the proposed final judgement published by the U.S. Department of Justice. To say that I was shocked is an understatement.

I have worked in the computer industry for over 20 years, and over those years I had already learned of the many predatory and unscrupulous acts perpetrated by Microsoft. Indeed, I have myself been victimized by Microsoft's misdeeds by virtue of being an employee of a victimized company.

When the DOJ finally took action against Microsoft, I was elated. I felt that Microsoft would finally be punished for its blatantly illegal behavior and/or prevented from engaging in such behavior any longer. Judge Jackson's findings of fact further bolstered my optimism. The courts finally acknowledged the scope of Microsoft's anti-competitive behavior and the harmful effect it has on the computer industry. Microsoft's attempts to delay justice through appeals did not surprise me, nor did the fact that Judge Jackson's findings of fact withstood scrutiny and re-examination. Microsoft is guilty and does not have a leg to stand on, and I was therefore optimistic that Microsoft would eventually receive judgement against them that was so long overdue.

The proposed final judgement is essentially letting Microsoft off scott free. As an American taxpayer, I am outraged that the DOT is essentially throwing out a case that they have spent a so much time and a huge sum of money on, especially in the final stages of litigation they have already won. As an American who depends on the DOJ to protect him from those who engage in illegal activity and to punish those that do, I feel betrayed.

Some would say that Microsoft no longer is in a threatening position and that the anti-trust suit against Microsoft is no longer relevant. Hogwash. Microsoft still holds a monopoly on desktop PC computer systems and can still bundle any software with the Windows operating system that it so pleases under the guise as being part of the operating system, thus allowing them to continue their illegal anti-competitive behavior. The fact that they can leave the browser entwined within the operating system still allows them to illegally leverage their current Windows monopoly to extend the monopoly to Web-based applications. In short, Microsoft will continue with their past illegal behavior undeterred. The long-term effects of this on the computer industry and consumers in general will be detrimental.

This case reeks of politics in its worst form. Justice has been subverted by undue leniency by "friends in high places". I promise you that this will come back to bite you. Microsoft will once again be in the headlines and you will have some explaining to do.

Sincerely,  
William M. Edwards

MTC-657

**MTC-00000658**

From: Jeff Pert-in  
To: Microsoft ATR

Date: 11/11/01 12:43pm

Subject: Microsoft

To All at the Department of Justice,

I am very disheartened to learn of the DOJ's light handed treatment in regards to the sentencing of a company convicted of so openly breaking the United States' anti-trust laws. Allowing Microsoft to get off with so much as a slap on the hand is an insult to the American consumer and America's legal system. Yet again, it appears that it only matters who you are and how much money one has when it comes to justice! Microsoft is GUILTY! Allow them to be punished like any other corporation would in the same circumstances!

Recent actions in the bundling of new software applications within the new Windows XP OS even prove Microsoft believes it has no reason to fear the DOT. Even more, the .net strategy show Microsoft's determination to clench a stranglehold on even the Internet itself!

Computers are set (if not already) to take over vital functions on a world-wide scale, from air traffic control, to financial and medical database systems. Allowing one platform to control them all will only open invitation to national disaster as one weak link in the software (or infamous hidden "back-doors") will put the American public at the mercy of virus writers and other cyber-terrorists! Case in point: A single flaw in Microsoft server software led to the Nimda virus and other similar attacks which cost industry millions (billions?). Having a wider variety of platform choice would greatly reduce the effect of such an attack, as a terrorist would need much greater resources to compose a virus or strategic attack against multiple computer system types.

At any rate, please reconsider your weak response to the Microsoft conviction. To do otherwise is an injustice and would do nothing but reinforce Microsoft's grip on the world.

Thank you for listening. I know I speak for many others!

Jeff Perrin

MTC-658

**MTC-0000659**

From: finnabennacht@yahoo.com@inetgw

To: Microsoft ATR

Date: 11/11/01 7:02pm

Subject: antitrust

Dear Sir or Madam,

I am a computer user and I strongly object to the settlement you have brokered with Microsoft. In the United States we are supposed to have choices. When it comes to operating systems for personal computers we have two: Windows and Linnux. Windows is an expensive, difficult system that uses excessive space on the hard drive, is plagued by inconvenient system failures, and has little or no capacity for modification. Linnux is a cheap, unfathomable system that supports few applications. Our choices are very limited because of Microsoft's monopoly. The whole point of this court case was to give citizens more choices when we shop for pc operating systems. The remedy Microsoft has been able to foist on you and us protects their monopoly and leaves a consumer landscape in the operating system

market that allows two choices: bad and worse. I want to be able to buy an operating system that has only the functions I need, can be taylored to my specifications, augmented seamlessly with many different types of software, has a reasonable price, is reliable, never forces me to use a particular internet browser for smooth operation... get the picture?

Mike Brennan

110 Beresini Lane

Hollister, CA 95023

Do You Yahoo!?

Find a job, post your resume.

<http://careers.yahoo.com>

MTC-659

**MTC-0000660**

From: Ralph

To: Microsoft ATR

Date: 11/11/01 8:30pm

Subject: What a sell out!!

I am very disappointed to see the U.S. government cave into Microsoft after so many years of hard work. I do not believe the agreement will restore competition in the PC software market but will instead cement Microsoft's excessively dominant position. How could you negotiate such a swiss cheese agreement?

Like you forced IBM to unbundle hardware and software, you should have forced Microsoft to unbundle the operating system with applications.

Here is what you should have done:

- \* Remove all applications: browser, media player, passport, instant messenger, etc, from base OS.

- \* Require Microsoft to provide an application CD with these applications instead.

- \* Require all PC manufacturers to include a full CD of non-Microsoft software. Such software can be freeware, shareware, trialware, or open source. Forbid the sale of any Microsoft OS, retail or pre-installed, without these two CD's.

Consumer chooses what mix of applications to install from either CD. The consumer gets to choose the best from each.

Instead, what you have done is harm the consumer by limiting the choices the consumer can make. Clueless consumers will take the Microsoft applications by default. Innovation will suffer.

Too bad I can't tell you who I am, for fear of retribution from Microsoft.

MTC-660

**MTC-0000661**

From: andrew arnold

To: Microsoft ATR

Date: 11/11/01 9:08pm

Subject: Make Remedies More Forceful

Dear DOJ:

I have been following the case vs. Microsoft closely because I am an average user that feels that competition in the industry is lacking. Microsoft has managed to leverage its way into one area after another because of its monopoly power. The WordPerfect word processor and Netscape Navigator web browser are prime examples. Once dominate applications fell when Microsoft abused its monopoly power.

The recent proposed settlement appears too weak to me. Please consider taking

stronger action to restore competition in such an important part of our economy.

Kind regards,

Andy Arnold

Louisville, KY

[a0arno01@athena.louisville.edu](mailto:a0arno01@athena.louisville.edu)

MTC-661

**MTC-0000662**

From: Scott Dunbar

To: USDOJ

Date: 11/12/01 12:44pm

Subject: Wired News :Windows XP: EXtra Proprietary

A note from Scott Dunbar:

Obviously, the DOJ is incapable or unwilling to bring Micro\$oft to justice. You guys "prosecute, and the villians get worse.

From Wired News, available online at: <http://www.wired.com/news/print/0,1294,48011,00.html> Windows XP: EXtra Proprietary By Michael Tiemann 2:00 a.m. Oct. 31, 2001 PST Microsoft has launched its latest version of Windows, Windows XP (eXtra Proprietary). Tightening its stranglehold on all industries that use computers, Microsoft's XI? features are certain to further degrade customer choice, cost/performance and, in some cases, even civil liberties.

Let's start with the premise of any free market economy: customer choice. The Windows XP default installation process offers one choice for Internet connectivity: Microsoft's proprietary MSN network. On top of this, Microsoft also has specially tuned its MSN.com site to reject connections from non-Microsoft browsers, including Netscape, Mozilla and Opera.

See also:

Of Mixed Messages, Linux and XP

Windows: Linux meets Windows

A Linux OS to Challenge MS?

XP Demo: Hey, This Is Fun

XP Is Hot, But Not Windows 95-Hot

Give Yourself Some Business News

Microsoft has been convicted of monopolistic practices by not one, but two courts, and has had its appeal to the Supreme Court denied. It might make one wonder why Microsoft is being so bold with its exclusionary, eXtra Proprietary technologies. It's because Microsoft believes that time is on its side; the 1995 abuses are only now being judged, and there's no remedy or no penalty in sight.

In the meantime, Microsoft has been earning \$1 billion a month net income from its monopoly, money users pay because they believe they have no choice. Should users who have been unable to free themselves from Microsoft's regular proprietary technologies expect life to get any better by buying into Microsoft's more powerful eXtra Proprietary technologies? Let's see. One of the most controversial new eXtra Proprietary technologies is Windows Media. In a twist that no framer of the U.S. Constitution could have imagined, Microsoft is using patents to prevent software interoperability with its eXtra Proprietary technologies. Of course, Windows Media has to compete with the immensely popular MP3 format, but Windows XP limits the quality of MP3 encoding and decoding. By intentionally degrading the quality of all competing

technologies, and by allowing only Microsoft-approved uses of its own technologies, Windows Media has the potential to create yet another monopoly for Microsoft—a monopoly that extends from software to content. Such a monopoly would change our entertainment economy from one of unlimited content at limited cost, to one of limited content with unlimited costs.

Moore's Law promises that silicon technologies will offer 2x price/performance improvements every 12 to 18 months. Yet every version of Windows (and Windows XP is no exception) conspires to steal most if not all of the dividends of Moore's Law. The result is that PCs have become much more powerful, but not much cheaper nor much more functional.

Microsoft Windows, on the other hand, has become much more bloated. Microsoft is hoping thousands of users will rush to stores and spend nearly \$100 for their latest OS. Don't do it. EXtra Proprietary technologies require extra CPU speed and memory, virtually requiring a hardware upgrade to go with your software upgrade. Indeed, Microsoft has the audacity to suggest that if your PC is more than two years old, you should junk it and get a new one.

While PC vendors may welcome that message, such a wasteful approach is actually bad for the economy because it bankrupts the buyers that keep the economy going.

Another eXtra Proprietary feature is Passport, a recent winner of a Big Brother Award. Passport collects user information (name, phone numbers, credit card numbers, etc.) and stores that information at Microsoft. Passport is the "how" that then gives Microsoft control over the "who, what, when, where" and possibly "why" of Internet transactions. Microsoft is happy to let customers exchange personal privacy for convenience within Microsoft's proprietary network.

A writer for the Christian Science Monitor recently observed: "More than anything else, XP reminds me of a tourist trap. You arrive in a foreign city, and a handsome stranger walks up to you and says he will show you around the city. He offers to take you to the very best shops and restaurants. But you soon realize that he is taking you only to places that are owned by his relatives or by someone who gives him a kickback."

Microsoft's eXtra Proprietary go beyond mere tourism: Most users find that with Microsoft's Passport they cannot get out of Microsoft Country once they enter. Is this really where you wanted to go today?

Let's get out of this vicious trap the way we got in: by controlling what we do with our money. If you are already running Microsoft's products, do the sensible thing and BOYCOTT THE MONOPOLIST. Let Microsoft's latest products sit in warehouses until Microsoft comes to their senses and removes all the eXtra Proprietary technologies they've been engineering over the past several years. Wait until Microsoft offers a level playing field to other operating systems, applications and network service providers.

For those of you who cannot stand still, join a LUG (Linux Users Group) and maybe upgrade to Linux. Aside from saving a

bundle on licensing fees (there are none), you'll get unprecedented freedom and control. With thousands of Red Hat Certified Engineers, and millions of Linux enthusiasts, any configuration running on any hardware can be supported at a fair price (determined by a free market of competing vendors) for as long as you want. Suddenly, hardware and software upgrades will be your choice, not a choice dictated to you. Suddenly, money you spend will be on things that you value, not things you are forced to pay for. Suddenly, you will begin to see the engine of growth that Moore's law enables come back to life, and the dividends it pays will be ones you can put in your bank account, not the bank account of a convicted monopolist.

Michael Tiemann is the chief technical officer of Red Hat.

Related Wired Links:

Of Mixed Messages, Linux and XP Oct. 31, 2001

Lindows: Linux meets Windows Oct. 25, 2001

Gates: Hello XP, Goodbye DOS Oct. 25, 2001

Don't Have a Cow: XP Is Here Oct. 25, 2001

A Linux OS to Challenge MS? Oct. 25, 2001

XP Is Hot, But Not Windows 95-Hot Oct. 25, 2001

XP Demo: Hey, This Is Fun Oct. 24, 2001

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MTC-662

**MTC-00000663**

From: Kevin Hodapp

To: Microsoft ATR

Date: 11/12/01 2:19pm

Subject: More evidence on Microsoft's anti-competitive nature

I just found an article on Microsoft on an leaked email that reviles more on their anti-competitive nature at <http://www.theregister.co.uk/content/4/22770.html>.

"There are many other things that you need to watch out for with Linux and the Linux Compete Team has been busy creating some great collateral to help you win. One thing you have to always keep in mind here—Linux is the long term threat against our core business. Never forget that! You should be smothering your accounts from every angle and if you see Linux and/or IBM in there with it, then get all over it. Don't lose a single win to Linux" So it sounds like they are going to start another FUD(Fear, Uncertainty, Doubt <http://www.geocities.com/SiliconValley/Hills/9267/fuddef.htm1>) campaign, which they have done in the past. These campaigns are used as pro-Microsoft propaganda to crush anyone who competes against them, which often results in Microsoft using this dirty FUD tactic to spread misinformation and lies intent on destroying their competition and making them look good.

It also seems to be that they are going to start bullying and harassing businesses switching from UNIX to Linux and/or Windows to Linux, to switching to their own products. The thing that does not make sense is that while UNIX and Linux are the same so a switch can be done easily with little

cost, why would any business go through the hassle from UNIX to some other Microsoft product? They are 2 completely different operating systems. The business would have to spend a lot of cash to get their computers functioning like they use to if they switched to some Microsoft product, which are not quite as reliable and cost efficient as UNIX/Linux in the first case. I think this is about the amount of money Microsoft can make on the licensees and their outrageous price schemes making lots of money off of these businesses with little effort and support on their part. This is a big reason many business are switching to Linux, the cost is just too much for too little.

Also I do hope that you make sure that Microsoft does not try to worm its way out of these anti-trust restrictions. I am saving up for my next computer with will hopefully be a Dual-Boot system (thanks to the rulings), primarily it will be a Linux server running SAMBA(Thanks to the ruling again) so I can communicate with my old Windows 98 based PC and any future Microsoft OS's if I get another machine. This pc will have a small windows partition for those occasional games I can't run in Linux.

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

MTC-663

**MTC-00000664**

From: Anita (038) Curtis Engelman

To: Microsoft ATR

Date: 11/12/01 2:53pm

Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I am requesting you to reconsider your Department's agreement to the settlement with Microsoft. I am just a regular computer user who, up until a few months ago, felt no antipathy towards Microsoft. But now I think reconsideration is necessary due to the following:

1. There is real, credible evidence that Microsoft's new Windows XP operating system will severely compromise the security of the Internet. See <http://grc.com/dos/xpsummary.htm> for details. Microsoft has been advised of the issue, but they are ignoring this critical matter.

2. It is my impression that Microsoft is continuing their monopolist practices in Windows XP.

3. Microsoft is moving toward a new level of end-user control by restricting end-users from installing Windows XP and Office XP more than 4 times. And, if you make rather simple modifications to your computer hardware, your prior installation of XP or Office XP may not function.

Sincerely,

Curtis L. Engelman  
127 Pennsylvania Avenue  
Binghamton, NY 13903  
607-724-9255

MTC-664

**MTC-00000665**

From: K Field

To: Microsoft ATR

Date: 11/12/01 4:48pm

Subject: Microsoft seems to be laughing.

Please read

HI I am a Microsoft supporter., well at least in the past., Microsoft seemed to be

innovative & supplying good products & support.. I have been reading articulate lately from other professionals or people like myself who alarmed at the changing practices of Microsoft.. Where is this going to leave us if Microsoft rears its ugly head in a rabid attitude.. We all use the Windows platform & would be at its mercy,, I hear of things that begin to turn my stomach in the idea that such an idea might happen to soon.. The have to much power & control which in the hands of some is way to frightening.. Microsoft should also pay for the costs of such a trial as well, I will keep it short as to not overwhelm,, I still like Microsoft, at least for the moment but my opinion is changing along with many others in the Tech world.

Microsoft needs a good spanking not a scoulding Thanks Your supporter Ken

MTC-665

**MTC-0000666**

From: Neal

To: Microsoft ATR

Date: 11/12/01 10:43pm

Subject: Comments about MicroSoft

1. MicroSoft produces programs that are not very good, but uses it's Monopoly to force upon everyone.

— Windows releases get worse at each issue.

— Example: I have Windows NT 4 (SP6a) [Windows NT 4.6a] and it still doesn't work correctly.

2. It breaks competitors with outrageous licensing requirements for computer vendors.

3. New Internet offerings invade privacy and attempt to destroy existing web sites.

4. They add "features" to Windows designed to kill any competition, while claiming to "enhance" Windows.

5. Claim to support and comply with Internet Standards, but break them on purpose in IE.

6. Truly believe they are "above" the general needs of the Public and need not answer to the basic rules of business behavior and the Government rules.

7. Laugh at DOJ and State efforts to bring them into the real world. They continue to ignore all previous sanctions and pending ones because they figure DOJ will do nothing.

8. Release new OS versions that fix "bugs" and require users to pay full price to replace the faulty OS they released (Example: Windows 98-> Windows 98 SE)!

9. Now hide "updates" and "upgrades" as Service Packs so the screw ups are not obvious to the consumer.

10. Have never released a version of Windows that was fully functional, the x.0 version is well known by Business and some Consumers to be a "BETA" to be tested by the user!

11. Have "stolen" software from other vendors (DOS 6.0) and included in MicroSoft products.

12. Never finish an OS, just make a new one and demand that all users purchase the new one and toss the previous one. LB Neal

MTC-666

**MTC-0000667**

From: Van Secrist

To: Microsoft ATR

Date: 11/13/01 3:07am

Subject: Please don't settle like this

Dear Sirs,

I am an entrepreneur working on a software/web application. I am extremely worried with your current proposed settlement with Microsoft. The company has a long history of squashing any form of competition. I and many other developers are terrified of Microsoft's wrath. There is a genuine fear in the developer community of getting in Microsoft's gun sights. There are so many loopholes in the current settlement that will allow Microsoft to continuing their lying, cheating, conniving ways. Your settlements need to be far more air-tight.

Shame on you for proposing such a transparent and ludicrous settlement. I've truly lost faith in the U.S. government. Do the honorable thing. If you are not up to the task of prosecuting a convicted monopolist, then resign and let someone capable handle the matter.

MTC-667

**MTC-0000668**

From: Ailde

To: Ying Shi,Joel S. Polin,John Lee,Myron Kaplan,Joe K...

Date: 11/13/01 3:13pm

Dear Friends,

I have just read and signed the online petition: "OS/2 is Dead, Long Live to OS/2!" hosted on the web by PetitionOnline.com, the free online petition service, at: <http://www.PetitionOnline.com/OS24FREE/> I personally agree with what this petition says, and I think you might agree, too. If you can spare a moment, please take a look, and consider signing yourself.

MTC-668

**MTC-0000669**

From: root@wt6.usdoj.gov @inetgw

To: tiemann@cygnus.com @inetgw

Date: 11/14/01 2:43pm

Subject: Windows XP: EXtra Proprietary

CC: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph @essen...

I,,"...

Re:Windows XP: EXtra Proprietary

This is an excellent article. But targeting Microsoft directly misses the real target: the environment that cultivates Microsoft. Fixing the environment breaks the pattern in addition to individual perpetrators. It is time that the movement start focusing on principles. A failure of principles has the USA in a lot more trouble than it wants to admit. Capitalism is dangerous when taken to extremes, like anything. Moderate it. Start the transition with the sore thumb of radical capitalism, the Microsoft Monopoly Menace.

"Moderation and such is not the will of almighty Dallah according to profit Ronnie Reagan, peace be with him... Try again for you to hit jackpot, my capitalist friend..."

1 of 1 12/11/2001 4:23PM

MTC-669

**MTC-0000670**

From: Richard Finley

To: Microsoft ATR

Date: 11/14/01 8:48pm

Subject: Microsoft

The old saying "if you tell a lie often enough, it will be believed" is still good. The Microsoft lie that any restrictions on them

would limit innovation has taken the form of a truth. How can bundling an internet explorer be called innovation?

I am amazed that you sold out to them after the appellate court agreed they are a monopoly, all you had to do was let the court determine a just settlement.

You truly are a great friend of big business, I say that as a former Republican.

Richard Finley

MTC-670

**MTC-0000671**

From: Eugene L. Willey

To: Microsoft ATR

Date: 11/15/01 2:31am

Subject: Java and Xp

I hope you lawyers realize you have tens of thousands of overworked developers rewriting web deployed code to replace Java on their applications. You Mr. Gates and his Gatesian dreams are really accelerating. With the help of out federal government. You have effectively destroyed a very powerful technology overnight. Mr. Gates has removed Java from XP so XP users cannot access java enabled websites. I personally will be rewriting 1000's of lines of code using C# and P# I suppose or removing java from my sites. You guys used the war to hide this dastardly deed and we are paying for your miscalculations. Where is the oversight you promised. I don't think all your lawyers are working on Homeland Security. At least not the ones who prosecuted thei miscarriage of justice. You decided and now we must pay. I don't believe you ever intended oversight of this debacle. I hope you can tell I am really mad. This is like the government submitting citizens to torture.... Gene

MTC-671

**MTC-0000672**

From: Eugene L. Willey

To: Microsoft ATR

Date: 11/15/01 2:41am

Subject: Follow-up to prior message

In order to comply with your decision we must all buy XP machines to replace our existing machines. Microsoft is not making their software C# and P# which they say will replace Java Platform independant. So your decision creates a ready made new market form your pet company. This is now a truly terrifying state of affairs. You not only approved of their monopolistic practices you failed in your oversight and made them mor of monopoly than they were before. Mr. McNealy was right about you guys. This is truly disgusting... .Gene

MTC-672

**MTC-0000673**

From: root@wt6.usdoj.gov @inetgw

To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph @essen...

Date: 11/15/01 4:52am

Subject: Microsoft Hegemony: Competition XOR Compatibility

CC: letters@latimes.com@inetgw,letters@smercury.com@i.

Re: Sony sees world with less Windows

The technology would enable people to communicate ... without going through a computer or an operating system such as Microsoft Windows.

The only way anyone can compete with Microsoft is by fragmenting the computing infrastructure. Had the USA promoted an open standard OS, then all infrastructure would be compatible. By refusing to force the standard commodity OS into the public domain where it belongs, the free market radicals have forced competition and compatibility to be mutually exclusive. Fantastically asinine.

"You want competition and compatibility both? That is like having cake and eat it too, dummy..."

1 of 1 12/11/2001 4:22PN

MTC-673

**MTC-00000674**

M. Dandini  
Microsoft ATR  
11/15/01 5:03pm  
Piu1 Traffico al tuo Sito!  
Webmaster,

iscriviti Gratis alla Top List italiana dove ogni sito ha diritto a vedersi esposto ii proprio banner. Il suo nome Grandioso!

Hai notato che le maggiori top list italiane hanno eliminato tutti i banner dei siti iscritti?

Il proposito di Grandioso proprio quello di riavere una Top List con banner per tutti!

Per informazioni: <http://www.grandioso.it/webmaster.htm>

\* \* \* \*

Per rimuovere la tua e-mail dalla mailing list rispondi a questo messaggio inserendo la dicitura UNSUBSCRIBE nell'oggetto

From:  
To:  
Date:  
Subject:  
MTC-674

**MTC-00000675**

From: ptate@odyssey.net@inetgw  
To: Microsoft ATR  
Date: 11/15/01 9:23pm  
Subject: Microsoft Settlement

I am very disappointed at the weak approach DOJ has taken in this case. As a Macintosh user, the monopolistic practices of MS are evident. Apple hangs on by a thread, and only because MS needs it as evidence of fair competition.

The high price of MS software indicates a market lacking competition, and a short look at history shows many companies failing when confronted by the huge resources of MS.

Please reconsider your approach to this case. The US will prosper when competition is truly fair.

Philip Tate  
Freeville, NY

MTC-675

**MTC-00000676**

From: David (038) Cara Urry (CDU Associates)  
To: Microsoft ATR  
Date: 11/15/01 10:49pm  
Subject: Please don't settle the Microsoft Case

1) The legal representation of the US Justice department case against Microsoft is a product of the 2000 election. They all owe their jobs to Microsoft who made significant contributions to the Bush campaign. The Bush presidency cut the funding on the Microsoft case to a ridiculous point.

2) Microsoft has an undisputed monopoly on operating systems. They are close to having a monopoly on many types of Application Software (Web Browser, Word Processor, Spread Sheet, Presentation Graphics). If this settlement is agreed as written, it will be the death of Application Software development in the United States and this agreement will go down in history as it's tomb stone. I'm sure you have much more lengthy arguments they I could make as to why.

David Urry  
209 Vest Way  
North Andover, MA 01845

I have 17 years of software development experience. 6 months ago I founded my own company after being Vice President of engineering for Beachfire.

MTC-676

**MTC-00000677**

From: Ken Landon  
To: Microsoft ATR  
Date: 11/16/01 2:48am  
Subject: Microsoft Gentlemen:

As a consumer and taxpayer, I respectfully request that you drop all charges against Microsoft. The company has provided software at reasonable prices that has made my life much better. If justice is to be done, all antitrust charges against Microsoft should be dropped and all the company's expenses involved in fighting the case should be reimbursed to it.

Sincerely,  
Kenneth Landon  
200 Clinton Street  
Brooklyn, NY 11201

MTC-677

**MTC-00000678**

From: LarryW  
To: Microsoft ATR  
Date: 11/16/01 3:13am  
Subject: Antitrust Settlement

After reading what you did NOT do to Microsoft on the Ap. I must complain that you have sold out the computer users of the world to a Monopoly. MS has a strangle hold on the computer users and no small company will ever shake them loose. There is NO competition and never will be unless you break them up. Had the Government NOT broken up AT&T we would still be renting our 61b bell ringing phone from the local phone company and paying \$0.50 per minute for long distance. We need competition in the computer industry not a giant killer.

Larry Williard

MTC-678

**MTC-00000679**

From: Bob Belier  
To: Microsoft ATR  
Date: 11/16/01 5:51am  
Subject: Anti-trust settlement

Have looked over the settlement offered by the DOJ to Microsoft in this case I can't help but wonder why congress doesn't start looking at Microsofts anti-trust exemption, not baseballs.

The "remedies" have no chance of working. Only the largest companies will be able to get access to the desktop, smaller

one's will be shut out, again. Who's idea was it to have Microsoft pay the "watchdog panel"? That's like having the residents of Sing-Sing pay the guards and expecting no one to escape.

This was a huge sellout by the DOJ and did nothing for anyone. Hopefully the other 9 states that had the sense to not buy into this settlement can get some real change brought about in MS's practices.

I'm very disappointed in this settlement, and I think the taxpayers got ripped off on 6 years of legal costs for no apparent gain.

Robert Beller  
Zion, IL

MTC-679

**MTC-00000680**

From: addbdigital  
To: Microsoft ATR  
Date: 11/16/01 6:11am  
Subject: The proposed settlement is not in my, nor the public, interest.

Hello,

As a consumer, I find the settlement with Microsoft to be inadequate. The settlement MUST include a multi-billion dollar fine against Microsoft, for the harm they have caused. Without a fine, there is no penalty to Microsoft.

The proposed settlement is not in my, nor the public, interest.

Sincerely,  
David Sheiman

MTC-680

**MTC-00000681**

From: Jen  
To: Microsoft ATR  
Date: 11/16/01 6:13am  
Subject: Microsoft's Business Practices.

To whom this may concern:

As a citizen and consumer I am pretty outraged by the mess Microsoft has placed the computer industry in. When a company gets control over an industry as important as the computer industry the consumer pays the price. With the recent release of the Windows XP operating system they have once again taken another step to unfairly entrench their position. The companies practice's are insulting and very unfair.

Because they are the only choice I have to run the software I need to. I have to put up with this new activation "feature." This is just another step for them. Everytime I have to reformat my computer or add new components to it I have to contact them to activate the software I already purchased. I really hope they are not gathering personal information about me without my knowing it. The main problem here is I have NO choice in the matter. Not to mention it makes me feel as though they are watching everything I do in the privacy of my own home. What's next for them, required thumprints to print a paper?

Bottom line is this, they are the only company that can get away with this. Do you think in a competitive industry like lets say the automobile industry, that a car company would choose to make you call in any time you wanted to add a new improved part to your engine? Sorry John Doe this is made in japan part is not supported by our company so your car wont start now. No, because

people have a choice in the type of car they buy. But not so in software. If we want to play game X we have to call them for permission because we just added a new sound chip. This just boils my blood. Whats next they going to require their customers to come down for DNA tests before we can use Windows 3000 which the consumer has already paid their hard earned money on. I am not a lawyer and I know nothing of the law. But I do know whats right and wrong. And this is just plain wrong. If the consumer has no choice in the matter than the company should be regulated. I might also point out that I have never written a letter like this nor been involved in anything political. But enough is enough. Its bad enough they make us pay for products that don't work very well to start with. Now we have to ask their permission everytime we choose to change components in our computers? I wish I had a choice. Because I would not choose this. Keep up the good work on the anti-trust suit. I am one taxpayer that is happy you are on the job.

Janae Pippins  
US. Citizen

MTC-681

**MTC-0000682**

From: Jack E. Uber II  
To: Microsoft ATR  
Date: 11/16/01 6:14am  
Subject: Comments on Antitrust Actions  
Against Microsoft  
Greetings,

First, I never agreed with the premise that Microsoft was a monopoly. By the very definition of a monopoly, a business entity has to own all or virtually all the factors of production for a given commodity to even qualify as a monopoly. Even using the most liberal accounting of the "factors of production" in this case, Microsoft fails this test. Unfortunately, the individuals involved in this case appear to have more emotion directed at Microsoft than dispassionate reason.

Second, in no reasonable way can anyone say that the consumer will benefit through ANY antitrust actions against Microsoft. The current level of accessibility to extremely powerful computers for all Americans would not have been possible if not for the efforts of Microsoft, IBM, Dell, and so on. Prior to the personal computer revolution, a single license of an operating system was priced somewhere around \$10,000. MS DOS, and then Windows, obliterated that pricing model and made computers available to virtually everyone.

Finally, it is clear to even the most casual observer that there have been several hidden agendas here. The reliance of the DoJ on testimony from the likes of Sun Microsystems and Oracle demonstrates either supreme naivete or bias. Anyone who has ever read the rhetoric from the likes of Scott McNeely or Larry Ellison knows that they HATE Microsoft and, more to the point, Bill Gates. Using the same yardstick that was used against Microsoft, Sun Microsystems might find itself standing in front of a judge. Additionally, the extortion like tactics of the various states attorneys general is readily evident. Their only motivation is to gain

monies from any action against Microsoft. They are doing a disservice to their constituents and the general public as a whole

Respectfully,  
Jack E. Uber II DP: FAX: EP: e-mail: (618) 256-3177 (618) 256-6558 (618) 744-1409  
juber@apci.net  
MTC-682

**MTC-0000683**

From: Capucine Badin  
To: Microsoft ATR  
Date: 11/16/01 6:22am  
Subject: Internet met la m6moire individuelle et collective~ lThonneur  
Internet met la m~moire universelle  
l&#8217;honneur!  
La socidit6 Viscolicap sort  
Myposterity.com, premier site entiere  
d~di~ ~la conservation de la m~moire des internautes. En effet, le site Myposterity.com permet~ses visiteurs de crier tr~s facilement des documents multimedia contenant textes, images, video, photos sans aucune limitation d&#8217;espace.

A la difference des traditionnels sites personnels, tous les documents crie par les abonnds seront conserv6s en ligne pour des d~cennies afin que les proches de l&#8217;abonn~ou m~me tous les intemautes puissent les consulter. Autre garantie de conservation, l&#8217;abonn~re~oit un CD-Rom contenant l'ensemble de ses travaux. Un exemplaire de ce m~me CD-Rom est 6galement envoy~la Bibliothque Nationale de France afin d&#8217;y ~tre conservd ~jamais en tant que document du patrimoine national.

En rdunissant les espaces personnels de milliersd&#8217;internautes, le site Myposterity.com compte devenir en quelques ann~es une vdritable encyclop~die en ligne permettant~la fois la consultation et la conservation d&#8217;une m~moire universelle pour le plus grand plaisir de tons les internautes.

Capucine Badin  
Responsable du d~veloppement  
0147036456  
capucine@myposterity.com

MTC-683

**MTC-0000684**

From: Unique Solutions  
To: Microsoft ATR  
Date: 11/16/01 6:47am  
Subject: microsoft settlement

As a computer professional for thirtyfive years, I have been forced by dell, dale computers in michigan, and other vendors to purchase microsoft operating systems whenever I purchased a pc. This is not right. ms should be broken up as they are definately a monopoly or at lease prohibited from forcing their operating system on us through their predatory contracts with vendors. dennis skinner 810 227 4852 if someone wishes to discuss..

CC: dlsnichigan@hotmail.com @ inetgw  
MTC-684

**MTC-0000685**

From: Mark Goodale  
To: Microsoft ATR  
Date: 11/16/01 6:49am

Subject: Microsoft Settlement

Sirs,  
As you have set forth this email address to recieve public opinion regarding the settlement with Microsoft, here is my opinion.

I am simply a consumer, with no corporate interests. I'm a full time student, finishing up a major in Religious Studies at Bradley University in Peoria, Illinois. I am also a computer enthusiast. I believe the current settlement with Microsoft will not effectively redress the problems created by the Windows monopoly.

Microsoft has shown repeatedly that it will exploit any advantage at its disposal to unfairly crush competition, and I think the rather vague terms of this current settlement agreement qualify as such an advantage.

Furthermore, the primary disadvantage to the average computer user is not merely that of limited software choices due to Microsoft's monopoly practice, but ALSO the fact that Microsoft uses it's monopoly position to push inferior products to market while being assured of "instant sales", simply because the product is their "newest release."

Microsoft's monopoly market position has created a specific culture between both the company and the American public. The company has become habitual in its release of buggy and insufficiently beta-tested software, and due to their nigh-complete domination of the software and OS markets, the American consumer has been forced into an "Always buy the next version of the software" behavior pattern, in hopes that some more of the bugs of previous editions will be addressed. While certainly, nearly EVERY piece of complex software will have some errors in it, in a truly competitive environment companies are somewhat more forced to make sure that more bugs are repaired PRIOR to shipping, as a competitive market will not generally accept an inferior product.

Microsoft has repeatedly thumbed its nose at both you, the US Dept of Justice, and at me, the average American consumer. This settlement is little more than slapping them on the wrist and saying "Go forth and sin no more." To truly make serious inroads against Microsoft's monopoly tendencies and practices, splitting the company in half is the most likely candidate for success. Forcing them to take their operating systems "open source" would do a fair bit towards that as well.

Unfortunately, antitrust efforts against Microsoft will likely avail the American consumer very little until a viable competitor for the Windows OS arises in the market. This becomes unlikely even with splitting the company or opensourcing Windows, simply because Microsoft's monopoly has gone on so LONG that customers are already highly dependant on its proprietary technologies, and will be generally hard to woo away to a new product line. However, I'm confident that with one of the two additional options as well as a tightening of language loopholes in the Settlement agreement, that some innovative company may find a way to do so.

Thanks for your time,  
Mark S. Goodale

MTC-685

**MTC-0000686**

From: SBxBandit@aol.com@inetgw

To: Microsoft ATR

Date: 11/16/01 6:54am

Subject: Thoughts on MS Settlement...

My thoughts on this whole thing is IT'S LUDACRIS! !!! Just because Bill Gates has come up with a superior operating system and other software doesn't mean you should loot him, ruin his product and destroy the public's computers. Even if you do decide to tear Bill Gate's empire apart it's not going to help these people, like Mac Computers, trying to introduce an inferior product. The only reasons these people get 'shut out' because of his 'monopoly' is because they can't come up with a product that even comes CLOSE to Bill Gate's OS. I mean, look at mac computers. They are slow, there is no software for them because they're slow and it's not very user friendly. All your doing with seperating Microsoft is making Windows less user friendly because the two companies are manufacturing one half of the old MS... .What's that going to do? It's going to force people who aren't so good with computers to stop using them entirely. As for the rest of us? Well. We'll either buy MS compatible or we'll buy nothing else until there is an OS that can compete with the number of games, hardware and other software products (and quality of products) that Microsoft has. I can tell you, you'll never catch me with Mac.

In conclusion. Leave Bill Gates the hell alone.

MTC-686

**MTC-0000687**

From: Randall Cooke

To: Microsoft ATR

Date: 11/16/01 7:13am

Subject: Microsoft Settlement

Gentlemen:

I believe that the prosperity America has experienced in the last decade has more to do with work force productivity improvement than any government initiated, sponsored or controlled activity or program including any and all bills that were passed in Congress during the last 15 years.

The primary basis of that productivity improvement was the desk top computer and the amazing software that was developed to go with the PC. Whether Microsoft is guilty of breaking any law is well beyond my understanding, but I am opposed to any settlement or penalty that would have the effect of forcing Microsoft to give away it's "secret ingredients" or harm its corporate structure in any way.

If laws were broken, then invoke financial penalties with the threat of further prosecution in the event any laws are broken in the future. Do not dismantle one of America's most important economic engines—especially at this critical time.

Sincerely,  
Randall Cooke  
24 Cherokee Drive  
Richboro, PA 18954

MTC-687

**MTC-0000688**

From: auto29727 @hushmail.com@inetgw

To: Microsoft ATR

Date: 11/16/01 7:24am

Subject: Microsoft Walks!

It's been business-as-usual at Microsoft even since the trial began. Does the penalty imposed on Microsoft indicate a specific date when they must begin complying with the law, or is it some kind of wink-wink-nudge arrangement?

Microsoft was developing Windows XP during the trial. That development included the commission of the same anti-competitive practices that brought Microsoft to trial in the first place. Why is allowed to sell this product?

I'll have to wrap up this email now; Windows is about to crash on me again. I guess I'd better get used to it. I'll close with a thank you to the DOJ for wasting an enormous amount of money to give Microsoft a slap on the wrist.

A slave Microsoft consumer

MTC-688

**MTC-0000689**

From: Chuck

To: consumer@mail.wvnet.edu @ inetgw

Date: 11/16/01 7:40am

Subject: Microsoft Settlement

Hello,

My name is Chuck Haislip. I am a WV resident currently deployed to Europe with the US Army. I have been following the results of the Microsoft Antitrust Case and I would like to extend my thoughts that the penalty is too lenient. Thank you

CPT Charles G. Haislip  
US Army Medical Corps

MTC-689

**MTC-0000690**

From: Clay Andres

To: Microsoft ATR

Date: 11/16/01 8:07am

Subject: Opposed to Microsoft settlement

Microsoft has been found guilty on many charges, including using its monopoly power to thwart competition. The current proposed settlement does nothing to penalize Microsoft for breaking the law and nothing to remedy the loss caused to hundreds of companies and millions of customers. Furthermore, the limitations imposed on Microsoft's future business practices will do nothing to keep them from perpetuating their illegal monopoly and using it to squash whatever competition it wants. The proposed settlement perpetuates the status quo, which is that Microsoft gets to make all the decisions for the entire personal computer industry and is quickly moving to a position where it will be making those decisions for the Internet and for handheld computing devices, as well. This will not provide a healthy, competitive environment, and innovation will be stifled. Forward into the dark ages!

MTC-690

**MTC-0000691**

From: Xxjennifer23xX@ aol.com@inetgw

To: Microsoft ATR

Date: 11/16/01 8:07am

Subject: Comments about MS Settlement

I am a retail manager at a major electronics chain. I have been using PC's for 16 years

since the systems booted up with DOS. I have used every version of Windows up to Windows ME.

I have been appalled year after year as Windows required more and more operating resources to run the computer. Even more so since Windows requires so much more operating resources for Microsofts other products that are tied in to Windows. I have always maintained that I don't buy a computer for it's operating system. I am a website developer as well and don't need or want to have all the extras Microsoft forces on you.

And now with the launch of Windows XP I have crossed the line to being horrified. What kind of operating system is now going to require at least 128 megs of RAM with 256 preferred?? Unbelievable. Microsoft has not learned anything at all from all of these anti-trust proceedings. My customers complain every single day about how much system resources Windows takes up. This is true from Windows 95 to present. Even more unbelievable is the fact that all the plug in MS is ramming down our throats in the the "operating system "causes frequent system crashes and results in lowered productivity due to the need to constantly fix the machine.

Bottom Line? An operating system, even a nice GUI operating system is just that. It is not an instant messenger, multi-media player, internet connection etc. And with Windows being the only choice it is no wonder that computers get faster and better hardware and greedy MS jumps in with Windows and uses up all the extra speed and power to try and force the MS products down our throat over the top of other applications that are more memory friendly and run without crashing the computer on a regular basis.

I am also no novice. I have graduated from the Microsoft Certified Systems Engineering courses and have many years of experience.

Please don't back down. Force MS to turn Windows back into what it is supposed to be. A smooth, no hassle operating system that does not interupt and interfere with my computer work that has nothing to do with Microsoft.

Thank you very much.

Steven Thompson  
110 Battey St  
Putnam, Ct 06260  
860 963 7898

MTC-691

**MTC-0000692**

From: chuck hinkle

To: Microsoft ATR

Date: 11/16/01 8:08am

Subject: Wrong kind of message

If I recall, it is an accepted conclusion that Microsoft deliberately acted in a ruthless and illegal manner. Their actions forced many competitors in the application and utility and operating system arenas out of business, thus reducing our choices as consumers while raising prices and lowering quality.

As a result, this settlement permits Microsoft to maintain the gains of these illegal operations, imposes no monetary penalties, and I don't see where it does anything to prevent them from continuing these practices, particularly since there are no consequences for this behavior.

If we're not going to punish the criminals, then why bother to prosecute them? And if we condone Microsoft's illegal activities, then how can we justify prosecuting others?

Chuck Hinkle [INTJ]

I CLH WARES

II chuckbo@mac.com

II

ii "Perception is usually more persuasive than reality."

II

MTC-692

**MTC-00000693**

From: Bob McMurray

To: Microsoft ATR

Date: 11/16/01 8:22am

Subject: Microsoft Case

Dear Sir or Madam:

I am writing to express my dissatisfaction with the proposed penalties in the Microsoft Antitrust case. As a former computer support professional I feel I have a good amount of first-hand knowledge of their products. Of particular concern to me are two issues: bundling and windows source code. Microsoft has made habit over the last two years of bundling more and more software with their operating system. This has the unfortunate consequence that consumers are not aware of the competitors for the Microsoft products (or their favored partners). Many users do not have the time to go out and research things like instant messengers, media players, and browsers. Therefore, they will just use what's given. On the other hand if they had to make a choice, they may not choose the Microsoft product—why not favor the outcome that gives us more choice, and puts control marketplace in the hands of the consumer rather than the supplier.

Another unfortunate cost of bundling is bloating. To run the latest version of Windows, Microsoft recommends that you have at least 128 megabytes of RAM, lots of disk space and a pentium 3 processor. However, for most users (myself included) the range of things I want to do is fairly limited: browse the web, word processing, email. I could do all of those things just fine back when I had 16 megabytes of RAM, and a Pentium. Why do I need to upgrade my computer? Because microsoft has bundled so much into their software (in the way of applications like instant messengers, and pseudo applications like ActiveX) that it can't run on a small system any more. What's more most users are forced to upgrade because Microsoft no longer supports their older systems. It's like Ford saying they will no longer sell parts for cars built in the 80's—everyone should go out and buy 2001 models. This is a deceptive marketing practice, and requires user not only to buy more and more Microsoft products but to upgrade their computer constantly—just to keep doing the things they were doing all along. It also raises questions for many users as to whether there may be anticompetitive cooperation between Microsoft and Intel (the dominant chip maker), since people need to upgrade their CPU's every time a new operating system comes out.

The issue of windows source code has dramatically skewed the applications

marketplace in favor of Microsoft. Since Microsoft has the source code for windows, it's applications can be written to take advantage of subtleties (and to avoid bugs) in the operating system. Other applications will not have this advantage. As a result, Microsoft's applications can be much more powerful and much more stable (not that they are) than others. To use the automotive analogy this would be like Ford refusing to tell Ford what size oil filters to produce for Ford cars and trucks. This would of course make Ford's fit better and work more reliably.

Finally, right now Microsoft has an effective monopoly on operating system for the Intel platform. Because there is no set of standards for how operating systems and applications interact (Microsoft gets to make them up as they go along), there will never be a competitor (since it would not be compatible with existing Windows Applications). The creation of standards may seem a bit unnecessary, but look what it's done in the CPU industry. There are standards for how Windows interacts with processors and motherboards. As a result we have several CPU manufacturers (Intel, AMD, Cyrix, IBM) and lots of motherboards all of which are compatible with Windows. This has spurred innovation (and increased chip speed dramatically) and lowered prices. I would like to see something like this for Operating Systems and Applications. If there were standards then other companies could build operating systems for the Intel platform that would work with popular applications and be effective competitors to MS Windows. This would spur innovation, reduce prices and result in all sorts of favorable outcomes for consumers and the economy. Of course, requiring Microsoft to release their source code would be a step in the right direction—other programmers would be able to determine such a standard from the code.

Innovation in the operating system market is nonexistent. Most commentators agree that all of the versions of windows since 95 have simply been repairs of bugs that should have been fixed the first place. Windows 95 itself (from the users point of view) was just a rip off of Steve Jobs NeXT operating system and MacOS. Windows XP while looking quite different doesn't really do much more than the older versions—it just includes more bundled software. The bottom line is that by giving consumers choice and opening up competition, the marketplace will see more innovative products and have more choices. This will ultimately be good for the computer industry (when people are excited about it, they invest), and the products that come out of this will benefit the whole economy. Don't hesitate to contact me if you have questions or would like further comment. You can reach me at 585-275-0751 or this email address.

Please reconsider the settlement you have proposed.

Bob McMurray

MTC-693

**MTC-00000694**

From: joejarrell

To: Microsoft ATR

Date: 11/16/01 8:35am

Subject: Microsoft charges

In my opinion, their is little that you can do to adequately fix or punish the Microsoft Corporation, short of fining them their net worth, then disbanding the company when they can't pay their business license fees. I suspect that they have violated the spirit and the letter of laws for many, many years, trampling competition as they encountered it. I became disgusted with them nearly a decade ago.

Joe Jarrell

348 Carter Dr.

Charleston, WV 25306

joe@hornbeam.com

MTC-694

**MTC-00000695**

From: Mark Robinson

To: Microsoft.atr(a)usdoj.gov

Date: 11/16/01 8:51am

Subject: Microsoft Settlement

Sir/Madam:

I can't believe how we've been sold out.

Hope the states can do better.

mir

MTC-695

**MTC-00000696**

From: Mike Eggleston

To: Microsoft ATR

Date: 11/16/01 8:54am

Subject: Microsoft ruling not sufficient

My opinion of the punishment against Microsoft. Because of the way Microsoft has treated competitors and consumers, the corporation should be separated into two (or more) separate companies. One company should be charged with developing the OS and OS-only related technologies. The other company (or companies) should be charged with working on pure applications such as Word, Excel, Office, etc. These two (or more) companies should work as rivals with competing technology; not as incestuous children getting one over on their parents (the government).

Mike Eggleston

Fort Worth, TX

817-905-0138

MTC-696

**MTC-00000697**

From: Mike Wexler

To: Microsoft ATR

Date: 11/16/01 10:41pm

Subject: MS/DOJ settlement

I must say I'm disappointed in the settlement. As the original judge found, its quite clear that MS has a monopoly. With 90%+ marketshare in operating systems, office applications, and web browsers its pretty obvious. Its also quite clear that Microsoft has the ability and the desire to use these monopolies to establish new monopolies. Its been clear how they have used the operating system monopoly to keep hardware vendors from bundling competing office suites or competing operating systems.

It also seems quite apparent that these monopolies are injuring the public. It is currently required in most businesses that you run Windows/Office in order to exchange files with your peers. This means most people are required to run an unstable and insecure operating system. Much more

reliable operating systems have been available for years. So people spend a huge amount of time rebooting their computers, reinstalling their operating systems, buying and running virus checkers, etc. because windows is poorly designed. Unfortunately the flaws are not obvious and first glance. Seldom does it crash using the demos that Microsoft distributes with their operating systems. Its not until you get it home that the pain begins.

Microsoft has started addressing some of the reliability issues of late with Windows 2K and Windows XP. These are starting to use techniques that have been in common practice since the early seventies for keep flaws in applications from damaging the operating system and crashing the computer. But its quite clear that BY DESIGN these operating systems and the applications that Microsoft includes with them are insecure.

There are several reasons that they are insecure:

(1) The designs don't keep components compartmentalized. So its easy to get in through a web browser or email program and effect other components of a users system.

(2) Microsoft is sloppy in their development efforts. They leave out error checking necessary to find buffer over run problems an they don't use computer languages that automatically do this.

(3) Since the software is all proprietary it is not open to peer review. Researchers, customers and competitors can't look at the code, find the problems and fix them or ask Microsoft to fix them. And now Microsoft is trying to tell security specialists to keep the problems secret, Indefinitely, so that their is less pressure on Microsoft to actually fix the underlying problems and so the general public is not aware of the true extent of the problem.

MTC-697

**MTC-0000698**

From: Ryan McCarthy  
To: Microsoft ATR  
Date: 11/16/01 10:49pm  
Subject: Re: Settlement

Hello. I found this address in a story at slashdot.org and I hope it is correct.

I must say that I am horribly disappointed in this settlement and can only hope that it gets thrown out.

I suppose that it is a good thing that the FBI is working with the EU to get US law to apply in Europe, because it sort of balances out the efforts of the antitrust division to insure that it doesn't apply in America. If I had violated any law as badly as Microsoft, I would be in jail. After all they have done to cripple the computer world, they instead get the DOJ's seal of approval.

As much as it will pain me to do so, I am going to have to vote for a Democrat in 2004 simply to change your leadership. It seems our professionals only do what current appointees like rather than enforcing the law. The laws made by the Congress, signed by the president and interpreted by the courts have said that Microsoft has acted (and continues to) criminally. However much stock John Ashcroft owns in Microsoft should not be enough to overturn all that, should it?

Ryan T. McCarthy  
Strafford, NH  
MTC-698

**MTC-0000699**

From: Loren Williams  
To: Microsoft ATR  
Date: 11/16/01 10:46pm  
Subject: Antitrust Settlement

To Whom it may Concern,  
The recent settlement with Microsoft is terribly inadequate. It has been clearly shown that Microsoft has cost the public BILLIONS of dollars through the abuse of its monopolization of the desktop. While that may not be enough to justify splitting up the company, this money was extorted from all companies, households, and government offices that use Windows. If the goal of the DOJ is to do uphold justice, Microsoft should be made to give back the money that it has unlawfully taken. Letting Microsoft get away with the current restrictions is like catching a burglar red handed and sending him to his getaway car, loot still in hand, with an admonition not to do it again. It is, in short, a cruel mockery of the concept of justice. I urge you to reconsider the case while there is still time.

Regards,  
Loren P. Williams  
Student, UCSB  
loren.williams@lycos.com

MTC-699

**MTC-0000700**

From: Thomas M. Lahey  
To: Microsoft ATR  
Date: 11/16/01 10:45pm  
Subject: Microsoft & my experience competing against them

Good Day,  
First a little history. My company, Lahey Computer Systems, Inc., an Arizona Corporation (April 1967) licensed to do business in Nevada, has competed against Microsoft beginning in September 1986 and lasting until Microsoft abandoned the Fortran market a couple of years ago when they worked something out with DEC (that's probably an interesting event all by itself). DEC took whatever Microsoft "gave" them and created a powerful product that we competed against with modest success, i.e., we stayed in business. DEC was acquired by COMPAQ and nothing changed in the market place. COMPAQ "gave" Intel the Fortran business and now you can download what used to be the DEC Fortran language system for free if you aren't going to use it for commercial development.

Now let's return to competing against Microsoft.

(1) Microsoft gave their Fortran away to major users. Of course, you must have been using Windows to qualify for this "gift."

(2) Resellers were given discounts based on the total number/dollar of all Microsoft products sold. So if a reseller sold 9 Windows and 1 Fortran, the discount was for 10 units. Both of these practices violated the spirit, if not the letter, of what IBM had to do when they were forced to unbundle their operating system software from the hardware. Finally, as XP has validated, Microsoft sees something good and then decides that good

thing is a part of the Windows Operating System—and they don't even do it well.

I believe the intended settlement, a kiss on the wrist if I ever saw one, total misses the point that Microsoft was guilty of anti-trust practices and NOTHING happens. Thanks for the opportunity to finally say what has been on my mind for some time.

Regards,  
Tom  
Thomas M Lahey, CEO/Owner  
Lahey Computer Systems, Inc.  
CC: Bill Lassaline

MTC-700

**MTC-0000701**

From: David Lentz  
To: Microsoft ATR  
Date: 11/17/01 8:06am  
Subject: Microsoft settlement comment

I suppose that since the basic verdict was already in place, the DOJ Wasn't able to backtrack on that as well, and back away from the whole thing, telling Microsoft, "Sorry for the trouble, we'll not bother you any more.t1

My comments: (1) With Microsoft being convicted of predatory monopolistic behavior, I would have thought that it was too late for a "settlement"—especially one that does nothing to discourage the same or worse behavior in the future (which is continuing at this moment), it does nothing to encourage free and open markets, and does nothing to compensate those identified parties (let alone the many companies damaged by Microsoft's illegal business tactics but not identified in the complaint) damaged by Microsoft (for instance, Netscape and the customers who bought Microsoft products).

Nice way to shake a convicted felon's hand, and tell them to carry on, the law won't trouble them any more.

(2) As I understand it, the judge urged a speedy settlement, so as not to further damage the economy in a time of weakness. Exactly how does letting a convicted monopolist continue without change and without compensating those damaged by their past practices help the economy? I would have thought that busting up a monopoly would have helped the economy more than anything else. The breakup of the Bell System has certainly resulted in many more choices (along with lower prices) than we were getting when it controlled our telephone systems.

(3) I would presume at this point, that the DOJ is going to further the cause of helping the economy by dismantling the antitrust enforcement unit and save the taxpayers some money. It certainly performs no useful function.

David Lentz  
15126 Count Fleet Ct  
Carmel, IN 46032  
davelentz@acm.org

MTC-701

**MTC-0000702**

From: J Mos  
To: Microsoft ATR  
Date: 11/17/01 8:01am  
Subject: Monopoly(Money) + Master = Bill Gates

Bill Gates must have paid a person or people with the Justice Department and agreeing states 6 digit or 7 digit dollars under the table for the government to accept a soft soft one sided settlement the totally works in favor of Microsoft.

If you tell anyone that is making money and controlling a worldwide business, o.k., here is the deal if you tell your competitors your business secrets for x amount of years that will settle the case... Do you really think he will jeopardize his monopoly empire, come on... Bill Gates is probably going to release 1980's and 1990's secrets only to satisfy the courts. While, current 2000 and beyond secrets remain monopoly secrets.

I thought our country was built on fair equal rights and equal business options to all; is Bill Gates and Microsoft an exception...

The government made Bell and AT&T split which opened up a fair market for other telephone communication companies. The government should make Microsoft split and allow other computer businesses to produce a product line of other type windows for fair market.

MTC-702

**MTC-0000703**

From: Debra Taylor  
To: Microsoft ATR  
Date: 11/17/01 7:50am  
Subject: AGAINST SETTLEMENT

That Microsoft is an abusive monopoly has been shown. That it has a long history of routinely ignoring and circumventing court ordered behavioral restrictions is well established. That it has illegally transferred vast wealth from the pockets of computer users to those of its shareholders has been shown. What has not been shown is that this monopoly has been responsible for advancing consumer interests. These facts have been proved through long years of litigation by the various states and the Justice department. And now we settle.

What do we have? Consumers have not been given the money which has been illegally taken from them. Companies destroyed by monopoly practices remain non-existent. Technologies not developed because competition was stifled do not exist still. Stock holders in rival technology companies are still wiped out.

What we do have is another court order qualitatively similar to all the broken orders of the past. This order is supposedly tougher, but the tough rules are bound to technology and monopoly practices of today. We all know these rules will not bind Microsoft as technology issues shift in the future—a mere 12 months away for Microsoft. We already see Microsoft gearing up for monopoly practices in the passport and .Net technologies. I seriously, very seriously, doubt DOJ ability to keep up with the technology and MS monopoly practices. I'll assume that DOJ will have to file suit again in a few years to counter new forms of monopoly abuse. We will constantly react long after the fact and with little actual effect. If we have determined that MS illegally enriched itself at the expense of consumers and competitors, why do they now keep these profits? If they have a history of ignoring the Court and DOJ why do they get yet another opportunity to do the same.

I am skeptical of the earlier breakup order. However, at least it was qualitatively different from the long series of broken behavior restrictions. It's approach was correct, even if the details may have been questionable.

DOJ must re-examine its goals. Is it to 1) protect consumers, 2) undo the damage done by illegal actions, 3) stop further damage from being done, 4) extract itself from the legal quagmire that the MS case has proven to be. The first three all seem legitimate goals, obtainable to some degree. The fourth seems to be the chosen course.

I am deeply disappointed,  
Michael Taylor, PhD  
109 Franklin Aye, #2  
Harrison, NY 10528

MTC-703

**MTC-0000704**

From: Gary L. Folz  
To: Microsoft ATR  
Date: 11/17/01 8:16am  
Subject: Microsoft

Dear Sir:

Here is another example of the government's intrusion into capitalistic practices. When will it ever end???

Gary L. Folz  
10 Green Street P.O. Box 248 New Berlin,  
NY 13411  
Tel: 607-847-6508  
Fax: 607-847-6288  
email: theolibnut@stny.rr.com

MTC-704

**MTC-0000705**

From: Charles Ingram  
To: Microsoft ATR  
Date: 11/17/01 8:10am  
Subject: Microsoft settlement

I am very disappointed in the Government's settlement with Microsoft. They are a block other companies and dominate the market in an unhealthy way. I hope the states will step in and finish what the Government did not have the heart to do and that is break up Microsoft.

Charles T. Ingram, MD  
152 Connell St  
Jasper, GA 30143  
cti@ellijay.com

I1-LTC-705

**MTC-0000706**

From: Greg Pierce  
To: Microsoft ATR  
Date: 11/17/01 8:10am  
Subject: Microsoft settlement

I won't go into detail at this time on my feelings as I'm sure you have much mail to read, but I'd like to voice my opinion. I think the proposed settlement with Microsoft is embarrassing and thoroughly inadequate. As Chief Technology Officer for a mid-size manufacturing company in Texas, I am faced day-in and day-out with the lock in and competitive constraints that have been caused by Microsoft's monopoly. Microsoft has not changed it's behaviors in any meaningful way, and without penalties, the damage done by their actions is not undoable. The monopoly continues untarnished.

Please take greater action than suggested.

Greg Pierce  
greg@advancedlightning.com  
MTC-706

**MTC-0000707**

From: Fred Day  
To: Microsoft ATR  
Date: 11/17/01 8:09am  
Subject: Microsoft

My feeling is that this case should be settled to the maximum benefit of the consumer!!! Nothing more need be said—that says it all!!! Settle this case so that the average consumer receives the maximum benefit!!! Pure and simple!!! Thank you.

Sincerely, Fred Day in Orlando, Florida.

MTC-707

**MTC-0000708**

From: dlphilp@hagus.bright.net@inetgw  
To: Microsoft ATR  
Date: 11/17/01 8:33am  
Subject: a poor example

Greetings:

I have observed the case since its start, and I must say that I am very disappointed with the outcome. Not surprised, however: Microsoft has obviously spent an enormous amount of money on this case, and as we all know, you can buy the very best justice in the world right here in the USA.

You would have to be living under a rock to not see how the company has used its leverage to destroy competition and retard innovation. Nothing new or useful has come out of Redmond for years, their lies and distortion of truth notwithstanding (viz Gates' latest claim to "inventing" the open source movement). Bills such as the DMCA and judgments such as this one simply demonstrate the power of a multi-billion dollar bank account and the willingness of the current administration to accommodate Microsoft in their attempts to destroy all competition (in favor of a very inferior product, I must add). No thanks to the DoJ for pandering to Microsoft. Shame on you all. Microsoft now has a green light to continue its attempted dominance of the computing life, on-line and off. What a disgusting outcome.

Best regards,  
== Dave Phillips

MTC-708

**MTC-0000709**

From: Howell, Paul  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/17/01 8:32am  
Subject: ms doj settlement

Hello,

I'd like to thank you for the opportunity to communicate with you regarding the recent MS vs. DoJ settlement.

I'll keep it short.

I am very disappointed in the settlement and, as a consumer, do not believe that harm done to me by MS in the past, will be prevented in the future. My choices are limited to mostly MS products. Non-MS products that I tend to not have a competing product from MS. The monopoly that MS enjoys was not won based on great technology. In fact, most MS products are inferior and riddled with bugs. Rather, predatory license agreements paved the way for the juggernaut that is MS.

I fully supported the most severe remedies in this case. It's too bad that the DOJ put MS's interests ahead that of the consumer.

Regards,  
Paul Howell.

MTC-709

**MTC-00000710**

From: Kim A. Soinner  
To: microsoft.atr(a)usdoj.gov  
Date: 11/17/01 8:32am  
Subject: short comment on MS-DOJ settlement

Good morning,

I was just given this email address but I have to be elsewhere soon so this will be short. Based on what I have seen of the proposed agreement the DOJ is giving Microsoft barely a slap on the wrist with the implied explanation that the economy is weak and we don't want to bring down a big player.

I disagree since by being a monopoly \*and\* using it's monopoly power to illegally hold onto markets, Microsoft has done things that hurt the economy in the long run. By doing this agreement you are giving the company the ability to challenge the government itself. Excuse it already does that.

One area was never addressed and that was Microsoft still requires and will still require manufacturers to only install Microsoft operating systems. The consumer is not given any realistic choice in this. For that "choice" we have software that crashes regularly. The other areas of the settlement allow Microsoft to hinder open source software programs and to still force all but the largest computer manufacturers to a strict control of the "computing experience" Like the last consent decree this one has no teeth and Microsoft will become more arrogant and powerful. That is the last thing our nation needs.

There will be other people writing you who are more eloquent than I on either side of the proposal. I can only hope my words will tip the balance toward redrafting the agreement. I hope you rectify this situation,  
v/r

Kim Sommer  
718 Harvey Drive  
Bloomington  
Kim A. Sommer

MTC-710

**MTC-00000711**

From: John Scott  
To: Microsoft ATR  
Date: 11/17/01 8:48am  
Subject: MS Settlement

I am appalled by the recent announcement of a DOJ settlement with Microsoft. That announcement virtually coincided with the release of Windows XP—an "operating system" that continues the Microsoft policies of strangling competition and defrauding the public. The government has shown time and again that consumers are defenseless against corporations who break the law.

MTC-711

**MTC-00000712**

From: Juan P. Sales  
To: Microsoft ATR

Date: 11/17/01 8:46am

Subject: Fox

I live in Brazil and when I try to access the local Fox website, www.mundofox.com.br using Linux Red Hat with Opera browser, I get a warning saying that my Operating System may present errors in the visualization of the site and suggesting the use of Windows 98:

Nossos sistemas detectaram que voce esta usando um sistema operacional que pode encontrar alguns erros na visualizacao-o das paginas do nosso site. Os sistemas operacionais recomendados sa-o.. Windows 98 ou superior. This is the kind of attitude that MS is promoting among webmasters worldwide. It's a clearly monopolistic attitude, which stands against my freedom of choosing what OS and browser I want to use.

If sites around the world are having this attitude, it's because of Microsoft forcing them or giving them advantages (discounts or something like that). I thought that you were supposed to defend the rights of the common people, but with the proposed agreement, you seem to defend the right of MS and other big companies or imposing their products upon us.

Juan P. Sales  
Sen. Vergueiro 45 / 1102 Flamengo  
Rio de Janeiro  
Brazil

MTC-712

**MTC-00000713**

From: Paul Martin  
To: Microsoft ATR  
Date: 11/17/01 8:34am  
Subject: Leave Microsoft alone

Leave Microsoft alone. We need their intelligence and products that we the people enjoy using. Let competition work out their own problems so that they can provide superior products for the public...or shut up!

Thank you for letting me sound off about this matter!!! A Microsoft products user and USA citizen from birth, Lois Martin God bless us everyone!

MTC-713

**MTC-00000714**

From: Dick Wall  
To: Microsoft ATR  
Date: 11/17/01 8:44am  
Subject: Re: Microsoft Settlement

Dear Sir/Madam,

I am writing to you to voice my concern over the recent MS/DOJ settlement. I do not believe it to be a strong enough settlement to keep Microsoft honest (they have a proven track record of being distinctly dishonest in the past). I am sure you are going to get a lot of letters explaining how the settlement could be strengthened or enforced better. What I am more concerned with is the apparent softening in the attitude the DOJ has displayed towards Microsoft.

In short, I want to cut through to the heart of the matter, what is best for the industry as a whole.

The Microsoft spin machine has been putting in overtime to convince the world that DOJ legislation would be bad for innovation. What a spin. If you look at history you will see that the last thing

Microsoft does is innovate. If you look at the historical major breakthrough's in the world of technology you have a hard time finding anything that Microsoft or the PC world is actually responsible for or involved in. Considering that the Microsoft windows on PC platform is by far the most common platform in the industry, I challenge anyone to list 5 important breakthroughs made on this ubiquitous platform. Internet (Unix and VMS through Arpanet), World Wide Web (created on NeXT), Hypertext (that would be Apple), Desktop GUI Paradigm (Xerox Parc, using Unix).

The only thing Microsoft appears to have innovated is the development tools to make a million applications that look exactly the same. In short, Microsoft displays little to know innovation, and in fact their dominance in the information world seems to stifle innovation in others. Take for example Be. I followed the BeOS closely, watched as the first attempt in a very long time was made to introduce a new commercial general purpose operating system. It was one of the most staggering examples of innovation I have ever seen. The very architecture of the OS was so ambitious as to be electrifying. The speed and responsiveness exhibited to the average user was not by accident, it was due to the extensively multi-threaded nature of the OS. It was at least five years ahead of Microsoft in terms of architecture, but it never stood a chance. I know there are at least as many business reasons why they may have failed as there are causes to point the finger at Microsoft, but the truth is that Microsoft have, for the period of their dominance, had a \*negative\* net effect on the "innovation" they claim to embody.

I have lost count of the excellent ideas, technologies, or companies who have been bought out, run out of business, or simply never stood a chance because of the grip Microsoft holds on the computer industry. It is a measure of the strength of the grip they exhibit when an operating system like Linux which technically is at least a match for windows in all key areas, and is given away for free, still eeks out at best a moderate survival on the server. It is also interesting that much of the innovation taking place in the world of IT still seems to come from Linux and other Unix platforms, and not from PCs running windows.

I would urge the DOJ to please consider carefully these issues past, and what would truly be best in the future for the industry. If Microsoft is able (for example) to dominate business and commerce transactions on the internet through it's .NET initiative, what future is there then for other platforms and competition.

Incidentally, and interestingly, .NET is another example of innovation-not-quite. XML was drawn from HTML and SGML (UnixIneXT background). The architecture mentioned is primarily a unix and java developed architecture. Heck, even Client/Server was so alien to Microsoft that they did not really start to get it until a couple of years ago—approximately 25 years after one of the best examples of client/server—X window system—was developed by MIT on Unix!).

Thanks for listening.

Dick Wall

dick@bldc.org

MTC-714

**MTC-00000715**

From: Michael Hedger  
To: Microsoft ATR  
Date: 11/17/01 9:06am  
Subject: Sell Out

Just thought I'd add my voice to those that are upset about the Bush Administrations sell out. Not much more could be expected though from an Administration put in place through a violation of the constitution and which has worked diligently to eliminate the constitution from every level of American life. Sort of makes the Soviet Union look good—at least the law applies to everyone there!

Michael Hedger

MTC-715

**MTC-00000716**

From: Dave Waggoner  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/17/01 9:03am  
Subject: Bad settlement.

From out here in "flyover" country, it looks like a total cave-in to Microsoft.

There are only two remedies that will work:

1: Force Microsoft to fully document all proprietary extensions for ALL applications, and release those specs. Require MS to use open specs on all products in the future.

2: Release the Source Code for Windows 2000 under the BSD license. With these two, competitors stand a fighting chance at making up all the ground that MS has unfairly gained.

Thanks for your time.

Dave Waggoner

MTC-716

**MTC-00000717**

From: Frank 249  
To: Microsoft ATR  
Date: 11/17/01 8:56am  
Subject: The deal sucks Does nothing to help Corel.

MTC-717

**MTC-00000718**

From: Sass, Joe  
To: microsoft.atr(a)usdoj.gov  
Date: 11/17/01 8:52am  
Subject: Monopoly

The Sunday ads prove every week that Microsoft has a monopoly. On any given page, there may be 20 ads for Software. Two products are in the \$150-\$500 range. Both from MS. All the others all around the \$50 mark. Coincidence? So unlikely!

Joe Sass

jsass@accessstoledo.com

MTC-718

**MTC-00000719**

From: Bob Nixon  
To: Microsoft ATR  
Date: 12/6/01 2:08pm  
Subject: microsoft monopoly

The current settlement requiring microsoft to donate software or hardware to poor schools only serves to further the company's monopolistic position. Kids who grow up with the microsoft way of doing things are

unlikely to change the way they compute later in life.

Microsoft's stifling pressure on Netscape has forced one of the truly free browsers into the hands of the unscrupulous and privacy invading marketing practices of AOL (personal opinion). There are many fine operating systems and browsers with advantages far more practical and efficient than Windows/Explorer: Unix, Linux and Macintosh, to name a few. When a company reaches the size and power of Microsoft the question of free enterprise no longer applies because their influence both monetarily and in terms of ubiquity allow them to slant the market as they choose. This is not the American way, as I understand it. (or, perhaps it is but, according to the ideals underpinning this country, should not be.) I have grown up with computing. I learned my first programming language in 1977.

Computing can be a truly great tool but lets keep it free and clean and it's marketing practices fair. They have been shown to be guilty, please impose real penalties which don't amplify their crime.

Robert Nixon

MTC-719

**MTC-00000720**

From: Warren L. Rutledge  
To: Microsoft ATR  
Date: 11/17/01 9:26am  
Subject: Regarding proposed settlement with Microsoft

Having read extensively on the case, judgements, and the proposed settlement, I felt as though I needed to express my views on the topic to you.

First, I applaud your efforts to stop Microsoft's predatory practices within the software industry. As someone who has worked in the information technology field for the past 11 years, I find Microsoft's practices to be very chilling. Their unwillingness to allow any type of competition, use of underhanded (and now demonstrably illegal) tactics, and immense wealth are a continuing damper on true innovation in the industry. No one wants to try to go forward in a new market because Microsoft may decide that's where they compete and they'll destroy you. However, your efforts in regards to the proposed settlement have fallen woefully short of the mark. It appears to my reading that the agreement is largely without teeth, that Microsoft essentially dictated the terms, and that rather than having chastised Microsoft, you are in fact allowing their behavior to continue virtually unchecked.

What concerns me the most is the apparent lack of technical understanding by the DOJ lawyers. The Microsoft team is obviously competent in this regard. While I am certain the government lawyers were doing their best, in this case it appears that they were quite clearly in unfamiliar territory. I would suggest that it would be wise to contract with technologically savvy law firms for consulting on these types of cases in the future.

As for the remedies, I was stunned at the complete lack of teeth. Having won what appeared to be a slam dunk on the facts at both the trial and on appeal, it seems that

you were in a far better position to set terms. Further, you missed the most egregious types of behavior that could be easily remedied.

For example, Microsoft routinely discourages competition by keeping all document formats proprietary. There is no business reason for these to be proprietary as all the intellectual property to do the processing is in the actual code, not the document formats. When competitors close in on providing compatibility with the Microsoft document formats, Microsoft changes these formats without warning and in ways that break competing products ability to import them properly. You could have done the world a great service simply by specifying in the agreement that they could not keep their document formats proprietary and that they must give 6 months notice of any changes to their formats prior to implementation.

Finally, I am wondering why Microsoft is allowed to financially unpunished. I can understand not requiring any type of jail time, but how can you justify not stripping them of at least some portion of their ill gotten gains? Again, that just feeds speculation that this was a completely political settlement bought and paid for by Microsoft last year. As a life long registered Republican, I find that thought revolting but I cannot point to any cogent argument on the part of the DOJ to say why they did not pursue any type of fine. If you do have some type of argument as to why a company who used illegal practices to eliminate competitors and keep building monopoly profits should be allowed to keep all they have gained from their illegal activity, I'd be interested to hear it.

I am certain that you are hearing from a great many people in my career field who are as surprised as I was. Please understand that we expected that having won in court, that you were going to put some restrictions on Microsoft. What we see is that while Microsoft appears to you as a chastised company, it is quite clear to those of us who must work in their shadow that they are far from even being shamed. They have already indicated that they will not change any of their practices as a result of this agreement because there are loopholes for every occasion. Please reconsider your ill advised settlement.

Sincerely,

Warren L. Rutledge

Boise, Idaho

MTC-720

**MTC-00000721**

From: berlin  
To: Microsoft ATR  
Date: 11/17/01 9:09am  
Subject: Microsoft are evil.

Microsoft are probably THE biggest example of a monopoly I've ever seen. They make you buy their operating system if you want a GUI style operating system that will work with the x86 lines of processors (the most common types in use for home pcs). Then, they make you use their tools and programs. Have you ever tried uninstalling Internet Explorer? HA! Good luck! Same goes for any other major program or utility that Microsoft load in with their operating

systems. If you guys don't do something, they WILL try and take over the software market, guaranteed.

egekrusher@cablespeed.com

MTC-721

**MTC-00000722**

From: Micah Gorrell

To: Microsoft ATR

Date: 11/17/01 9:28am

Subject: Microsoft is a bunch of evil bastards and they should go to hell.

MTC-722

**MTC-00000723**

From: John Harris

To: Microsoft ATR

Date: 11/17/01 9:34am

Subject: Microsoft Settlement

I feel it is about time a settlement was reached with Microsoft. What seems strange to me is that it took this long. During this same period, several of the old "Standard oil companies and several of the old "Bell" telephone companies were allowed to merge back together with no questions asked. I feel these mergers could be more harmful to consumers than Microsoft having a monopoly in computer OS. I believe having a common OS is actually good for the consumer. Could you imagine 10 different OS?

There would not be any continuity between computer systems and the multitude of software that is available now would probably be a great deal less.

Thanks for letting me express my opinion.

John Harris

MTC-723

**MTC-00000724**

From: cathy gramze

To: Microsoft ATR

Date: 11/17/01 9:31am

Subject: MS settlement

How does this proposed settlement compensate me, a Microsoft customer, for the harm done to me in the past?

Whatever makes you believe that Microsoft will abide by it, when they have NOT abided by the 1995 settlement?

Much stronger measures are indicated here. I oppose this settlement agreement and ask for the actual breakup of Microsoft into at least 3 companies.

Catherine Gramze

Michigan

MTC-724

**MTC-00000725**

From: jm @mandrake.prospeed.net @ inetgw

To: Microsoft ATR

Date: 11/17/01 9:50am

Subject: Do not shirk your duty

Dear Sir or Madam;

I am appalled at the inadequacy of the proposed settlement terms. Now that Microsoft has killed IBM OS/2 and BeOS, and Apple is marginalized, and Microsoft has reached almost 100% market share, how will the settlement restore or even enable competition in PC operating systems?

Now that Microsoft has dumped their browser on the market, setting the price at zero, killing Netscape's viability as a browser company, and Internet Explorer has reached

somewhere between 50 and 80% market share (starting from 0%, need I remind you?), how will the settlement restore or even enable competition in Internet browsers?

How will the settlement terms prevent further "Netscaping" (it's a verb, now, you know, meaning to bundle products and their attendant markets out of existence) of streaming audio, streaming video, digital photography, etc. by WindowsXP? Do you not understand the import of this case, as Microsoft seemed to, by its accelerating delivery of WindowsXP in advance of any settlement?

How will the settlement terms prevent Passport's/.NET's monopolization of Internet infrastructure? Of PocketPC's plans for monopolization of the PDA/handheld market? Of Xbox's plans for monopolization of the gaming console and/or home entertainment market?

As an MIT computer science graduate with nearly 20 years of industry experience, I am appalled that Microsoft will be able to continue to quash innovation in the industry with continued impunity, and with the implicit endorsement of the DoJ. As a small software business owner with 11 years of industry experience, I am appalled that Microsoft will be able to reap the benefits of the market dominance achieved through its longstanding illegal business practises. As a member of the endangered species of Massachusetts Republicans, I am appalled and embarrassed that the party of the free market has kowtowed to a rapacious, unrepentant monopolist, that has done everything in its power to restrain competition and eliminate consumer choice and freedom. They have played hardball with every threat they've encountered, including now the DoJ, and they have always won.

While I can understand that this is their nature, and that this is how they always act, I cannot understand your actions. Either you do not understand the importance of winning the case and restoring competition, or you have covered in the face of a tough fight.

It is the undeniable function of government to protect citizens from both foreign and domestic threats. Do not shirk your duty. Please feel free to contact me at any time so that I may more fully express my opinions, so briefly expressed herein.

Very Truly Yours,

John Morrison

John Morrison

== MAK Technologies Inc.

185 Alewife Brook Parkway, Cambridge, MA 02138

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vox:617-876-8085 x115

fax:617-876-9208

jm@mak.com

MTC-725

**MTC-00000726**

From: Diane Metzler

To: Microsoft ATR

Date: 11/17/01 9:45am

Subject: Settlement

My company [www.softdesigns.com](http://www.softdesigns.com) is from CT. I support our attorney general and urge you to listen to him and seriously consider making the penalties against MS more strict.

MTC-726

**MTC-00000727**

From: gibson@wt6.usdoj.gov @ inetgw

To: Microsoft ATR

Date: 11/17/01 9:40am

Subject: Microsoft Monopoly Remedies

My one real grievance with Microsoft and their marketing practices is that I cannot buy any pre-built PC through mainstream distribution channels without the pre-installed Microsoft operating system and all of the associated crap that comes with it. There is no choice. I have been building my own PCs from scratch for years to avoid this. The function of a free market is to provide choice, and the proper remedy to Microsoft's abuse of the monopoly power they hold is to enforce choice. Specifically there should be no constraints on what Microsoft licensees may do with regard to the configuration of their machines. The right to use that one purchases from Microsoft for their products should not be encumbered with any constraints on what one may otherwise do.

When I buy a car, the manufacturer give me orders about how to decorate it, or what other types of cars I may own at the same time, or where I have to get my parts and accessories.

Thank you for your attention.

\* Joseph W. Gibson Lead Software Engineer \*

\* "Surf the Wave of Chaos" \*

\* gibsonjw@earthlink.net C/UnixIX \*

MTC-727

**MTC-00000728**

From: Jim Williams

To: Microsoft ATR

Date: 11/17/01 9:38am

Subject: Why the Microsoft Antitrust Settlement Should Be Rejected

When all is said and done, the current settlement sends one message loud and clear: Breaking the rules pays.

Microsoft has killed thousands of businesses and innovators over the years, and not even the 1995 court order slowed them down. They have amassed an enormous hoard of cash from their extensive illegal and unethical practices and used that money to branch into numerous other businesses with the same ruthless intent to destroy competition and dominate the information age.

In effect, they have been engaged in money laundering, and now the government is giving Microsoft total amnesty. Not only does the current settlement allow Microsoft to keep its ill-gotten advantages, but also it does not even address the deceptive accounting practices which have far overstated Microsoft's earnings over the years, and have even concealed years when Microsoft actually LOST money. The effect from this has been to drive Microsoft's stock much higher, and thereby further increase Microsoft's market monopoly. Are we a nation of laws or not?

MTC-728

**MTC-00000729**

From: Dean Haparanta

To: 'microsoft.atr@usdoj.gov'

Date: 11/17/01 9:56am

Subject: Settlement

What a sell out! Just throw it out and be done with it. Why waste any more taxpayer time and money. As a Network Consultant, I can tell you, you people do not understand the problem(s) or Microsoft in any way, shape or form.

Dean W. Haparanta  
Cedar Valley Consulting  
Dhaparanta@sprynet.com  
(319) 472-5241 Voice  
(319) 472-5241 Fax

MTC-729

**MTC-00000730**

From: David Sollars  
To: Microsoft ATR  
Date: 11/17/01 9:56am  
Subject: Letting Microsoft of the hook  
Add me to the list of millions of Americans and tens of thousands of computer technology administrators who feel you have completely dropped the ball on protecting our freedoms from the obvious aim of world control of computer and internet technology by Microsoft. I thought your job was to protect us, but instead you turn us over to be held hostage by a company that has shown no mercy in crushing every obstacle in its path. Where is the freedom in freedom of choice' when there are no longer any choices. DISGRACEFUL.

David Sollars  
Spanish River Church  
2400 Yamato Road  
Boca Raton, FL 33431  
561/994/5000 x228  
dsollars @spanishriver.com

MTC-730

**MTC-00000731**

From: David McKeon  
To: Microsoft ATR  
Date: 11/17/01 9:52am  
Subject: This sends a green flag to companies to user unfair practices.

This sends a green flag to companies to user unfair practices. Where is the penalties part of the this judgement?

Do you really think this will stop Microsoft from piling more libraries into their music recorder and calling it secret? That is the tactic it used with Explorer, hide the libraries in the OS and call it the OS, not a browser.

How can there be a competing product such as Samba if all of a sudden the password Technology is patented, secret, or used in hiding copy righted material? It doesn't need to be, but it will be as soon as your judgement got into action.

You have not punished this company you gave it a green flag to do what its done in the past. Drive other job making, taxable businesses into the ground. This isn't what the Federal Government is being payed to do by the people. Fix the problem, don't hide it.

Ever wonder why people program for free for LINUX and GNU software? Its because the world and the tech people are tired of what the Government isn't doing. How do you tax a free piece of software? You can't, so you are forcing the world to fix the problems we see that MS is causing, and dropping your tax base in the process. The people of the world are coming together to resist what MS is doing to our computers. And companies are tired of being overcharged for a 2 dollar CD.

MS doesn't innovate, they buy their competitors to drive out threats to thier Monopoly. You haven't fixed this.

I'm sorry to see the Federal lawyers can't seem to get it right. Perhaps to many see the money they make if they get a chance to work for MS.

David McKeon  
Grand Rapids, MI

MTC-731

**MTC-00000732**

From: Brad Snedeker  
To: Microsoft ATR  
Date: 11/17/01 9:52am  
Subject: Microsoft

To whom it may concern,

I can understand the government draging Microsoft to court for unfair pricing of its OS's. But making Microsoft share or strip down its code is unfair. I have used Novell, Linux, Dos, Windows, and NT Os's. I have found that most unwanted pieces of these systems can be removed or uninstalled with no ill effects to the system.

Computer users in the United States have made their choice, and chosen Microsoft products. If I buy a computer with Windows installed on it and want to try a different os I simply remove Windows. Until someone builds a better os then Windows, Windows will be the top seller. If the people so choose... And please remember its the consumer that has made the choice not a State or government group. Instead of wasting time and resources picking on Microsoft why don't these companies, states, and the government move on to more productive issues. Hmm maybe design a better os. Feed hungry people in different states in the US, or protect citizens in this country from outside influences.

We the people are not as stupid as some of you think. We have made our choice. And Microsoft is the winner. A good product at a fair price is the American way of life.

Thanks for your time.

Have A Great Day  
Brad Snedeker ESA

MTC-732

**MTC-00000733**

From: Mary Euyang Shen  
To: Microsoft ATR  
Date: 11/17/01 10:12am  
Subject: Settlement

Whatever you do, please let Microsoft "go". The consumer is not hurt by Microsoft's monopolistic hold—without its software, we would still be in a state of numerous different operating systems, not able to talk to each other. Give the people who made today's technology possible credit and let the economy be healthy again. The competitors should be ashamed of themselves for not developing better software but instead, resorting to "crying to Mama." Please just settle. Mary Shen—Microsoft program user and stock holder

MTC-733

**MTC-00000734**

From: Paul FM  
To: Microsoft ATR  
Date: 11/17/01 10:08am  
Subject: You missed a few things in your

settlement

You missed a few things in the MicrosoftDOJ settlement:

1. All of Microsoft's Software development tools (Visual C, Visual basic, etc.) seem to to have license requirements that forbid the user from creating another operating system, or a product that can compete with MS office or Internet explorer. Unfortunately, Microsoft embeds OS secrets in these products that are nearly impossible to use without them (in other words creating a competing product without these tools is nearly impossible). You should have had Microsoft rescind these sections of the license.

2. You should also have required that all Contracts with OEMs be registered with the justice department for review. To make sure Microsoft wasn't sneaking some anti competitive item in the contract.

3. You should have had Microsoft agree not to enter any other market and to remove themselves from directly providing Internet Service (MSN), as this is their new tool for controlling the market.

I have no problem with not breaking up Microsoft. Their monopoly is held together by restrictive contracts, not by the fact that they supply OS and Office software both.

I have no problem with Microsoft keeping secret code. In a truly competitive market they would have to make their product co-exist and interact properly with competitors, and reveal how to communicate with their server products. I should preface the following by making it clear that I believe the Federal government legislates too many things that should be left to smaller government units (drinking laws, the now defunct 55 MPH speed limit law, and the like). I believe the job of the Federal government is to make as few laws as are needed to protect the rights and safety of citizens. But I do believe one of the thing the Federal Government must do is ensure a competitive market place.

I think much if not all of the Microsoft problem could be corrected with legislation that:

a. Forbids the Federal Government from doing business with Monopolies (if there are no alternative sources it should allow the Federal Government to create one). As long as Microsoft is a Monopoly, the huge amount of business they get from the Federal Government would go to competitors. If the Federal Government stopped using Microsoft Office, other companies would be able to stop using it as well (including Universities and State Governments), if the Federal Government couldn't use Internet Explorer, government web sites might not be compatible with it—forcing others to use alternative that are.

b. Forbids contracts that penalize a customer for using or supplying competitive products (as in Alternate OSes on a machine) this needs to be more generalized to prevent another company from using exclusive contracts in an anti competitive way (it could also apply to anti competitive clauses in software development tools).

I think Microsoft is a symptom of the holes in anti-trustanti-monopoly legislation. Other companies restrain themselves only as a common practice. The result of the Microsoft

case will impact other companies contemplating the same methods of gaining market share. Removing Monopolistic methods from the market place is the best way to ensure a competitive market place.

The views and opinions expressed above are strictly those of the author(s). The content of this message has not been reviewed nor approved by any entity whatsoever.

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MTC-734

**MTC-0000735**

From: Aaron McBride  
To: Microsoft ATR  
Date: 11/17/01 9:58am  
Subject: Who's the competitor?

I'm a software developer, and a potential competitor to MS. Will I be able to get a look at the API? Will it be posted on a website somewhere for all who are interested to inspect, or is it only for large companies like AOL/Time Warner/Netscape/Sun/Whatever to look at? I'm a little confused about how this will restore competition to the browser market. Six months from now MS will still control 97% of the user's web browsers. There needs to be a way for someone to easily make an IE clone, that they can add their own features too.

That's all for now.

—Aaron McBride

MTC-735

**MTC-0000736**

From: Jim Coleman  
To: Microsoft ATR  
Date: 11/17/01 10:19am  
Subject: Department of Justice Microsoft Settlement

November 17, 2001  
Department of Justice  
Washington, DC  
microsoft.atr@usdoj.gov  
cc: consumer@wvnet.edu  
Subject: Department of Justice Microsoft Settlement

This is the second time that I've ever written a government official/agency. The first time was last week when I wrote the West Virginia Attorney General to thank him for standing up for the rights of West Virginians by pursuing the anti-monopoly case against Microsoft. That letter was necessary because, you, my representatives at the Federal level, have decided that my rights as a user of non-Microsoft software are without merit.

As stated in my email to the Honorable Darrell V. McGraw, Jr., I've used Microsoft products for many years. Like all modern PC users, each of my computers were purchased with Microsoft operating systems (MS-DOS or various versions of Windows) preinstalled by the OEM (original equipment manufacturer). Except for a brief period when the IBM OS/2 operating system was available

to consumers, purchasing a Wintel (Windows/Intel architecture) PC meant purchasing a Windows license. As Judge Jackson correctly pointed out, consumers are given no choice in the matter. As I've come to realize, it is exceedingly difficult to purchase a new PC without a Windows license. It is a statement of fact that, in the vast majority of computer users' minds, Windows \*IS\* the computer. It is also true that the average consumer has no real choice in operating systems than they have a choice of air to breathe. Despite the fact that, unlike air, alternate and arguably superior PC operating systems have been available for some time.

Though I consider myself an advanced user now, that was not always the case. When I purchased my first PC in June 1994, I did not know how to operate it. My experience at that time was limited to a bit of MS-DOS and the mainframe programs my employer ran at work. I'd never used a computer with a GUI (graphical user interface) and had never used a mouse.

Though the foundation of Microsoft's monopoly was already in place, the playing field was slightly more level in 1994. If you lived in a major city, for a brief period of time, you could still walk into a computer store and choose both your hardware and your operating system. Stores that carried them were exceedingly rare but IBM was still preinstalling its OS/2 Warp operating system on its PCs in 1994. Apple's Macintosh OS was, of course, also readily available. I'd researched both these and Microsoft Windows 3.11 before making my purchase.

Though I did not understand everything I read, I knew the computer press had very definite opinions about the relative merits of each of operating system. In a nutshell, the Mac was considered the easiest to use. OS/2 Warp had superior multi-tasking and memory management. Windows 3.11 was supposed to be an improvement over version 3.1 but wasn't considered in the same league as the other two OSes technologically.

None the less, I purchased a Packard-Bell PC with Windows 3.11 and clearly remember my reasons for doing so:

\* I had only so much money to spend and Macs, then as now, were much more expensive than PCs. Though I preferred the Mac, I could not afford one.

\* Though I could read all about it in computer magazines, I could not find an OS/2 Warp display model in the Parkersburg, WV area. Though it had problems, I used Windows exclusively for many years. I accepted computer crashes and frequent reboots without question because they happened to everyone. I thought they were normal. Like millions of others, I upgraded to Windows95 when it became available and expected things would get better. The upgrade cost several hundred dollars because it also meant I had to invest in a larger hard drive, more RAM, new diagnostic utilities and anti-virus software, and at-home tech support since I wasn't yet capable of upgrading hardware. The instability continued.

When Windows98 was released I upgraded again on the promise that everything had really been fixed this time. When, several

hundred dollars later, things were not better, I began to look for alternatives.

OS/2 Warp was long gone. Macs were as expensive as ever. I'd heard about an alternate operating system called Linux and learned that it was possible to install both it and Windows on the same computer. Over time, I learned how to obtain and install Linux, running it at first on an old 486 PC we'd acquired. Redhat 4.3, was crude and rough compared to Windows but it never crashed and, unlike Windows, ran well on the older computer.

When I learned that I could by Linux CDs for \$2.00 from web establishments like cheapbytes.com, I knew Linux was a way to free myself of constant, expensive upgrades. The transition was not easy. I've spent countless hours learning how to install, configure and support a Linux computer. I relied heavily on books and on the Linux on-line community. Few computer users would go to such efforts. Judge Jackson rightly outlined what he called Barriers to Entry. I understood that concept immediately.

Over time, I learned to love Linux. We run both it and Microsoft Windows in our home. Many programs are not available in Linux versions and some of our hardware works only with Windows. I use both OSes interchangeably and move from one to the other with ease. We no longer use Microsoft Office software, preferring the freely available, multi-platform StarOffice suite instead. Our StarOffice Linux documents can be opened and read in our StarOffice Windows programs with ease and visa versa. And, happily, the Internet, for the most part, is still a realm where operating system or hardware platform does not matter.

I'd like to think that the alternate tools we've come to rely upon will always be available but I fear this will always be the case. Today, Microsoft controls over 90% of the PC market and has tremendous influence on the PC industry. Its might can dictate not just how technology will be deployed but which technology will be deployed. It regularly uses its monopoly powers to unfairly move the PC industry in directions that benefit it alone. That fact has been determined in court and is not in dispute.

It has lately been extending that influence to the Internet, corrupting long standing open protocols by weaving its own proprietary code into the framework. One of the ways it does this is by promoting its Internet Explorer browser. Shipped on each and every OEM PC since the release of Windows98, it is the most used web browser in the world. The Internet, which was designed to be open to everyone regardless of computing platform, is turning into another Microsoft property. It's already common to find web pages that do not display properly in non-Microsoft browsers. Microsoft's ?Windows Update? program, an integral part of the Windows OS, works only with Internet Explorer. And Microsoft's Microsoft Network's web pages are deliberately designed to deny access to browsers other than Internet Explorer. Users that prefer to use Opera browsers (<http://www.opera.com>), for instance, are deliberately denied access. This is crucial since Opera has been selected as the browser of choice by a consortium of

hand-held computer devices—another market Microsoft is trying to control. Microsoft has demonstrated time and again that it is incapable of acting in the public's best interest. The Department of Justice was entrusted by the citizens of the United States to look out for our interests. Its settlement with Microsoft is an abuse of our trust.

Best Regards,  
Jim Coleman  
Upsala 75  
jecoleman@yahoo.com  
http://www.upsala.org

MTC-736

**MTC-00000737**

From: James Bryson  
To: Microsoft ATR  
Date: 11/17/01 10:16am  
Subject: Microsoft settlement

To whom it may concern,

What are you people thinking? The whole reason for this lawsuit was monopolistic practices by Microsoft.

By allowing the company to continue to bundle other software into windows, and making those programs an integral part of said Windows, the consumer is now being allowed to have the choices he or she so deserves.

I guess it doesn't matter to the government that we have elected that we, as Americans, like to have many choices. With Microsoft making Outlook Express, Windows Media Player and Internet Explorer integral to Windows, we have been stymied in our choices.

It is becoming more difficult to remove these applications, if not impossible without crashing Windows, and use something else. I think Ashcroft and the rest of the DOJ need to gain some backbone and make Microsoft ease up on their monopolistic practices, make Windows internal working available to the software developers for better integration and to stop bundling IE, OE and WMP into windows.

I thought the government was supposed to be "for the people, by the people, and of the people" not "for the company, by the company and of the company".

MTC-737

**MTC-00000738**

From: Sheenada  
To: Microsoft ATR  
Date: 11/17/01 10:15am  
Subject: Equal Treatment

To whom it may concern;

The Microsoft case is the first time that I have heard of a defendant being found guilty, and the guilty verdict being upheld by appellate courts, where the guilty defendant was given the opportunity to negotiate the punishment. The negotiations resulted in a compromise and a reduced penalty. Should I ever be found guilty of anything I will surely demand my right to equal treatment under the law, and demand a compromise which reduces my punishment.

Thank you for your concern and the opportunity to refuse to comply with any punishment imposed.

MTC-738

**MTC-00000739**

From: Will Ganz

To: Microsoft ATR

Date: 11/17/01 10:15am

Attorney General John Ashcroft,

The proposed deal with Microsoft is too weak. Witness the continued integration of such services as instant messaging, on demand multimedia, and e-commerce (Passport), into the new release Windows XP. The flaccid excuse of using the horrific events of 11 September as a reason for rushing to a settlement is almost a sacrilege to the memories of the EMS personnel that died there. To rush to a conclusion of this since "the economy is bad" is as equally wrong or amoral as overlooking Bill Clinton's felonies since "the economy is good".

The true irony of the whole situation is that Microsoft could have gotten to their position of dominance by sheer engineering excellence without having to resort to such deeds as copying others code without license (DOS ver 1 and Stack), vaporware (Visual Basic 4.0 & 5.0 for the Macintosh), planting fake error messages in their software (DR-DOS & Windows 3.0/3.1), threatening to withhold licenses if hardware vendors even offered another OS (OS/2 & Linux), threatening to withhold licenses if hardware vendors don't pay for a copy of Windows even if the machine ships with a competing OS (multiple small shops with Linux, UNIX, & OS/2), changing the boot sectors for operating systems so that competing OS's cannot be multibooted (Windows 2000 with BeOS, Linux, and the various types of BSD), trying to divide up the market space with competitors (knife the baby with Apple & QuickTime; or Internet Explorer for Windows and Netscape for everything else) and violating contractual agreements to twist other's software into Windows specific trap (Sun & Java).

Read Bill Gates own testimony before Congress when he stated that the cost of software goes down even with the amount of complexity goes up. Now, look at the ever increasing cost of Windows. A license for Windows has gone from 2% of machine cost when Windows 3.1 was released to 30% today with Windows XP. This is directly from Bill Gate's mouth. You said that Timonthy McVeigh wouldn't get a retrial in spite of the monumental FBI SNAFU. Yet Bill Gates gets to rip, rape, and ruin the computer industry at his leisure now.

HOW MUCH EVIDENCE DO YOU NEED???? You have a lot less evidence against bin Laden and the US is bombing Afghanistan, yet you hand out essentially a warning ticket for jaywalking to multibillion dollar/year company that doesn't even bother pay income taxes at all. That fact is directly from their annual report to their stockholders. None, Nyet, Nada, and don't intend on it either. As an RN that is busting his backside to pay his bills and support a bureaucratic royalty of eunuchs in DC, that is a double insult to have to pay more income tax than Microsoft, Inc. does. And I am talking actual number of dollars, not percentages here. You know, the long folding green stuff with pictures of dead presidents on it that makes the world go round?.

The only reason that we have had a rise in competing operating systems in the past is

that Microsoft has HAD to be restrained during the trial lest their activities would be used against them in court. Now, you are going to undo the ONLY decent thing that the previous inhabitants of DC managed to do right. What happens to the economy when Microsoft now has a free hand to wreck vengeance as it sees fit and only has to answer to a bunch of paid patsies that meets annually?

The best visual analogy that I can give you is a mature pine forest. Mature pine trees have a monopoly on the environment. They poison the ground with their acidic needles so that no other plant can grow. Microsoft has a monopoly on operating systems, and poisons/absorbs any new idea into their OS or Office products. There isn't anything for wildlife to eat since everything except pine trees are dead to about 20 feet off the ground. No one wants to develop new products for the Windows environment since Microsoft will write the same functionality into their products. We will have the same technological diversity as there is ecological diversity at the ground floor of forest. The only OS diversity is the Macintosh with 5% the market share and Linux with 1%. Pine trees will grow to over 100 feet high and live for almost a century, only adding height and girth. Microsoft only produces superior products when they face competition. A mature/dying pine forest will only rejuvenate itself when it is cut/burn down. Pine seeds will only germinate after the wax coating is burnt off. Do your job and light a match to Microsoft's monopoly.

Specifically, this should be added to the restrictions on Microsoft:

- \* prohibitions on the integration of instant messaging, media playing, and currency exchange into the Windows operating system

- \* immediate release of all API's for prior versions of Windows

- \* require the development and release of a database program to complement the Macintosh version of Office in the same manner that the program Access is a relational database component for the Windows version of Office, this would increase the viability of the Macintosh platform of a competitor

- \* require the release of the previously announced Visual Basic for the Macintosh to promote the development of vertical applications on that platform, this would compensate for the FUD that Microsoft used to freeze competing development languages on the Macintosh platform

- \* require the inclusion of the Java Virtual Machine from Sun in Windows XP

- \* prohibit the release of any new Windows operating system until the number of bugs is less than 10% of number of lines of code

Shame on you for selling us out. This stinks so badly that it has coined a new word "Seattlement".

Sincerely,

William E. Ganz, RN  
2301 Pebble Vale #614  
Plano, Texas 75075

NRA member when I was 16 in 1971 & Republican when I was 18 in 1973.

MTC-739

**MTC-00000740**

From: akn

To: Microsoft ATR  
 Date: 11/17/01 10:35am  
 Subject: Microsoft deserves CONSTANT VIGILANCE.

Competitors should not have to sue to reverse Microsoft's unlawful acts as the delay just adds further damage. A committee of competitors should be invited to have direct access to a federal three judge panel to obtain a rapid ruling and ban on Microsoft detailed practices inconsistent with the finding of guilt already found on Microsoft.

akn @mediaone.net

MTC-740

**MTC-00000741**

From: ManbytsDog@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/17/01 10:30am  
 Subject: MS Settlement—Comments

In short, a travesty for justice, the American consumer, and for much of the computer industry itself.

It's hard to imagine justice leveling a less punitive punishment for MS. This one makes the Supreme courts rubber stamping of the Florida election a minor transgression.

Ten years from now, this decision will echo in business text books as an egregious failure for the law, government and all business. Watching the Gates video deposition was like watching a 4 year old deny he had his hands in the cookie jar while it was caught on film and telltale fingerprints remained.

Just a law abiding tax payer almost stunned at what amounts to a wholesale reversal.

Shame on you.

I have no stake personally, professionally or otherwise in MS, but if ever there was an antitrust case that needed serious redress, this is/was the one that got away.

—John S

MTC-741

**MTC-00000742**

From: bmieleke  
 To: Microsoft ATR  
 Date: 11/17/01 10:24am  
 Subject: I just Hope

To whom it may concern;

If any of the individual responsible for the 11 Sept 2001 are brought before into a court to answer for their actions I pray to God that none of the DOJ personnel associated with the Microsoft case represent us, because who ever it is they will walk the earth a free man after these DOJ lawyer are finished.

PS. Thanks for doing a really poor job at representing me.

MTC-742

**MTC-00000743**

From: Dennis Stiliwaggon  
 To: Microsoft ATR  
 Date: 11/17/01 10:45am  
 Subject: settlement

Howdy

this short message is to express my opinion.

The settlement allows the guilty to go on free of their responsibility. This is against the very oath the DOJ prosecutors swears to when they accept their obligations to bring the full extent of the law to those found guilty. If not you, then who?

sea ya

MTC-743

**MTC-00000744**

From: Neil Youngblood  
 To: Microsoft ATR  
 Date: 11/17/01 10:44am  
 Subject: Settlement

To whom it may concern,

Leave Microsoft alone. They cannot help their products are the best and everyone wants them. Look at the gasoline corporations. Everyone needs to stop trying to take someones money without earning some themselves. Screw all of you jealous people, you all mess up the good things in life.

Sincerely,

Neil Youngblood

MTC-744

**MTC-00000745**

From: Jessica Tang  
 To: Microsoft ATR  
 Date: 11/17/01 10:39am  
 Subject: MSFT settlement

Thank you for bringing this witch hunt to an end.

STOP punishing success!!

MTC-745

**MTC-00000746**

From: Bill Toner  
 To: Microsoft AIR  
 Date: 11/17/01 10:37am  
 Subject: Microsoft trial comments

I see the DOJ has set up this email for comments on the Microsoft antitrust trial.

I have to say that I'm disappointed with the settlement agreement made. The discussions I've seen find many loopholes for MS to get around just about all restrictions should they desire to do so. And their use of the loophole on the 1994/1995 consent decree banning the bundling of Windows 95 and Internet Explorer show that they'll use all the sneaky tricks they possibly can.

I myself had hoped for a three-way split in the company, for Operating System, Internet stuff (MSN, Internet Explorer, and other tools that aren't useful without internet connection) and applications (Word, Excel, video/music players like Media Player, encyclopedias, etc. that aren't significantly internet related or absolutely required to run a computer). The two-way split suggested by Judge Thomas Penfield Jackson, as it would let the "other stuff" company bundle applications and the internet together, which could still have forced people dependent on Word and Excel for work to become dependent on Internet Explorer and the MSN network, which could hurt other internet service providers, especially the smaller companies they serve a particular town or city only. The small town I grew up in has such small "mom & pop" ISP company, and if they were to lose business due to shady forced dependencies on MSN, the whole town would be screwed, as there are no local MSN or AOL connection phone numbers, and we'd all then be forced to pay long-distance toll telephone charges to connect. I imagine there are a lot of similar small towns across the nation.

I believe that the DOJ's case could have accomplished more if you had not

concentrated so much on the MS1E vs Netscape issue and nearly ignored many other relevant issues. MS hijacked the Kerberos networking protocol, modifying it to be incompatible with non-MS products specifically to insure customers would be forced into using MS products together and force them away from Unix or other non-MS platforms that have very important uses. MS stole the name "Internet Explorer" product name from a small company that had registered the trademark or copyright or whatever covers this issue in their state, and was waiting for their federal application to be processed. MS sued and appealed until this small company could no longer afford to try and protect their registered product name and was forced into bankruptcy, MS won. MS's case was based on the argument that "internet explorer" is too generic a term to trademark or copyright. But if I were to start selling another software product of any kind, I bet you my house that MS would sue me out of existence.

And I cannot fathom how MS gets away with their claim of "innovation". They've either bought or stolen 99% of their products from other developers. Windows was of course stolen from Apple, who themselves finagled it from Xerox. Internet Explorer was bought from another developer, perhaps the entire company was bought. Flight Simulator was bought. There is a giant list of such MS "innovations" at <http://www.vcnet.com/bms/departments/catalog/index.shtml> There is an interesting discussion of what software concepts were "innovated" by MS at <http://www.vcnet.com/bms/departments/innovation.shtml> MS really hasn't innovated nearly as much as they claim to have done. We all know that MS is trying to turn the internet into .net, where only MS platform based MS products can possibly do anything. I don't use a Windows PC. Nor do I use Linux or Macintosh. I use a more obscure platform that just happens to be more suitable to me than these more popular platforms. Do you think I will be allowed on the MS .net? Of course not. Even though there are developers that would be willing to make software to allow my computer access to .net, MS will not allow such distribution of their protocols specifications to such independent small developers, they'll cry "security issues or something as a loophole to protect their APIs and keep things nicely proprietary and incompatible with anything else. I will be kicked off the internet, as I truly cannot tolerate the horrible Windows user interface (in my personal opinion, which is all that counts as far as my pocketbook is concerned when spending the kind of money that computers cost, I won't pay that much for something I, personally, hate) and gross instability.

MS is trying to get a lot of control over the music recording industry as well. They are trying to get the RIAA to put .wma digitally encoded files on audio CDs as well as the standard audio tracks for stereo equipment. What good does that do me, as I don't use Windows and thus have no .wma player? I will not be able to create my own digitally encoded formats that my platform can play, as the CD is copy protected. Sure, there are

copyright issues at hand needing protected, but why not use an industry standard format available to all platforms? Why limit listeners to the Windows platform? Why leave me out? At work I use a Unix (Sun Solaris brand) workstation, so I can't listen to my music there unless I go out and spend \$50 on a cheapo audio-only CD player. Why should I be forced to do that when my old CDs play perfectly well in the workstation's CDROM drive? Microsoft is trying to force people into Windows PCs by lobbying RIAA to adopt their proprietary file format which isn't usable on non-MS computer platforms.

MS isn't just about owning most people computer usage, MS is trying to take over a great deal more than that, and I don't believe that the settlement agreement is enough to contain their borg-ish assimilation of the computer industry and other large portions of the US economy as subdivisions of the current Microsoft conglomerate. I realize that other current events have caused respectable distractions from the MS situation, but it seems like this agreement was hashed together in order to dump the MS trial so the DOJ can concentrate more on other large and of course important issues. I think the MS issue needs to be kept at least on the back burner and not just thrown in the trash heap. Two federal courts have ruled them to have broken antitrust laws, MS requires a bit more than this weak slap on the wrist.

I thank you for your time in reading my concerns with this issue.

Bill Toner  
bill@prodatasys.com

MTC-746

**MTC-00000747**

From: philip bernstein  
To: Microsoft ATR  
Date: 11/17/01 10:52am  
Subject:

I find it hard not to be cynical here. Microsoft has a track record of circumventing many of the laws now in place against it. How this settlement will curtail this is beyond me.

They have taken the law into their own hands and used it to their own advantage and have consistently hurt consumers, by limiting choice. I do not use Microsoft products (I find them to be buggy and inferior to most programs out in the market), and because I choose not to use their product, I have to find ways to get around their lock on the software and PC market.

I have been to web sites that refuse my connection due to the fact that I am not running Microsoft software. Is this good for me the consumer? I like choice and Microsoft is trying to eliminate my choice of software to use. I find the decision of the government in this instance to be rather naive in the fact that they think they can control what Microsoft has become. In fact, I think the government has let down the U.S. consumer. In a country where we have choices for just about anything, not to have a choice of which software to use (and actually be able to access any given web site or resource, as proven recently by Microsoft blocking access to their web sites against Opera and Netscape web browsers), is in my opinion a criminal act (one of which they would surely protest if sites blocked them).

Since they have been proven guilty of anti-trust behavior, and also for not living up to the last remedies imposed on them, I think it's rather sad that the government would rather give them a slap on the hand rather than take some positive action against them and put choice back into consumers' hands. After all, we should be a country of choice and not a country of Microsoft's choices.

Philip Bernstein  
ppberns@hvc.rr.com  
MTC-747

**MTC-00000748**

From: George Schuldberg  
To: Microsoft ATR  
Date: 11/17/01 10:51am  
Subject: Microsoft Settlement  
To Whom it May Concern,

As a tax paying American citizen I am disappointed in the Justice Department's proposed settlement of the anti-trust suit with Microsoft Corporation. Based on the fact that Microsoft has been found of anti-competitive behavior, I believe that the punishment aspect of the proposed remedies does not nearly address the severity of their infractions. Furthermore Microsoft with the release of Windows XP continues to use the same tactics of bundling unrelated software into their operating system in order to drive out competitors in other markets. Microsoft has repeatedly shown it is not willing to compete in a legal fashion, despite prior Justice Department restrictions (1995). I believe the only way that Microsoft will conduct business legally is to take away their ability to use their operating system to make gains in other software products. I hope the Justice Department will reconsider their position and provide protection for American consumers by seeking more substantial penalties against Microsoft Corporation.

Respectfully yours,  
George Schuldberg  
gschuldberg@ev1.net

MTC-748

**MTC-00000749**

From: Andrew Bulmer  
To: Microsoft ATR  
Date: 11/17/01 10:50am  
Subject: Microsoft

I work at a non-profit non-governmental organization. I use Microsoft Products such as Windows, Internet Explorer, and Office. This is not to say that I like these products but I must use them. Other organizations use these products and that means we must use these products. There are several facts I would like you to consider.

1. You cannot buy a PC that does not come with Windows pre-installed. Occasionally an OEM will offer Linux but at the same price as Windows. If you check the prices all Linux Distributions are less than the price of Windows. Also you cannot get a PC that has both Windows and another operating system installed even though it is technically possible. I am assuming that MS's agreement with OEMs prohibit this.

2. File formats are kept secret. How many times have you received a Microsoft Word .doc file as an attachment to an email? I get a word document in the email almost every day. Since the file format is secret, only MS

Word can open it. Since people regularly email word documents this means that I need to have word to view them.

3. The majority of people who surf the internet use MS Internet Explorer. This is because IE comes with Windows and Windows comes with their PCs (see above). This means that most web pages are designed to be viewed by IE only. Standards that are ignored by Microsoft are ignored by web developers. When the anti-trust case against Microsoft began, Microsoft had a monopoly on the Operating System of PCs. Now Microsoft has a monopoly on the office suite, internet browser, media player, and is working on establishing a monopoly on gaming consoles (Xbox). You cannot use a computer without using Microsoft. This needs to be stopped.

Like I said earlier, I work for a non-profit organization that does not have the money to be able to afford to upgrade our Microsoft products. The alternatives just aren't there, so we have to send money to Microsoft that we would much rather use to teach children to read.

I hope that Microsoft's file formats, networking standards, and OEM agreements are opened up so that there can be some competition. I would like to see the prices fall and able to use alternate products.

Thank you for your time  
Andrew Bulmer

MTC-749

**MTC-00000750**

From: root@localhost.localdomain@inetgw  
To: Microsoft ATR  
Date: 11/17/01 10:53am  
Subject: RE: MS settlement  
Shame on the DOJ.  
Robert Lorenzini President  
Newport Harbor Net

MTC-750

**MTC-00000751**

From: John Jones  
To: Microsoft ATR  
Date: 12/6/01 2:15pm  
Subject: An example must be set  
To whom it may concern:

If the courts let Microsoft go with a slap on the wrist, Microsoft will feel free to continue with their antitrust practices. Indeed they are doing so even though a remedy has yet to be finalized. And why shouldn't they? The courts have yet to do anything to stand in their way, in my opinion.

It has been said that Microsoft could just move out of the country. I say fine, it would be their undoing in my opinion. The US economy would not lose on this one. Eventually a US company would step up to take their place. But this new company would at least know the limits of what is acceptable.

This has gone on far too long, please stop this injustice as soon as possible.

Thanks.  
John Jones  
Cleveland, Ohio

MTC-751

**MTC-00000752**

From: Vance, Larry

To: microsoft.atr(a)usdoj.gov'

Date: 12/6/01 2:10pm

Subject: Microsoft antitrust settlement

I am a computer system administrator by profession and have been vexed by Microsoft's methods of anti-competitive business practices. I do not feel that Microsoft has been held responsible for the damage that they have inflicted on the general computer industry and on the exorbitant costs that have been incurred by our society. I feel that the Department of Justice has failed in their job to protect the citizens of the United States of America for non competitive practices from this corporation.

Happy computing,

Larry Vance

303-267-9801 (work)

303-324-4310 (mobile)

Vance.Larry@broadband.att.com

MTC-752

**MTC-0000753**

From: bobh@

anarres.optimizations.com@inetgw

To: Microsoft ATR

Date: 11/17/01 10:54am

Subject: Comments on proposed Microsoft settlement.

Dear Sirs,

The proposed settlement is a travesty of justice. Microsoft was found guilty of violating their previous settlement agreements, behaving in a particularly uncompetitive way, and through the whole trial has thumbed their noses at the law. No where in the settlement are they taken to task for their serious misbehavior—and it is serious, Microsoft is big enough to be a symbol, do we want other businesses to behave this badly? The settlement does little to affect Microsoft, and has few if any real remedies. At this point Microsoft should be on notice that ANY misbehavior will result in a swift and stern response.

At the very least, ALL of Microsoft's existing and future data formats and the means to interoperate with them should be made public. It should not be up to Microsoft to pick and choose who their competition might be.

Failure of a Microsoft service to work with another vendor's product—because of that other vendor's id only (as in the recent MSN debacle) should be treated as a violation of the interoperability requirement. Microsoft is driven by greed. Greed is a dangerous thing to reward.

Thank you for your consideration.

Bob Hampton—bobh@optimizations.com—  
(970) 859-7481

MTC-753

**MTC-0000754**

From: david(u)s(u)02330

To: Microsoft ATR

Date: 11/17/01 11:02am

Subject: Justice Department vs Microsoft

Dear Representative,

My two greatest concerns with the current Microsoft agreement are the punishment portion and the authority of the oversight panel.

As far as I can tell, Microsoft is not being punished for it's years of illegal behavior that

they've been convicted of, but rather have been put on probation. A panel of three probation officers (two of which will be chosen with Microsoft's influence) will monitor Microsoft's behavior. I fail to see any more punishment than that. I personally don't believe Microsoft will give complete and accurate information to it's competitors about how to efficiently interact with its operating system (especially if it offers competing products). I also don't believe they will stop trying to intimidate the hardware vendors. Perhaps they will be less blatant about it, but not stop.

I believe that the most optimistic outcome of this settlement will be that Microsoft will walk a fine of aggressively working against the spirit of the settlement while simultaneously trying to meet the letter or the law (as Microsoft interprets it, which is interesting because I don't think that they believe Microsoft has done anything wrong).

When (and not if) Microsoft breaks the law again, it is unclear to me what the above mentioned panel has the authority to do. Can they shut Microsoft down, levy fines, arrest executive officers, or is it back to court we go? My guess is that it's back to court. I say this with the believe that Microsoft will legally challenge any decision of the oversight panel. In general, why rush the settlement (which is not in Microsoft's interest) if it's only going to lead to more courtroom battles?

regards,

Dave Sheehan

MTC-754

**MTC-0000755**

From: massey

To: Microsoft ATR

Date: 11/17/01 11:02am

Subject: DOJ Settlement a sham

The DOT settlement is a complete sham. Microsoft has, for many years, built a monopoly and used it to squash innovation and competition in the computer software and hardware business. They have made BILLIONS by cheating competitors and stifeling software development yet there will be no fines imposed—this is sad.

Reading the settlement I, thou not a lawyer but a programmer, can find many many ways to subvert it's provisions. The DOJ is supposed to protect the people from monopoly control—not help a monopoly continue unrestricted. Under this agreement the computer industry and consumers will be damaged even further.

Jim Massey

909 Wynstay Circle

Valley Park, MO 63088

MTC-755

**MTC-0000756**

From: Howard Shane

To: Microsoft ATR

Date: 11/17/01 11:12am

Subject: Microsoft

Dear Sirs and Madams:

I believe that by allowing Microsoft to go forth into the world without even being required to ship a version of Windows without Internet Explorer and other free tools designed to trample competition amounts to little more than a slap on the wrist. It's

obvious that they haven't learned their lesson. Example: bundling of a media player in Windows XP that directly competes with Real Player (tin) without even offering the individual a choice of programs to play files composed in Real's own format.

The battle is over for Netscape, and I'm fearful that it's nearly over for the US consumer as well. I envision a world ten years from now where Microsoft controls all software used on computers and to access the internet, both from the server end and the users' as well. Soon there will be only three things certain in life: death, taxes and the annual Microsoft subscription agreement.

Howard Shane

MTC-756

**MTC-0000757**

From: Michael Baird

To: Microsoft ATR

Date: 11/17/01 11:05am

Subject: Sanctions

This is ridiculous, I'm a Republican, I voted for Mr. Bush, I'm extremely unsatisfied with this, it's a total sellout. Microsoft gets a slap on the wrist (it's only obvious to look at the great campaigning they are doing to push this settlement). This does nothing to reign them in, and only further enhances the anti-competitive market place to which the computer industry has been stagnated for years.

Regards

MIKE

MTC-757

**MTC-0000758**

From: Joe Henley

To: Microsoft ATR

Date: 11/17/01 11:21am

Subject: Please stop MS's anticompetitive actions

I understand this site is for comments on the DOJ/MS antitrust action. Please do not proceed with your current settlement plans with Micro Soft. It appears you have given up your trial victory and are going to let them continue their anti competitive practices. I hope you will re-join the nine states who want MUCH stronger constraints placed on MS activities.

I have been a MS user since the 1980's (yes, I'm that old). I have watched them push producers of complementary software out of business (eg., disk compression), watched them cripple competing software (eg., the competing DOS), watched them use the operating system monopoly to advantage their their middleware (eg., any office product —Lotus, Word Perfect, etc., etc.), and watched them get away with going around the US Court system's rulings against them (eg., the "browser ruling"). The impact of this that a significant aspect of this country's revolution in information processing is being controlled by one company. The power of competition is almost completely absent. This is NOT what we want for the future. We need many companies competing, especially the smaller ones. In the past, the successful smaller companies have been crushed by Micro Soft; the evidence is that they will continue to do so unless you act to stop them.

PLEASE do not give in to Micro Soft as it appears you are doing. Please help this

country regain some competition in the operating system/middleware segment of the economy. PLEASE help stop MicroSoft's predatory, anti competitive behavior.

Thanks for listening.

Joe Henley

MTC-758

**MTC-0000759**

From: Curt Cox  
To: Microsoft ATR  
Date: 11/17/01 11:20am  
Subject: Proposed restraint  
Greetings,

In light of the previous findings of fact, that Microsoft is a monopoly, I would like to propose that all Microsoft dealings be readily available for public scrutiny. This should be a part of any settlement with Microsoft. More specifically, all contracts in effect between Microsoft and other companies should be a matter of public record—in both existence and precise details.

This includes, but is not limited to, partnerships, joint ventures, acquisitions, and product sales. Furthermore, the contracts should be available on a Microsoft funded website overseen by the DOJ. The DOJ should ensure that the site is

- complete
- accurate
- well organized
- searchable
- continuously available
- responsive
- optionally downloadable as a single archive

Sincerely,  
Curt Cox

MTC-759

**MTC-0000760**

From: Peter Apu  
To: Microsoft ATR  
Date: 11/17/01 11:19am  
Subject: Miscarriage of justice

To whom it may concern,

In my humble opinion teh settlement represents a slap on the wrist to an unfair heavy handed monopolist. A clean break of the company into one devoted to operating systems (Win 95/98/ME/NT/2000/pocketpc) and all other applications would have been the best but costliest solution. soon microsoft will bundle all applications into one "operating system The optimum one would have been a requirement that all APIs should be openly published, any API used by a microsoft application that is not openly published should warrant a minimum fine of \$1000 X number of copies of application sold.

my 1.5 cents

MTC-760

**MTC-0000761**

From: Don Oliver  
To: Microsoft ATR  
Date: 11/17/01 11:29am  
Subject: You Rolled Over

Dear Sirs/Madams:

Your "settlement is simply a reward to Microsoft for decades of illegal monopolistic behavior.

There is nothing to stop them from raising the price of their MS Office products to

OEMs to force them to abandon any competitor product placements. Microsoft has proven by their deceitful testimony during the first trial (doctored videotapes, lies about their email message history, etc.) that they have no fear of the U.S. government.

They were operating for several years under a consent decree before that, and they did not change their behavior one iota. This is a travesty of justice and serves to weaken our anti-trust laws. I urge you to reconsider the position of the nine states who oppose this settlement, and don't foist this Pyrrhic victory on the U.S. public.

Don Oliver  
Independent Software Vendor  
Donny World, Inc. "We Deliver  
Community "(tin)  
279 East Central Street, Suite 140  
Franklin, MA 02038  
www.donnyworld.com  
Voice: 508-384-4166 FAX: 508-384-8683

MTC-761

**MTC-0000762**

From: Ericnewlon @cs.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 11:25am  
Subject: Microsoft Settlement

I had an idea for a public service sentence for the case against Microsoft I wanted to share. They could develop software that could analyze baggage and package x-rays at airports to help screeners identity contents.

Thank You for listening.

Eric Newlon  
1419a½ E John  
Seattle, WA 98112

Web site <A HREF=http://ericnewlon.com">ericnewlon.com</A>--E-mail address <A HREF="mailto:ericnewlon@cs.com">ericnewlon @cs.com</A>

MTC-762

**MTC-0000763**

From: John Mupi  
To: Microsoft ATR  
Date: 11/16/01 10:52pm  
Subject: Microsoft should be taken down

My comment on the Microsoft / DoJ settlement is that Microsoft should be taken down. They are too big of a monopoly and I think I will start using Linux exclusively.

MTC-763

**MTC-0000764**

From: Cody  
To: Microsoft ATR  
Date: 11/16/01 10:52pm  
Subject: Microsoft monopoly and its use of that monopoly

It has been shown how much dammage a monopoly can do when they spread into other adj cent markets. Many companies was forced out of business because of a direct result of how microsoft choises to do business. There are other reasons too. Microsoft goes into an open market, using its monopoly to gain a very large share, and closes the doors. Many of microsofts products are a direct resule of this. IE, Office (Word, Excel, Access, etc), Outlook, NT (NT/2000/xp) and many many more are only arround because of such leverage that they

can force onto computer manufactures, business, and home users. Microsoft, in the world of computers, is the only one, who does not play well with others. They have gotten a monopoly on the desktop market, they are forcing into server, console, web, ISP, and many other markets. Even when the government tells them not to ship a product by a cort of law, they still do. Many of there stTOS or software agreements are pushing the line of being tilleagle. They are pushing things onto everyone that no body wants. Things that purly exploit citizens.

The current regulations that are proposed are far to little and far to late. This should have been done in 96, and comPLETED before 98 came out. Bakc when there was still chouce of a desktop OS that played nice with each other.

At the very least, MS should open all API and protocalls needed when talking to windows from a network. They also need to open all Windows API's so other competing developers on windows can compete. They also must make the default settings use the least common denominator for compatibility.

Thank you for you time,

Cody Nelson

MTC-764

**MTC-0000765**

From: Henry Pierce  
To: Microsoft ATR  
Date: 11/16/01 10:51pm  
Subject: Settlement

The proposed settlement with Microsoft does not go far enough. It does not prevent Microsoft from continuing to intimidate small companies from producing products that are technically superior to Microsoft offerings, thus, preventing the public from seeing alternatives to Microsoft offerings. The web browser is only one specific issue. The license agreements to develope under Microsoft platforms effective take my freedom of self expression away by saying that I cannot publish my own source code developed under Microsoft. Also, current licensing restriction tell me I cannot use certain tools available that are "free".

Again, the Web Browser is only one issue of how Microsoft continues to try to tell people how to do and live thier lives. The Settlement must be preventive of future action based on past action, not just settle past wrongs.

MTC-765

**MTC-0000767**

From: Michael Jennings  
To: Microsoft ATR  
Date: 11/16/01 10:54pm  
Subject: Recommendations: DOJ vs. Microsoft.

I've owned a computer dealership since before IBM sold personal computers. I'm also a programmer. Microsoft is extremely abusive and anti-competitive.— Microsoft is far, far more anti-competitive and abusive than the US DOJ vs. Microsoft antitrust case discusses. If the present case in resolved in an insufficient fashion, there will be a need for another case immediately. Secret file formats are anti-competitive.—A good partial resolution of the case would be to prohibit Microsoft from using secret file formats. Then

there could be competition again. At present there cannot be competition because the software from the dominant company, Microsoft, produces file formats that cannot be reproduced because they are secret. So, another company cannot make software that reliably inter-operates. At present, if a big customer upgrades to a new version of Microsoft Office, and sends out files in a format incompatible with previous versions, all people who receive the files are forced to upgrade their Microsoft software. Companies understandably don't want to go to a good customer and ask that a document be sent again in a former file format. Microsoft produces software that is deliberately faulty.—Windows 95, Windows 98, and Windows ME all have artificial limitations which cause them to crash even though there are plenty of hardware resources. These are called "User Resources" and "GDI Resources". The memory for these resources is artificially limited to 128,000 bytes in some cases and 2 megabytes in other cases. When these resources are exhausted, the operating systems stop functioning. Microsoft deliberately allows piracy.—Major competitors of Microsoft like Corel Word Perfect and IBM Lotus WordPro have difficulty competing because Microsoft allows enough piracy of Microsoft products that competitors cannot sell theirs. I called the Microsoft legal department and complained about this. The result was that I was a witness in a case against one of the pirates. More recently I tried to complain about this again, but it is now impossible to contact Microsoft's legal department.

In my area Microsoft Office 2000 is available for \$50.00 at dealers who sell low-cost computers. I have verified with Microsoft that these are pirated copies. Over a period of many years, Microsoft has not taken sufficient action against the pirates to allow a chance for honest competitors. Microsoft is ending support.—Next month, December 2001, Microsoft will stop providing support for Windows 98, apparently in an attempt to force users to upgrade. Another good partial resolution of the DOJ-Microsoft case would be to extend the support time for at least another 10 years. Many people have computers that operate fine for the purpose for which they are used. For example, an accounting department in a small company may use Windows 95, or even the DOS operating system. These people should not be forced to upgrade. These are only a few of the extremely anti-competitive and abusive methods Microsoft uses, in my opinion.

Regards,

Michael Jennings

MTC-767

**MTC-0000768**

From: Paul  
To: Microsoft ATR  
Date: 11/16/01 10:53pm  
Subject: Microsoft

Hello,

I'm composing this e-mail with the likelihood of someone actually reading it.

I am a Microsoft Certified Systems Engineer and like Microsoft software. Programming and networking are the things

I enjoy. Thought I'd make some basic points. A monopoly that isn't regulated is not a good thing unless you have benevolent management. Microsoft has a monopoly on the workstation and home PC market. Microsoft has used the operating system monopoly to force other products on customers. Internet Explorer is a good example. Microsoft continues to abuse the operating system monopoly. XP is an example. The DOJ needs to be tougher on Microsoft, or any company that abuses monopoly. I've put a lot of thought into how Microsoft, DOT, customers, and rivals would be in a "win-win" situation. If someone is serious about listening to my suggestions, please contact me at 816-651-4025.

Take Care and God Bless.

Paul Taylor  
paul@kcnetcare.com

MTC-768

**MTC-0000769**

From: Randy Hester  
To: Microsoft ATR  
Date: 11/16/01 10:55pm  
Subject: Microsoft Settlement, No Punishment?

So far all that has been discussed in the settlement is restrictions on future conduct. Where is the punishment for their past offenses? I thought they were actually convicted of misusing their monopoly power! A promise not to do it again does nothing to compensate for past behavior.

Regards,  
Randy Hester

MTC-769

**MTC-0000770**

From: James Saville  
To: Microsoft ATR  
Date: 11/16/01 10:55pm  
Subject: Thank you

For settling a case that was about competitors who are too inept to make it in the marketplace, not consumers. I believe Microsoft is a great company, and has been developing some fantastic products over the years. It's a shame our system punishes success, as we have choices in computing, and have for some time. If Microsoft's competitors spent more time building great products, and less time whining, people would buy them. Thanks for not wasting more of our taxpayer dollars on a case that doesn't really mean anything. I choose to use their products—I have the skills to run Linux, Solaris, or any other operating system and application set—their stuff is just the better product, and worth the money. Perhaps folks will realize that many of 'consumers' don't use their products because we are forced to, but because we want to.

James Saville

MTC-770

**MTC-0000771**

From: Rex N. Clarke  
To: Microsoft ATR  
Date: 11/16/01 10:58pm  
Subject: Microsoft Proceedings

If all the government attorneys do their job just right then Japan can take over the lead in software just as they did in the electronics industry. But, that isn't all bad I guess, they

could use some of their American defense arena acquisitions to siphon off a small percentage of their profits. Good job guys, well done!

Rex Clarke

MTC-771

**MTC-0000772**

From: Patrick Thompson  
To: Microsoft ATR  
Date: 11/16/01 10:56pm  
Subject: Microsoft Anti-Trust Settlement To Whom It May Concern:

After reading many of the clauses that were agreed on with the subject settlement it is clear that the Department of Justice has relinquished its role as an enforcement agency for carrying through with Anti-Trust proceedings. This so-called settlement was so lax in its penalty actions towards Microsoft that its even debatable whether Microsoft actually comes out of these proceedings even stronger than before. Several of the 'restrictions' placed on Microsoft were merely just cleverly weasel-worded constraints that does nothing to stop them from using similar avenues as in the past to continue to restrict innovation and brow-beat remarketers. Not only should Microsoft had to pay a large penalty for its anti-competitive practices (in the billions of dollars) they also should have been made to break up their company into two separate business units (one Operating System, One Applications), at a minimum. As a fiscal-conservative, I'm embarrassed by what seems to be a complete and total cave-in by Justice, bordering on dirilection of duty.

Best Regards,  
Pat

MTC-772

**MTC-0000773**

From: larzgold  
To: Microsoft ATR  
Date: 11/16/01 10:55pm  
Subject: Microsoft Settlement

After reading as many articles about the settlement I am still wondering what the government won on this. Microsoft has to tell everyone the API to windows except when it is a security issue. Which is undefined. They are not penalized for anything past wrong doings, and are not forced to support older applications. Hence they can come out with office xp2 and say hey are no longer fixing bugs/updates in the previous version, and basically have income for life. I am not anti-microsoft, in fact I am a shareholder, a developer of MS applications and write articles on how to convert Perl base applications to MS ASP/COM. But my fear lies with the fact the microsoft needs competition to better itself, and to give users a better choice. Forcing me to buy OfficeXP upgrade now, or pay a higher price later, well now I am moving to Star Office. Don't car companies have to support a car for so many years after making them, and can have recalls etc. Software may not kill anyone like a car might, but companies can go broke with the licensing they are enforced on them. The best letter explaining what is wrong is the Ralph Nader letter. Personally I would like to see a fund setup for open source/competitor software funded for the next 10 years, and

also for them to have to open source any software they stop supporting. For example, when win95 is no longer supported an users have to upgrade, make the code open. This will allow computer companies, and hardware companies to continue to support the product after msft gives up support.

I hope you re-evaluate the decision very carefully.

Larzgold@yahoo.com

MTC-773

**MTC-00000774**

From: Bob Garvey

To: Microsoft ATR

Date: 12/6/01 1:58pm

Subject: opinion

I called Gateway computers yesterday to get a quote on a new PC. Once the price was established I asked how much it would be without an operating system. They answered that there is no difference in price. This is a monopolistic market.

I hear often, in the press, and in discussion that Microsoft is an innovative company. Microsoft brings forward that argument often. Check the facts: Window -> Xerox, Mouse -> Xerox, SQL Server -> Sybase, FoxPro -> bought, VisualBasic -> bought.

The windows operating system is integrated: by any standard except anti-competitive / market driven that is not the best design.

Please put the arrogance of Microsoft in check. They are 10 steps ahead of the DOJ and gaining.

Bob Garvey

816-914-3295

MTC-774

**MTC-00000775**

From: Lany Seltzer

To: Microsoft ATR

Date: 11/16/01 11:06pm

Subject: it could have been worse

I have disapproved of the case against Microsoft from the beginning, and would prefer that it be dropped completely. But as the settlement agreement eliminates the most stupid provisions of the original judgment, I urge its adoption so that the industry and the nation can move on and put this ridiculous episode behind us.

Larry Seltzer

127 Parker Ave

Maplewood, NJ 07040

(973)378-8728

MTC-775

**MTC-00000776**

From: lowgun@optonline.net@inetgw

To: Microsoft ATR

Date: 11/16/01 11:00pm

Subject: Allowing Microsoft to Continue Business as Usual Will Weaken What Humanity Can Be

I don't have forty-billion dollars and an army of lawyers to push my case, but I think that reasoning and sheer logic has a chance this time around. Microsoft is a monopoly. It clearly is. There is no doubting that Microsoft is a monopoly. If you look past the technical law jargon and the army of lawyers, you can see this clearly. When the US initially set up anti-trust laws, they had companies like Microsoft in mind. They

would not let Microsoft go or even let the case be dragged on for a decade. The fact that the case has been dragged on for a decade is yet another obvious peice of evidence that proves Microsoft is a monopoly. Now, what has Microsoft done for the world? They have made tens of billions of dollars for themselves, almost none of which goes into making an error/bug free operating system. It isn't that hard, really, to make an error free operating system. All you have to do is know what you are doing, take all cases into consideration, and implement the fail-safe devices in the program. So why does Microsoft still have bugs in their software? It is because it is good for their business. They take no account of how much humanity could benefit from trouble-free computing, because trouble-free computing isn't good for business. If the open source developers had forty-billion dollars to spend on equipment and employees, the US would accelerate into another greater information age. This information age would be free, everybody could afford a computer, and everybody would know how to use a computer. The current reason why so many people cannot afford a computer is because of Microsoft. They provide 500 dollar operating systems that a free Linux system could send straight to hell in any stability test. Half of the cost of Microsoft's products are marketing costs, which Linux does not need. Open source developers do not have to market, because their products sell (if that is the right word) themselves. Condemning Microsoft would benefit mankind.

MTC-776

**MTC-00000777**

From: Joseph L. Brown

To: Microsoft ATR

Date: 11/16/01 11:00pm

Subject: Unsatisfactory MicroSoft Anti-Trust Settlement

To whom it may concern;

Sirs, I feel very strongly that the current settlement of the MicroSoft Anti-Trust case is insufficient and deeply flawed. MicroSoft has been found guilty of being a predatory monopoly, and of repeated abusing its overwhelming market position to bankrupt its competitors and strong-arm PC retailers into restrictive and monopoly-power-enhancing licensure 'agreements'.

The primary complaint against MicroSoft is not the content of its software—though a case probably could be made of such—but rather its flagrant disregard for the law and blatantly abusive marketing practices.

As an example of MicroSofts disregard for the law, you need look no further than their most recently released 'Operating System' (OS)Windows XP. Even in the midst of being prosecuted (and after a judgement against them) for predatory marketing practices in the form of software bundling (a la Windows 98 and MicroSoft Internet Explorer) they have developed and RUSHED TO MARKET an operating system which offers only a very incremental improvent in performance—but instead is BUNDLED with far more software. Microsoft might argue that the Software is an intrinsically useful part of the OS; of course, that argument has previously been ruled against in court. MicroSoft might argue that

some of the newly integrated software may be Opted-Out of; and of course everyone surly realizes that opt-out services have been examined in court and found to be far less desirable than Opt-In choices.

The penalties imposed upon MicroSoft are virtually meaningless; MicroSoft has been so wildly profitable as to make W. Gates fantastically wealthy—some US\$ 56 Billion or more if memory serves. Any fine levied will be an insignificant fraction of MicroS ofts assets; any program(s) whose source must be opened to public scrutiny will be similarly insignificant—MicroSoft could simply release a 'new' piece of software and use its market abuses to make it the new de facto standard. A 'More Of The Same' solution will NOT be effective. Quite simply, MicroSoft MUST be split into at least two mutually exclusive sections; an Operating Systems section and an Applications Software section.

Please note that MicroSoft is a 'Vertically Integrated' monopoly— much like Standard Oil was; it controls not only the production of a resource (computing power made available through the operating system, similar to Standard Oils control of oil production through ownership of refineries) but uses this control to select who can compete to retail it (the companies who write application software to must face unfair pricing when they attempt to compete with MicroSofts own products, much like the Gasoline retailers attempting to make a profit against Standard Oils retailers, while being in the unenviable position of having to buy their gaoline from Standard Oils refineries). It is the continual abuse of this 'Vertically Integrated' structure which has lead to MicroSoft being found GUILTY of being a Predatory Monopoly; and so any lasting solution MUST address this issue. Any failure to split MicroSofts Operating System away from MicroSofts Application Software will forever fall badly short of preventing future abuses.

I sincerely hope that no settlement LESS than the splitting off of the Operating System Unit will be reached; thank you for your consideration in this matter.

Joseph L. Brown

MTC-777

**MTC-00000778**

From: Adam Loutzenhiser

To: Microsoft ATR

Date: 11/16/01 10:59pm

Subject: Microsoft is a shameless monopoly

Hash: SHA1

Microsoft should have no right to exist under current law because of their anticompetitive practices. Although there are many examples of Microsoft's stealing intellectual property from other companies and individuals, such as their TCP/IP stack, one practice stands out in my mind: Microsoft prevents computer manufacturers from allowing a computer with a Microsoft operating system from alternatively booting into a non-Microsoft operating system. This is quintessentially anti-competitive, because it effectively prevents other operating systems than Windows from getting mass market exposure. Most computer users use whatever software is packaged with their

systems usually because it's beyond their ability to install other software. This is especially true of operating systems. Although an operating system such as Linux, for example, can be just as user-friendly or even more user-friendly depending on the end user, the installation process often requires technical knowledge that most users don't have. Although there exist computer shops that will install operating systems, most users, not being able to justify spending money for an extra operating system, simply use what is packaged with their computer.

Because of the preexisting popularity of Microsoft operating systems, computer manufacturer's can't simply not install a Microsoft operating system. The simple act of installing a Microsoft operating system prevents them from installing a non-Microsoft operating system on that computer for the customer because of contracts computer manufacturers must sign before they may install any Microsoft operating system. If it weren't for these anti-competitive contracts, most computer manufacturers would probably install a Linux-based operating system in addition to a Microsoft operating system, giving end users exposure to alternative operating systems. Without the anti-competition contracts, end users would have a choice which operating system they use, instead of being forced to use Microsoft's products. Recently, a memo has been "leaked" by Microsoft, naming Linux as "THE" competition. Therein it was stressed that Linux has a very good chance of displacing Microsoft in both the server and desktop markets. However, nothing could be farther from the truth, because Microsoft has created anti-competition contracts with computer manufacturers. In fact, the memo itself is dubious, because Microsoft's goal would be to prove that it indeed has competition in order to insure it's survival as a monopoly. Whereas a memo such as that can be easily fabricated and "leaked," as Microsoft would have us believe it was, anti-competition contracts are undeniable. When the two tell different stories, it is logical to trust that the factual and undeniable anti-competition contracts tell a better story of where Microsoft sits as a shameless monopoly.

Adam Loutzenhiser, loutzena@student.gvsu.edu, <http://velex.Ocatch.com>  
AIM: v313x, Yahoo: v313x

"Everyone falls the first time. If you never know failure, how can you know success?"  
— Morpheus, The Matrix

MTC-778

**MTC-0000780**

From: J. Greg Davidson  
To: Microsoft ATR  
Date: 11/16/01 11:06pm  
Subject: Microsoft is flouting the law and undermining the economy

After finding Microsoft guilty of systematic damaging monopolistic behavior they are getting only a tiny slap on the wrist. What is their response? Leveraging their monopoly to expand into the computer gaming market (never mind that their software makes writing games harder and will slow the expansion of that industry), network services (recently MSN turned off support for non-

microsoft browsers and then turned it back on in response to complaints, sending fear into anyone using a non-microsoft browser), a virtual machine named .net designed to undermine Java (and they just shipped an old out of date Java with Windows XP so that Java would look bad), and on and on. Their arrogance is hard to believe, one must look again and again. What is the effect of this flagrant violation of the law and of the findings of the Justice department? How can we expect any business to obey our laws? How can we expect innovation to keep coming out of small companies when the markets and patents are increasingly locked up and an anacronistic monopoly makes all the rules? What is the moral effect of the massive political contributions from Microsoft just before this sudden softening of law enforcement?

Please do your duty and break up any and all companies found to have become damaging monopolies. It will actually be good for their shareholders, as the smaller more focused pieces will get new life in a more competitive market. Capitalism is like a garden, a bit of pruning keeps it healthy.

J. Greg Davidson  
jgd@well.com  
MTC-780

**MTC-0000781**

From: ron  
To: Microsoft ATR  
Date: 11/16/01 11:08pm  
Subject: Crime

The settlement is a joke!!!  
You need to fix this problem, MS should be broken up.

MTC-781

**MTC-0000782**

From: John Langford  
To: Microsoft ATR  
Date: 11/16/01 11:15pm  
Subject: Settlement comments

I find it very strange when an entity is convicted of multibillion dollar crimes and then suffers no punitive damages. The terms of the settlement seem to be about equivalent to banning a bank robber from entering a bank by the left front door because that is how he robbed the bank last. I would like to see:

1) Code of conduct remedies without the serious loopholes of the current system. It is not a serious remedy if Microsoft can determine who gains access to the source code. It is not a serious remedy if Microsoft can avoid revealing "authentication protocols". They will simply make every protocol involve some amount of authentication.

2) Damages. In fact, punitive damages. Breaking the law, especially breaking the law to get several billion dollars should be bad. It sends a very poor message if this does not happen.

John  
MTC-782

**MTC-0000783**

From: Joshua Brown  
To: Microsoft ATR  
Date: 11/16/01 11:14pm  
Subject: Sell-out to Corporate Interests

Please add these comments to whatever official record you may be keeping of responses to the Microsoft settlement: Microsoft lied every step of the way in its trial, and now you expect people to believe that these same executives in Microsoft can be trusted to stop anti-competitive practices with only minimal sanctions. So typical of a Republican administration—selling out to corporate interests. This was a Reagan appointee who decided the company needed split up, so it's not as though Microsoft hadn't already been given every benefit of the doubt from the start. David Boies and his team proved in court that Microsoft practiced dangerous and malicious anticompetitive behavior, and the Justice Department under President Bush and John Ashcroft has suddenly forgotten that. Reagan bailed out IBM, and now Bush has bailed out Microsoft. Justice does not hinge on securing the best interests of corporate America at the expense of all else, and the administration and the DOJ in particular would do well to remember that.

Disappointed,  
Joshua Brown  
336 Sleepy Hollow Rd.  
Smithfield, PA 15478-1242  
(724) 564-4964  
casiustroy16@hotmail.com

MTC-783

**MTC-0000784**

From: internic @ speakeasy.net@inetgw  
To: Microsoft ATR  
Date: 11/16/01 11:13pm  
Subject: Insufficiency of Remedies in the Microsoft Settlement

I believe that the settlement that has been made in the Microsoft case is both an insufficient remedy of past wrongs and will be an abismal failure as an attempt to stem future wrong doings. The primary problem is that as a result of their anti-competitive business practiced, Microsoft now enjoys a strangle hold on the operating system web browser markets as well as the large and growing influence of their media player and other software. The settlement seems geared to setup rules for oversight over future business practices, but lacks any punitive portion for past acts, which must be included to dissuade Microsoft, and other corporate giants, from using similar methods in the future. More over, without reversing or negating some of these ill gotten gains, it is inevitable that Microsoft will only grow in prominence and control over the marketplace. This situation is bad for consumers and for innovation. I strongly urge you to review the comments of Ralph Nader, in his recent open letter on the subject, for a more detailed and insightful evaluation of the situation, and I hope that you will instead seek a stronger and more effective remedy in the Microsoft case than the current settlement.

Sincerely,  
Nick Cumming

MTC-784

**MTC-0000785**

From: John F. Sowa  
To: Microsoft ATR  
Date: 11/16/01 11:23pm  
Subject: Need for tougher penalties

I have been working in the computer field for nearly 40 years. I am retired now, but I am amazed at the complete absence of any serious penalties against Microsoft.

IBM and the DOJ signed much tougher consent decrees, which were in force for many years, even though IBM was never convicted of anything.

Microsoft has been found guilty of illegally extending their monopoly, and the conviction was unanimously upheld by the Court of Appeals. The "interim relief" levied by Judge Jackson was far tougher than the final remedy agreed to by the DOJ.

But the proposed settlement includes no penalties at all. The most it does is to compel Microsoft to obey the laws that they have been brazenly violating at every opportunity. I can understand that breaking up Microsoft might be difficult to carry out, but such a penalty was enforced against AT&T when it was a far large monopoly.

Recommendation:

1. Impose Judge Jackson's "interim remedies" immediately.
2. The DOJ should negotiate further penalties while the interim remedies are in force.
3. As a minimum penalty, Microsoft should be forced to pay the full legal costs of the DOJ and the states that have joined with the DOJ.

The DOJ is a lot bigger and a lot more powerful than Microsoft. They should take off the kid gloves and tell Microsoft that it is time to negotiate seriously.

Sincerely,

John F. Sowa

An American voter and taxpayer

Web site: <http://www.jfsowa.com>

MTC-785

**MTC-00000786**

From: Sinan Karasu  
To: Microsoft ATR  
Date: 11/16/01 11:21pm  
Subject: Bad Settlement

Bad for consumers, bad for future of civil rights and bad for the future of American businesses all around the world.

This will lead to crippling of business in America in conjunction with SSSCA,DMCA. And eventually the rest of the world will give America the finger and take away the leadership that this country acquired thru cultural imperialism. Oh well. In 5 years you will wake up to this, when it is too late, but at least you will be able to experience despair.

Sinan Karasu

Soory for the terseness, but I really don't think you people deserve anymore consideration, considering . . .

MTC-786

**MTC-00000787**

From: David A. Cornelson  
To: Microsoft ATR  
Date: 11/16/01 11:17pm  
Subject: Poor Judgement

Dear DOJ,

I've been in the IT industry for 16 years, 10 as a consultant, 5 as an independent. For the past 5 years I have used almost entirely Microsoft tools and overall have used Microsoft software since I got into this business.

I'm about to shoot myself in the foot.

Theres a chain of events that's been entirely whitewashed it seems. In the mid 1990's, Netscape was born and so was the first commercial web browser. In short order Microsoft created Ineternet Explorer, challenging a dominant Netscape product with a vastly inferior version 3 of IE. In a very short period of time though, Microsoft released not only IE 4, but it also released client/server development tools that worked strictly with IE 4. Microsoft had very strong relationships with Fortune 500 corporations that were already running Windows and so passing on these tools was a free ticket to stealing the browser market from Netscape or anyone else. With those built-in relationships and the strong-arm tactics used with both vendors and competitors, Microsoft used it's monopoly to literally wipe out a competitor in a matter of months. IE became the dominant web browser in less than 18 months from its first release. No other company on earth could have turned the tables so quickly on an industry.

They claim to build a better product and this is true. But if you have Fortune 500 America testing your software (pre-release was something Microsoft used to speed poorly tested software to market), it's a sure bet things will shape up quickly. Netscape had no such inroads into corporate America. All they had was a popular product that could be downloaded for free.

Anyway—the rest is history. Netscape browsers have about 5% of the market now and IE has about 90%. This game is over. So now we have Windows Media Player vs. Real Audio and QuickTime. It's almost ridiculous that the DOJ is ignoring this as another slam dunk. Using the same Fortune 500 foothold, Windows Media Player will, in less than 12 months, become the dominant media software. Real Media will likely go bankrupt (or get sucked into AOL) and have the DOJ to thank. We also have MS Messenger. This might be a battle for a little while because AOL has such a large share of the home market, but with XP now shipping with it built in, AOL users are going to flock to a more easily accessed ISP (MSN) and . . . another slam dunk.

What's next? This will continue to happen to any software that becomes vastly successful in the vertical markets that runs on Windows. If I create some cool new thing that runs on Windows and I refuse to sell out to Mr. Gates, they'll just build their own and squash me like a bug. How? Because they can tie it to Windows. Why would someone purchase and/or download any software if it's already built into Windows? Go figure.

Microsoft can go on, but in my mind the original Netscape shareholders from before the AOL bailout should get a billion dollars and so should Sun for the Java fiasco. For any competing product that gets tied to Windows, all competitors should receive a direct payment. So Real Audio and Apple (QuickTime) should receive a cut as well.

If you're going to allow Microsoft to tie secondary software to Windows, then you should force them to compensate their competitors or force them to allow OEM's to install whichever competing software they so choose. In fact, I would give the OEM's an

open license to modify Windows in any way they see fit as long as it doesn't effect security and reliability.

To do otherwise not only harms consumers, but likely will be seen as Microsoft having the government in their back pocket. You might as well give a seat at the table to Bill Gates.

David Cornelson

Geneva, IL

[dcornelson@placet.com](mailto:dcornelson@placet.com)

MTC-787

**MTC-00000788**

From: Steven Edwards  
To: Microsoft ATR  
Date: 11/16/01 11:16pm  
Subject: Microsofts OEM Restrictions

To Whom is may concern,

I am part of a poject to build a operation system called ReactOS that aims to be a 100% replacement for Mircosoft Windows. I will 100% in support of this settlement only if two issues are addressed.

1. Our project is GPL/Open Source and not for profit. You must insure we have access to the needed API's/Code to be able to run Microsoft applications and drivers, even though we are non-for-profit.

2. Microsoft should not be allowed to restrict how the OEM's package our Operating System with a new computer. If a customer wants to run both Operating Systems, then Microsoft should not be able to limit the customers right to chose. This would be like me owning a Ford car and Ford telling me my right to use the car would be taken if I used GM parts.

Thanks for your time

Steven Edwards

MTC-788

**MTC-00000789**

From: Jim Ward  
To: Microsoft ATR  
Date: 11/16/01 11:26pm  
Subject: What a joke of a "Settlement"

Microsoft is found by the courts to be a monopoly that abused it's power. Nothing in the settlement will prevent them from continuing this anti-competitive behavior. It is more full of loop holes than the now famous slap on the wrist "no bundle on top of DOS" settlement. The loophole on that one was Win95 did not have DOS in it. What a lie, you couldn't even get by such an obvious lie to close this loophole. Well you guys have out down yourselves on this settlement. This baby has even more loopholes.

When Netscape had 80% market share they forced Dell to not ship with Netscape. What is even more outrageous is they forced Dell to have the employees not use Netscape. When IBM had a better OS as in OS/2 they withheld Windows 95 licenses to punish them. They provided false testimony in court and doctored a video to show what they wanted instead of the truth. They have and continue to stifle true innovation. So what do you do about it REWARD THEM.

I sincerely hope the Judge and the States prevail and show how you sold out the whole high tech industry and all of the consumers you are forced to pay high prices for an inferior product.

MTC-789

**MTC-00000790**

From: Ted Eselgroth  
 To: Microsoft ATR  
 Date: 11/16/01 11:26pm  
 Subject: Microsoft Decision . . .

You've heard all the arguments on the anti-Microsoft side, so I won't repeat them. Just put me down in the "you screwed up really, really big" column. \*sigh\*

Ted Esegroth  
 Webmaster; Glen Ellyn Web Site  
 Chairman; Glen Ellyn Technology  
 Advisory Commission  
 Board Member; Glen Ellyn Economic  
 Development Corporation  
 Member; Glen Ellyn Chamber of Commerce  
 Adjunct Professor, Computer Training;  
 College of DuPage  
 630/469-7058  
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 http://eselgroth.com

MTC-790

**MTC-00000791**

From: Toby (038) Toni Meehan  
 To: Microsoft ATR  
 Date: 11/16/01 11:25pm  
 Subject: settlement promotes Microsoft  
 technology and products

I don't understand how this settlement will punish Microsoft (MS). It simply institutionalizes their existing monopoly by encouraging:

- developers to learn, use, and license MS technologies through "disclosure of middleware interfaces", "disclosure of server protocols", and "licensing of intellectual property"
- computer manufacturers to bundle MS products as the "ban on exclusive agreements", "ban on retaliation", and "uniform licensing terms" will drive down their costs related to MS product procurement
- competitors to avoid directly competing with the MS monopoly because every developer and computer manufacturer is promoting, selling, and supporting only MS products (particularly when they're less expensive and more pervasive than ever before thanks to this proposed settlement)

These punishments come too late to be effective now that Microsoft is a monopoly. Alternatives will not flourish through competition as consumers will receive MS products at lower prices, in more tailored offerings from computer manufacturers, and with more inexpensive applications to boot. If you want to punish MS, hit them where it hurts—the bottom line. Have them cover the cost of the court case and on-site enforcement (to serve the public good—taxpayers), plus some large annual sum of cash (\$50 million per year sounds good) for the next five years (to fund organizations in the public good, like academic computer science programs to improve the professionals MS competitors need, non-profit organizations like Debian to offer some immediate competition, and standard making bodies like the JETF, W3C, ICANN, and IEEE that can break the MS hold on defacto standards) with on-site enforcement of all the existing "punishments". If after 5 years, they still commit the same crimes as a monopoly,

the annual payments continue until the behavior stops.

With a serious financial punishment like this added to those proposed, MS prices will go up, allowing for more competition. That's how you create competition for a monopoly—with economics. It also gives MS a solid business case to change its behavior—one of the few things they seem to understand.

I hope I articulated this well as society, consumers, and government deserve better.

CC: Russ Kenny, Mark Pinkerton  
 MTC-791

**MTC-00000792**

From: Michael Westbay  
 To: Microsoft ATR  
 Date: 11/16/01 11:24pm  
 Subject: Against Settlement

To whom it may concern,  
 I am very much against the currently proposed settlement between the DOJ and Microsoft. There is nothing in the settlement that Microsoft can't get around when it comes to not disclosing information to the only competition that MS hasn't been able to beat down, the Open Source community. I used to develop software for the Microsoft platform. When installing service packs and other Microsoft products like MS Office started causing serious problems with other software packages from third party vendors (Borland and Netscape in particular) that I used, I began becoming less and less enthusiastic about using Microsoft. And I was one of the biggest promoters of the MS platform in our company before that. I got so fed up with Microsoft in 1998 that I reformatted my notebook computer and installed FreeBSD (a free UNIX-like operating system) and haven't used MS on that machine ever since. When I bought a new computer two years ago, the preinstalled version of MS Windows didn't last five minutes before being reformatted over. Between 1998 and 2000, I slowly got my work assignments changed over to where I could work in a platform independent environment (thanks to Java), and on January 5, 2000, I reformatted the last Microsoft partition that I was using.

However, because I do work as a software developer, it is important that I interoperate with Microsoft users. The settlement, as it stands, looks to allow Microsoft to completely exclude Open Source projects like SAMBA from interacting with Microsoft operating systems based on bogus "security" concerns or simply by disagreeing with the Open Source "business" model.

Take a look at this section:

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, including without limitation, keys, authorization tokens or enforcement criteria; or

(b) any API, interface or other information related to any Microsoft product if lawfully

directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee:

(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights,

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

I mentioned that SAMBA is important for other operating systems to communicate with Microsoft based systems. SAMBA is an open source project that primarily allows MS and non-MS operating systems to share files and printers on a network. Given J-1-a above, it would not be hard to imagine Microsoft claim and/or modify their communications protocols to contain some sort of "security" information, thus making those communication protocols except from disclosure. If Microsoft didn't have a record of underhanded tricks to exclude competition, then I could believe that this little loophole wouldn't make much of a difference, however, I've witnessed them break Netscape's TCP/IP (a communication protocol) with a version of MS Office which shouldn't have had anything to do with network communication (at that time), so I wouldn't put this past them.

Furthermore, J-2-b and c "protect" Microsoft from revealing any API documentation to anybody based on their "business need" and the "viability of its business." Open Source software is FREE! It has less to do with "business" and more to do with providing a solution to a problem. The Open Source community is essentially a group of volunteers who help one another get a job done. Even though its members tend to be distance geographically, it's more of a "community" than many small towns are these days. And Microsoft has stated time and again that this is their next target for enialiation, as they've killed off so many other branches of the software market in the past.

The above two and several other provisions (such as not guaranteeing non-reprisals from Microsoft against OEMs that do NOT ship computers with a MS operating system) of the current agreement do nothing to protect Open Source, which is more and more becoming the only hope to compete against Microsoft's monopoly.

The proposal, as it stands, is unacceptable. Thank you for your time and consideration in this matter.

Michael Westbay  
 Work: Beacon-IT [http://www.beacon\\_it.co.jp/](http://www.beacon_it.co.jp/)  
 Home: <http://fwww.seaple.icc.ne.jp/?westbay>  
 Commentary: <http://www.japanesebaseball.com/forum/MTC-792>

**MTC-0000793**

From: DMann717@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 11:27pm  
 Subject: microsoft anti-trust settlement

I want to state that i think Microsoft is a fine company. but there software is pushie. for instance, I subscribe to aol. but i just received a msn disc in the mail. it gave me 3 month free. i thought i would like to see what it was like. if i liked it, i might consider using msn for my net. once i installed it, it knocked out my connection to aol. i could not access aol. i think thats wrong, and besides they hurt themselves. once I saw I could not access aol, which i am paying for. I uninstalled msn without even trying it. I think they hurt themselves by being pushie. and I dont believe that it should be the only operating system available to the consumer. and concerning windowsxp I understand that you need to call microsoft for a access to reinstall the program. I think this is terrible, once a person buys the program it become the purchaser property and the person who owns it should have the right install it as many times as they want to, without having to call microsoft. I think thats real arrogance and dishonest. I might add I wont be a purchaser of xp. again I want to state that microsoft is a good company, but we are dealing with their faults and the ways to make it better for the consumer, and not microsoft. please do not lose sight of this.

MTC-793

**MTC-0000794**

From: Catherine Valiant  
 To: Microsoft ATR  
 Date: 11/16/01 11:27pm  
 Subject: Settlement with Microsoft  
 Dear DOJ,

I was very saddened to see you cave in on the MS case. You were up and took a dive. Shame. It really makes me lose faith in the government: one of the few legitimate and necessary roles of a free-market government is to prevent monopolies, no?

Regretfully,  
 Cat

MTC-794

**MTC-0000795**

From: Chris Gonyea  
 To: Microsoft ATR  
 Date: 11/16/01 11:27pm  
 Subject: Microsoft Settlement

To Whom This May Concern:  
 After reading the terms of the settlement that the DoJ and Microsoft came to terms with, I can't help but feel disgusted by it. This does nothing to Microsoft to curb its anti-competitive practices. Nothing is done to punish Microsoft for its past behaviors. Time

and time again, Microsoft has stopped its competition from offering viable products. It has a near monopoly in Operating Systems, Internet Web Browsers, and Office Suite products. Whenever a company offers a product that could potential compete with Microsoft, Microsoft aggressively attacks the company until it is destroyed.

If a settlement must be made with Microsoft, then a different one has to be drafted. This current settlement is nothing more than a slap on the wrist. Believe me, 5 years from now, Microsoft will be as strong as ever if this settlement is implemented.

Please reconsider this settlement and impose stronger restrictions.

Chris Gonyea  
 MTC-795

**MTC-0000796**

From: dick@softplc.com@inetgw  
 To: Microsoft ATR  
 Date: 11/16/01 11:29pm  
 Subject: How did this come about

I have owned a private software company for 20 years and have watched Microsoft closer than most anybody else. Judge Jackson saw all the evidence. He was best positioned to offer a penalty. Everything that happened since his final ruling is very unfortunate for the software industry. Microsoft must be stopped while there is still a software industry. But now I fear it is too late I am very disappointed in this settlement.

Dick Hollenbeck  
 President, SoftPLC Corporation  
 SoftPLC, Open Architecture Control Software  
 dick@softplc.com  
 Ph: 512/264-8390  
 Fx: 512/264-8399  
<http://www.softplc.com>

I want to be what I was, when I wanted to be what I am now.

MTC-796

**MTC-0000797**

From: Joel  
 To: Microsoft ATR  
 Date: 11/16/01 11:29pm  
 Subject: Microsoft is bad for the system

I can not speak for everyone but Microsoft is dangerous for the entire US and the world, stifling innovation and technologies that should exist today. By stifling or putting competition out business Microsoft has prevented the United States from a huge amounts of revenues. The Internet was built on cross-platformabilities and has become "Windows-centric". The issue of "Smart tag" technology that Microsoft has will envoke copyright infringement.

Privacy issues are a huge concern today and Microsoft is one company that has a horrible track record for handling these types of data. With their Hailstorm initiative they are gathering data to do knows what with and most people are not aware of Microsoft's intentions. Please do us the consumers a favor and come down hard on Microsoft, they are not benefitting anyone but themselves.

thank you,  
 Joel Philips

MTC-797

**MTC-0000798**

From: Mark Josephs

To: Microsoft ATR  
 Date: 11/17/01 1:19am  
 Subject: Comment on Proposed Agreement

I think the proposed settlement in the Microsoft case is a direct reward to Microsoft for breaking the law. As in many cases in common law, this case has its special considerations. However, the public is served when there is dynamic competition in all areas of industry. The settlement does little or nothing to restore the basic fair business practices needed to stimulate and sustain a robust technical development community in the United States.

Microsoft was found guilty of breaking the law to further its monopoly and crush any competition. Microsoft as a criminal enterprise is not being punished. Criminals do not change their behavior unless they are punished. Microsoft has gained great economic and political power by breaking the law and now appears to be using this economic and political power to escape any punishment for its crimes. Please reconsider this settlement. Please consider the economic and political power bargains that are implied by this settlement. Criminal enterprises should be punished, please consider adding appropriate punishments to the settlement.

Thanks for your time,  
 Joseph J. Simpson  
 6400 32nd Ave. NW #9  
 Seattle, WA 98107  
 206-781-7089

MTC-798

**MTC-0000799**

From: Gregory J. Smith  
 To: Microsoft ATR  
 Date: 11/17/01 1:17am  
 Subject: Re: settlement

I'm quite displeased that my government has decided to let Microsoft off the hook when they have been declared a monopoly. The terms of this settlement does little to prevent Microsoft from continuing their monopolistic practices and does nothing to punish them from their past regressions. Microsoft has proved it's self a fierce competitor and will stop at nothing to own what ever market it wishes to own. It will try and try again destroying it's competitors or at the last resort buying them out. At work I use a MS operating system, MS Office, we have MS servers and I use a MS web browser. Forget about using an "alternative" web browser, my IT department forbids it because it would be incompatible. MS marketing at work!

Now they want to control my personal information with their .NET initiative. They say it's because that is what people want and they are just trying to give us what we want. The real reason is because MS wants to own a potential market and keep the rewards for themselves. They have shown that they have no interest in security or doing anything of interest to the user. They don't make changes until they are forced to and then they are often do a poor job or steal from other companies. I certainly do not trust Microsoft. From a Wired article: "Microsoft chairman Bill Gates on Thursday defended the settlement as tough but one that "we're really pleased to have." If Microsoft is glad to have it then it clearly does not go far enough. I

hope that the judge will reject this settlement as inadequate. I also hope for a Department of Justice that is interested in protecting the interests of American citizens rather than the interests of large corporations.

MTC-799

**MTC-0000800**

From: Anthony R. Cassandra  
To: Microsoft ATR  
Date: 11/17/01 1:23am  
Subject: Comment on MS ruling

Monopolies are one of the market failures of capitalism. As such, it is one of the governments prime tasks to prevent them from forming and to dismantle them when they do materialize. The suppression and elimination of monopolies is the governments duty, regardless of the immediate economic implications. This has to be done for the long term benefit of our country. Failure to do this, is the government failing to do its job. Monopolies restrict people's freedom, and to sacrifice freedom for economic reasons is not only wrong, but against the principles of the people that created and gave their lives for this country.

Microsoft has been stifling innovation by sucking up companies that had been creating innovative technology, to bring them under the umbrella of a corporation whose main focus is to monopolize every segment of the software market, not on creating innovative and quality products. To those that truly understand technology, the inadequacies of their software is so obvious as to not even warrant debate. Only those that do not understand the technology, or that have remained ignorant, sheltered in a world where there is only Microsoft software, do not see the deficiencies in their products.

I am very upset with the settlement of this case as it shows that money and lawyers, and not citizens or principles, yield most power in this country. It is not the justice department's job to engage in economic prediction, nor base their actions on such things.

Anthony R. Cassandra, Ph.D. email: arc@cassandra.org

MTC-800

**MTC-0000801**

From: Eugene L. Willey  
To: Microsoft ATR  
Date: 11/17/01 1:27am  
Subject: Possible anti-trust violation

Dear Sirs: Risco Systems has deployed a nation wide Realtors system that only works with the Internet Explorer browsers and further I believe Microsoft is actively pursuing this strategy with other organizations. To see this for yourself logon to: <http://hastingsmls.risco.net/G3/Logon.asp>? This practice would seem to me to violate your settlement. This site or any Risco controlled real estate board will not work with Netscape, Opera, or Mozilla. It is specifically designed to bar access by any other browser. If there really is any oversight of your decision this might be a place to start. How many sites out there prohibit access by all browsers except the Microsoft browser and why are such sites barring such access. Is Microsoft encouraging such behavior? They are very rich and very aggressive

people. Please take a look at this for me and all consumers.

Gene

MTC-801

**MTC-0000802**

From: Mehmet Guler  
To: Microsoft ATR  
Date: 11/17/01 1:27am  
Subject: Leave MS alone

—Are you going to prosecute Netscape because they drove Mosaic out of business using THE SAME TACTICS MS used in ridding them (Netscape) out?  
—Are you aware that this verdict might have had a positive effect IF IT HAD BEEN REACHED 3-4 YEARS AGO when bundling really mattered?  
—There are ALTERNATIVES to MS. They are even free.  
—Which mail client are you using to read this message? Outlook? Give it up. Settle and let it be over with for everyone!

MTC-802

**MTC-0000803**

From: Robin  
To: Microsoft ATR  
Date: 11/17/01 1:26am  
Subject: Microsoft Wrist slap

I am appalled at the microSOFT approach you are taking against this monopolistic predator. Since they have come out with XP, why not have them reveal their "old" OS source code? This would act as a major deterrent. Our only hope is that the states that have the best and most knowledgeable data processing background can get the judge to see what a microSOFT sell-out you guys have dealt the American consumer.

MTC-803

**MTC-0000804**

From: jamesc  
To: Microsoft ATR  
Date: 11/17/01 1:24am  
Subject: Caving to Microsoft

Please realize, firstly, that I am Canadian, and therefore understand if you do not heed my opinion as valid. That aside, I think it is horrible how you, as a branch of your nation's government, have caved to what I can only assume is a promise of relief in an economic downturn in return for a light settlement against Microsoft. First you allowed Microsoft to drag this case to the point of oblivion, (all the while costing your nation's taxpayers millions and millions and millions of dollars), a tactic obviously angled at wearing thin your government's willingness to prolong a costly battle, and then when you decide to come to a ruling, you dole them out a stern wrist slapping, with a padded belt. I do hope you realize that your decision makes the Department of Justice the laughing stock of governing bodies, (until another inevitably steps up to the plate, luckily for you), and those that —live— in your country have absolutely no confidence in your willingness to protect justice, let alone them. And how is it that you agreed to let Microsoft dictate TO YOU how you would implement 'punishment'? I suggest, heartily, that you change your department's title to "Department of Corporate Protection". This title would more

aptly reflect your painfully obvious inclination towards serving only the corporations that inhabit the country, as opposed to the people. You do not offer justice, nor do you uphold it. Why do you bother using the title in your department's moniker?

JamesC

MTC-804

**MTC-0000805**

From: PAnierCom@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:38am  
Subject: Bush Justice Department toothless tiger

Who's kidding whom, this kid gloves approach to Microsoft appears to be little more than appeasement on the part of the Justice Department. Much sterner measures were in order Microsoft has proven itself to be a corporate thug. But this administration is partial to big business. And they don't come much bigger than Microsoft. Or more ruthless. I say put the screws to them as they have to so many other companies.

MTC-805

**MTC-0000806**

From: gallivan@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:38am  
Subject: msft

I'm at a loss to come up with details for a deal that is less in the public interest than that reached by the DOJ with MSFT. I'll cast my next federal vote accordingly.

MTC-806

**MTC-0000807**

From: Carl Bright  
To: Microsoft ATR  
Date: 11/17/01 1:37 am  
Subject: Comments about the antitrust settlement

Dear Sir or Madam,

I have been following the Microsoft case since the inception, and I am very disappointed at the outcome. Never before in the history of America has the court system granted a monopoly the ability to continue to illegally bundle products. Until Microsoft is banned from bundling software into the operating system, there will never be another real software innovation or application.

To make my point:

Microsoft bundled disk compression into the OS.—There has not been any further disk compression utilities.

Microsoft bundled the Internet Explorer into the OS.—It has caused all but the extinction of other internet browsers.

Microsoft bundled the Email and Usenet services into the OS.—It has caused all but the extinction of other internet mail programs.

Microsoft is currently bundling incompatible fire wall software into the OS—It will spell the demise of current personal firewall software such as Black Ice.

Microsoft is currently bundling media player(s) into the OS—It will spell the demise of current computer media players.

In short, look at all the independent software selection you now see on the store shelf. Some day they will all be bundled into Microsoft's OS.

The weak actions by the DOJ has caused the death knell for independent software designers because no one will spend time and money to develop innovative software just to have it stolen and integrated into Windows and then harrowed as the next big upgrade.

The General publics last chance for was to divorce the Windows OS from the bundled applications. The DOJ has now made that necessity impossible in the short term and has handed Microsoft the weapons to destroy all software innovation in the foreseeable future.

Carl Bright  
20821 Gold Street  
Harrah Oklahoma.  
73045

MTC-807

**MTC-0000808**

From: Jim Rhine  
To: Microsoft ATR  
Date: 11/17/01 1:30am  
Subject: Re: Slashdot: News for nerds, stuff that matters

Wanted to let you know that I feel that the decision between the DOJ and Microsoft will do nothing in the long run to benefit consumers nor keep Microsoft from further utilizing their monopoly to help only themselves. The DOJ had a sure win fight and instead of following thru appears to have simply given into more red tape and political B.S. When Microsoft is brought back into court again in the future the DOJ will only look even more foolish than it does now for not taking care of the problems that Microsoft's monopoly present to consumers, competitors and to our country and it's economy as a whole today. Perhaps some day these issues will be taken care of in a better way than was decided thru this decision although I am not holding my breath.

Jim Rhine

MTC-808

**MTC-0000809**

From: Arthur Copeland  
To: Microsoft ATR  
Date: 11/17/01 1:46am  
Subject: Microsoft is way out of bounds

I havenot seen any mention of Microsofts practise of forcing users of hotmail to their msn site with a window of 5 seconds to act. In my case I am thrown into msn.de the german microsoft site, I dont speak german and I have no interest in going to msn germany. i have used Hotmail for years but its the only site where it forces the next site ive seen except with MSN sites. You should stop these practises along with the ones mentioned in the press. Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

MTC-809

**MTC-0000810**

From: jose gomez reguera  
To: Microsoft ATR  
Date: 11/17/01 1:42am  
Subject: WINDOWS

The novelty, intricacies and widespread marketing of Windows are what have allowed Microsoft to sell its flaw-ridden product without restrictions, nor mandatory safeguards for the unwary consumer.

Jose Gomez Reguera

MTC-810

**MTC-0000811**

From: Eugene L. Willey  
To: Microsoft ATR  
Date: 11/17/01 1:39am  
Subject: Possible violation of your decision

If you sign on to [www.msnbc.com](http://www.msnbc.com) you will see that their online video's can only be viewed by the Microsoft Media Player. All other online news networks offer RealPlayer as an option. e.g foxnews, cspan, cnn, bbc and so on. The RealPlayer is a superior product but you cannot use it on MSNBC.

Gene  
MTC-811

**MTC-0000813**

From: Jason Straight  
To: Microsoft ATR  
Date: 11/17/01 2:04am  
Subject: Give me a choice—No more Microsoft Taxation!

My biggest complaint about MS comes when I need to purchase a new PC from a large computer vendor like Dell, Gateway, etc. Most of them have such an iron clad deal where MS requires them to ship all new computers with some form of windows or face losing bonuses and refunds. For instance I recently purchased a Dell laptop and I told them I didn't want an operating system on it (I was going to install linux on it, and I already own various versions of the windows operating system I don't use that if I wanted windows on my laptop I could have used). Anyway I argued with the salesperson about not wanting windows or the extra Microsoft software (MS works and expediamaps, etc . . .) to no avail. I was told that I couldn't get the computer without the software bundle. So I was stuck paying for extra garbage I didn't want. It would have been the same with many other vendors as well. So now I have yet another copy of windows I don't need but was forced to pay for.

Imagine if you will that you are allergic to anchovies, yet everywhere you went to get pizza they said that you had to have them whether you wanted them or not, and you had to pay extra for them. But you insisted you didn't want them to no avail and they explained that if they wanted to carry anchovies at all, for the people who do want them, that the anchovie foundation said they had to put them on every pizza or they wouldn't get paybacks for sending out every pizza with anchovies.

Or you buy a car and they force you to pay extra for air conditioning when you live in alaska.

You buy a house and they force you to buy an expensive refrigerator with the house when you already have a brand new one you planned on using.

You go to wal-mart and buy a computer and the computers there have been modified to force you to use a certain internet provider when you've already pre-paid a year at another provider who won't give you a refund now. What if you were forced to flush 20 sheets of toilet paper down the toilet every time you flushed it even though you only pee'd? What a waste that is. I could go on forever with examples of nearly illegal

anecdotes like these but even though it may not be "illegal" the way MS does it now it certainly should be. I forces the consumers to pay for microsoft software whether they use it or not. I know of only 1 entity that can do this legally. The government, it's called tax. Who appointed MS a govememtn entity? Answer: The government of the US did by allowing these types of things to go on for too long. Next time I have to pay the MS tax when I buy a new computer I'll be sure to write it off as tax exempt donation to a branch of the new US government.

Actually that poses me an Idea, if the govt can't control MS they should protect the people by offering a refund at tax time if we send in real microsoft licenses with our tax refunds.

I've got a collection that could bring me a good refund next year. There's no question Microsoft isn't stupid they ride the edge of the laws on this stuff for sure, it's time for new laws governing these kinds of practices. I don't mean rewrite the constitution to cripple business I mean write laws that put any company who owns more than 75% market share of any type that could be considered a necessity into the category of a utility provider. A utility provider that can be regulated by stricter laws than those who don't have a monopoly.

Telephone companies, power companies, etc... many of them are regulated in some way, in how they interact with citizens, however MS is allowed to go on running however they see fit. Another perfect example:

I run an internet provider in an area where the telephone company service is wretched, no matter how much I dislike them and their poor service I have to use them, but at least the govt regulations tell them they can't force me to pay \$80/mo for basic service which sucks, and tack on extra services on top of the \$80 when I don't want them, then on top of it, as much as I hate the service I'm forced to pay a re-installation fee every year of \$500 just because they decided to upgrade the lines in the area, which really wasn't an upgrade when you consider the rotten quality I was getting before. This "upgrade" is nothing more than fixing a couple of the problems that I shouldn't have been having in the first place. Ameritech can't get away with it, but Microsoft can.

Want to make sure MS can't keep hurting the public like this then you'll have to tell MS they can't make deals like that with computer manufacturers, but MS covered their ass well on this one. Actually you should be telling the computer manufacturers they aren't allowed to force sales like that on consumers, that they have to offer to sell machines without windows at a price reduction reflecting the manufacturers suggested retail price of the software. Oh but that won't work either, because they'd just hike the prices to cover buying MS software even if they had to throw it in the garbage to make sure they made their quota with MS to get the cash back. You're screwed, there's nothing you can do to protect the customers unless you stop that company and stop them good.

Microsoft has a strangle hold on the industry throught the applications that

microsoft software runs, if there were alternatives that could run the applications produced for MS software there would then be choice for consumers in what they wanted to use, not what X computer manufacturer told them they had to buy. Force MS to open source and make free their API's so that other operating systems can be made to run applications and games written for microsoft windows. If linux, freebsd, BeOS, Mac OSX, Solaris, IRIX could run the same microsoft office and quickbooks pro you get off the shelf, why would anyone use windows at all? It's certainly not the better choice for any reason other than the software available for it, in many instances there are cheaper alternatives to windows that are more stable and even as friendly to use, not to mention secure but MS was allowed to grow to epic proportions and force software makers, computer makers and other companies to solely support MS and if they support anyone else they feel the wrath of losing big \$\$\$.

Like a MS fine.

Give choice back to the people. In many ways Microsoft has become the government of the computer industry, they have laws (sell windows with every pc, don't support our foes, etc.), they have fines if the makers break the laws by not giving them their cut of the collected taxes. And through the makers they impose taxes forcing you to pay them \$\$\$ for something you don't use. At least when I pay taxes I'm paying for a strong government to protect me (I think anyway). Fine them a million dollars every time there's a security exploit for windows, they'll be gone in a month.

Switch all the government PC's over to a free operating system like linux use the \$\$\$ saved on software licenses to contract out programmers to write software for the gov't that could also be used in the private sector then sell it. MS loses money, alternative operating systems gain needed applications and you make money in the end selling the software. Don't allow them to stray from the standards of HTML with their browser. If it's not part of w3c then they are breaking the law.

It's imparative that MS not be allowed to become the self appointed anything. Right now they are the self appointed government of the computer industry, if they aren't forced to follow existing standards on the internet they'll own that soon too.

Jeet Kune Do does not beat around the bush. It does not take winding detours. It follows a straight line to the objective. Simplicity is the shortest distance between two points.

Bruce Lee—Tao of Jeet Kune Do  
Jason Straight—President  
BlazeConnect—Cheboygan Michigan  
ISP: www.blazeconnect.net  
Products: www.blazeconnect.com  
Phone: 231-597-0376 —Fax: 231-597-0393

MTC-813

**MTC-0000814**

From: chris.whipple @hq.com@ inetgw  
To: Microsoft ATR  
Date: 11/17/01 2:01am  
Subject: Settlement is too weak.

I feel that the core issues at work in the antitrust trial have not been adequately

addressed in the settlement. Microsoft continues to leverage it's desktop monopoly into new markets (instant messengers, media players), and the settlement does not address these issues at all. As a consumer and IT professional, I feel that Microsoft's current and continued business practices have had and will continue to have a negative impact on my computing experience and the industry as a whole.

Respectfully,  
Christopher Whipple  
Technical Projects Engineer  
HQ Global Workplaces  
MTC-814

**MTC-0000815**

From: Don Beusee  
To: Microsoft ATR  
Date: 11/17/01 1:47am  
Subject: Microsoft Settlement

To whom it may concern,  
I have great concern about the DOJ/ Microsoft settlement. I don't think the agreement will work.

What I see as the fatal flaw is the restrictions on the power of the Technical Committee, which insures they won't have enough power to do anything. All they will really end up doing is delaying the process of taking MS back to court when they try to maneuver around the rules. The finding of the Technical Committee can't be used in court against MS nor can they testify, which means that if they do find MS to be doing something wrong they will tell the US Dept of Justice. The DOJ will then have to go to court to get the authority to investigate MS to produce their own evidence of wrong doing, but only after MS has had a long period of time and ample notice to hide the evidence.

The bit about the TC not being able to speak publicly is also very damaging, because it keeps the members of the TC from saying anything if either side tries to avoid their responsibility. Right now, if the TC found that MS was violating the rules but the DOJ didn't want to investigate they couldn't take their complaints to the public. This makes it far to easy for both sides to just quietly sweep the whole thing under the rug.

Finally, the inability of the TC to take any action other then notifying the DOJ prevents them from having any real power to threaten MS into compliance. At the very least, the TC needs to have the power to petition the judge directly for a injunctions to block activities by MS until the DOJ decides on a course of action and the power to petition the judge to fine MS for resisting oversight.

As for the remedies themselves, there are so many loopholes that most, if not all of them, have no teeth to prevent MS from doing what they've been doing all along. And the remedy package is not enough to stimulate competition in this market (which needs it BADLY), even if enforceable with no loopholes, which this package is not). I can itemize each point if you like—just let me know.

The purpose of this email is to let you know that I strongly object to the settlement, with the main reason being that the TC has no power to do anything. This is the weakest part of the settlement. The DOJ already won

the case—why doesn't it insist on a strong remedy package and give the TC some real power to take action? The TC should be reporting directly to the courts, on a monthly basis on the status of compliance.

Regards,  
Don Beusee  
CC: attorney.general@  
po.state.ct.us@inetgw.atcapO 1 .msh...  
MTC-815

**MTC-0000816**

From: dromanovicz@austin.rr.com@ inetgw  
To: Microsoft ATR  
Date: 11/17/01 11:24am  
Subject: the settlement

The proposed settlement does not do enough to curb the practices of Microsoft. Of course the company is entitled to bundle whatever it wants in its software. However, the Internet and the digital revolution are something of a public utility, so Microsoft can be prevented from hampering the interoperability of competing products. We will all lose a great deal of future innovation if Microsoft is allowed to continue squashing every competitor. I still use Netscape for e-mail and Web surfing, despite the fact that Windows is designed to crash Netscape regularly. There are reports that in Windows XP it is difficult to replace the bundled defaults. It is this behavior that must be prevented. I realize that the economy is in a bad state, but we must not abandon our principles. Then again, I guess you haven't abandoned your principles: this settlement is a right wing Republican cave-in to a rich, arrogant company.

Dwight Romanovicz  
Austin, TX

MTC-816

**MTC-0000817**

From: Lorin Olsen  
To: Microsoft ATR  
Date: 11/17/01 11:21am  
Subject: US v. Microsoft: Concerns of a Consumer

To Whom It May Concern,  
I have been an active computer user since 1976. My computer experiences started with IBM mainframes (5/360 168) but have included every major microprocessor offering from Intel and Motorola. In that time, I have used most every major operating system created—including all of the products released by Microsoft.

As an interested consumer who has spent many dollars on Microsoft products, I have been intensely interested in the ongoing U.S. v. Microsoft case. As a consumer, I have felt compelled to use Microsoft products and upgrade according to their schedule. I used to be a very satisfied Netscape user. But I found that as I used Netscape, more and more services were bundled with features that required Internet Explorer. With each successive Microsoft Office purchase, I have felt compelled to upgrade or not stay compatible. With Windows XP, Microsoft has deployed a product that all but requires subscribing to Microsoft's service offerings (MSN Messenger, Passport). In short, I have felt that my choices have been severely constrained by the practices of Microsoft. My continuing hope is that whatever penalties or

settlement is imposed, Microsoft's core behavior can be modified. As a consumer, I want to have more choices not less. I want to know that my investment in Real Networks software (Real Player and Real Jukebox) won't be lost because Microsoft bundled a free version of multimedia tools. As a ZoneAlarm Pro user, I want to know that my investment won't be stranded because Microsoft bundles a free product in the operating system. My larger concerns are that once Microsoft eliminates competition (in music, video, security, etc) that I won't be forced to buy products from the only remaining vendor—Microsoft. Worse still, I don't want Microsoft to eliminate its competition and then I cannot use alternative computing platforms (e.g., Linux) simply because the only existing tools are for Windows platforms.

Finally, I hate to think of a computing industry that does not have innovation. For years, computers have been the means of transforming our lives and increasing our productivity. While Microsoft maintains monopoly control on the industry, innovation will be stifled. There is no incentive for the monopolist to innovate. Rather, there is every incentive to make only marginal changes—thus protecting the revenue stream. This means that truly new ideas won't come from Microsoft. This is certainly the case over the past few years. But when real innovation is introduced, Microsoft has been swift to embrace these things and eliminate the innovators (by unfair competition or by acquisition). In short, unless Microsoft's behavior is changed, I fear that consumers will not see any real innovation. All you have to do to see that this trend is look at the differences between Windows 95 and Windows XP.

Apart from some minor cosmetic changes, the interface is nearly identical. After seven years, where are the innovations? Where is the voice control? Where are the effective "equal access" tools? As a citizen, a consumer, and a computer professional, I hope that the Department of Justice works to ensure real competition. Do not sacrifice true competition because of some vain hope that Microsoft will spare the economy after 9–11. It won't. In fact, real competition is the only thing that will completely revitalize the technology sector.

Sincerely,  
Lorin Olsen  
Overland Park, KS  
Phone: 913-894-0706

MTC-817

**MTC-0000818**

From: Harvey McDaniel  
To: Microsoft ATR  
Date: 11/17/01 11:44am  
Subject: No surprise  
Gentlemen;

I am deeply disappointed in my government's flaccid attempt to bring some sort of justice to the software industry. MIS's path to success is littered with the broken and battered companies in its wake.

And you, gentlemen, have failed in your duty to all of us.

H. W. McDaniel  
31888 Fayetteville Drive

Shedd, Oregon, 97377

MTC-818

**MTC-0000819**

From: Andrew Lanclos  
To: Microsoft ATR  
Date: 11/17/01 11:43am  
Subject: This settlement is not in the best interests of consumers and business.

It is in my belief that this settlement is mostly being proposed at this time so that Microsoft will be "free" to bring the market back to its once-prosperous state, and allow the economy to revive. While these goals are virtuous and lofty, the fact of the matter is that Microsoft's short-term profitability will not allow the economy to recover in the long term.

As Stanley Sporkin put it during his denial of the original settlement terms put forth in 1995, "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained." The settlement proposed right now amounts to little more than saying "Stop, or I'll say 'Stop!' again!" I agree that dividing Microsoft into parts is not the answer—Little exists to ensure that those severed companies wouldn't simply cooperate fully with each other in "strategic partnerships".

A better remedy would be to have a codebase oversight group composed of industry-familiar persons who would be able to point out deficiencies in Microsoft's products that harm consumers' right to choose. For instance, Windows XP is being hotly contested in many foreign nations due to its overwhelming power over the user. Microsoft's "concessions" in this manner are to allow a small measure of competitive advertising, as long as Microsoft's own services and products also remain advertised with the same capacity. To restate the thinking of many Unix users, "The operating system runs the computer. It's not the operating system's job to play movies or record MP3s or write a letter. That task is left up to applications, applications that should be optional for users to pick and choose between publishers, or none at all if the user doesn't need that functionality."

I use Windows XP because I find it to have many new features to the actual Operating System that are very beneficial to users. However, there are also many bundling practices with Windows XP that, if I were a novice user, would impose an unnatural selection choice on me to use a Microsoft product, simply because it's convenient. Many (Over 50%) home PC owners still don't have internet broadband service, so picking a competing web browser over Internet Explorer is a rather difficult task. First off, the user has to know that it exists, and many don't. Secondly, at its current download size, it takes well over two hours to download. Most users would balk at being online for that long, and simply bail out at this point. Microsoft has used this as a leverage point for some time to prevent users from working with Netscape. Most online users I know that use Netscape do so because it was provided by their Internet Service Provider. When (And they have before) Microsoft proposes licensing restrictions for ISP software including Internet Explorer, they general give

ISPs only two choices. Provide only Internet Explorer, or pay us money to allow you to carry IF without our license restriction.

Microsoft has just recently entered the video game console market. As a longtime consumer of this market, it scares me terribly, because I know that the same predatory practices Microsoft has long employed in the PC realm will also (and have already) be used here. It's no secret that exclusive titles help to strengthen a console's marketability, but Microsoft is entering this market with significantly higher resources than Nintendo and Sony have at their disposal. Sony may be an electronics giant, but they don't have the cash to bet the farm on the success of the PlayStation2, especially in the economy's state as it is. Microsoft's tactics include offering developers free licensing and benefits for developing titles exclusively for their system, the Xbox. While this is normally harmless, the fact is that Microsoft has significantly more power to do this than Nintendo and Sony, both longtime legitimate competitors in this arena. Microsoft can (and does, and will continue to) simply offer developers the only financially viable option—Develop for us for free, or take your chances elsewhere. Effectively, they'll stifle off the ability of developers to publish titles on other systems simply because of the fact that their short-term economic viability is ensured by Microsoft's marketing dominance. Microsoft will win not because it has superior hardware or superior marketing or superior title offerings—It will win because it had more money to play with. The situation here is tantamount to an Olympian athlete who has long been using anabolic stimulants to repeatedly artificially win competitions—He then suddenly decides that he wants to compete in other races, such as the decathlon and the long jump, because "it's his right to compete", even though he has already demonstrated a clear unfair advantage.

Microsoft makes some decent software, assuredly. But the fact of the matter is that its development staff is hindered by a cycle of marketers and lawyers gone mad, who can't stop the cash flow lest it leave them dry. Microsoft doesn't need to branch out into other markets to assure its long-term financial viability. It's already ensured this by crushing all the competition in the markets it already exists in. And the bureaucratic dawdling in this matter has only allowed Microsoft to continue to stifle competitors even more. Microsoft may say that its competitors just don't have things together, and that their failures are their own faults, but the fact is that repeatedly Microsoft has put forth barriers to entry, and any perceived "difficulties" are generally due to Microsoft's own efforts. They have a long history of ballot-stuffing, false advertising, and outright lying (Bill Gates himself said in a CNN interview three nights ago that the Nintendo GameCube, one of the Xbox's competing systems, was \$299 in price. It's actually \$199, which is one of its primary selling points). Quietly issuing retractions and apologies does little for the consumer market when the damage has already been done.

Nothing exists in this settlement which will result in the "most effective and certain

relief in the most timely manner.' It doesn't even amount to a slap on the wrist because nobody's slapping anyone. Microsoft can not and WILL NOT be stopped by the measures in this anti-trust settlement. In reality, the most effective measure of the settlement with Microsoft has already been done—Microsoft has had to devote its lawyers and part of its fund to fighting this court battle that would have normally been used to take down even more competitors. Those who support it by claiming that it puts an end to "government waste" will be poorly served because it the settlement will have effectively become a waste of 6+ years of time and bureaucracy and money put forth to settle this. Don't make this whole case a waste. Come up with some better restrictions on Microsoft that will ensure its own viability along with its competitors.

Drew Lanclos  
Mississippi State University  
CC: amm22@ra.msstate.edu  
@inetgw,alanclous @its.msstate.e...  
MTC-819

**MTC-0000820**

From: Andrew C. Oliver  
To: Microsoft ATR  
Date: 11/17/01 11:37am  
Subject: Microsoft Settlement

The settlement is deplorable. Microsoft has continued to raise prices as it has become more dominant and has become ever more bold in raising the barriers to market. As both a citizen and a software developer I am appalled by this slap on the wrist" solution. As a participant in the economy I agree now is NOT the time to split up the company, but a continuance until the economy recovers followed by a sharp and deep cutting penalty (such as splitting up the company) is called for.

Microsoft is not a technology innovator, they are a large trust with deep pockets that buys up or tramples via often illegal agreements such as:

1. "group boycotting" (with ISVs and VARs),
2. Tie-in agreements masked under the guise of new features. If I agree to sell you my house and I'll throw in the house next door and the price has mysteriously doubled from when the house was sold alone, does that qualify as a new property feature?.
3. Allocation of Customers or Markets. (attempts to reach agreements to this effect with Netscape, and Apple)

Regardless of the political positions of the party in power, the LAW should be enforced. This agreement laughs in the face of the rule of law and the DOT should be ashamed of itself.

Andrew C. Oliver (Republican, North Carolina) www.superlinksoftware.com CC: jesse\_helms@helms.senate.gov @inetgw  
MTC-820

**MTC-0000821**

From: pmemer@localhost.localdomain  
@inetgw  
To: Microsoft ATR  
Date: 11/17/01 11:48am  
Subject: settlement

Microsoft wins the rest of us lose, Its nice to see where MicroSoft put its money in the

last election. Who says the Department of Justice can't be bought. This teaches all north americans that crime does pay as long as the people meant to enforce america's laws are crooks themselves. Hopefully the next time the Democrats win they charge the current leadership of the Department of Justice with collusion with Microsoft.

Sincerely Philip Memer  
Citizen of the Banana republic of Canada  
MTC-821

**MTC-0000822**

From: RE  
To: Microsoft ATR  
Date: 11/17/01 11:48am  
Subject: Microsoft Antitrust Settlement  
Comments

Dear Sirs:  
I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

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

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices which they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

R. Laderman  
CEO, KM Inc. San Francisco, CA  
MTC-822

**MTC-0000823**

From: Ray Ashmun  
To: Microsoft ATR  
Date: 11/17/01 11:46am  
Subject: Its Fair

Lets get this overwith. The settlement is fair and should be implemented now.  
MTC-823

**MTC-0000824**

From: Brian Kendig  
To: Microsoft ATR  
Date: 11/17/01 11:46am  
Subject: Comments from a former Netscape employee

Dear Department of Justice:  
I worked for Netscape for almost five years, from early 1995 until late 1999. I rode the roller-coaster through all of its ups and downs, from the time when we could do no wrong to the time when we could do no right. I've been in the industry for much longer than that. I saw Netscape's end coming. Everything Microsoft did to us, they've done before and they're done since.

I appreciate the opportunity to offer a few thoughts.

(1) Microsoft claimed all along that the web browser was a useful application which deserved to be tied to Windows. The crucial question they never answered was: what about Microsoft Word? Everybody uses a word processor; why didn't Microsoft add Word's powerful features into Windows, to benefit consumers in the same way they did by adding Explorer's powerful features to Windows? The answer is that Word had no serious competition, so Microsoft was content to sell it separately and to offer a stripped-down word processor ("WordPad") bundled with Windows. I've believed all along that a great solution to the tying issue would have been for Microsoft to include a stripped-down basic web browser with Windows, and to sell the full-featured Internet Explorer separately. This would let customers surf the web without buying anything extra, but if they wanted additional features, plenty of competition in the market would give them lots of choices of more-powerful web browsers.

(2) Microsoft defeated Netscape simply because they had the cash, the resources, and the time to copy every one of our most important products feature-for-feature, and give it away for free. They rarely got things right on the first try, but by bundling browsers and servers in with Windows and by releasing subsequent versions with more features, it was inevitable that they would eventually match our quality—and then it was inevitable that customers would choose the free solution over ours. Many of our customers still remained loyal, and purchased Netscape software rather using Microsoft's give-aways, but still, we were doomed from the very start. (Not only did Microsoft's freebies wound us deeply, but our grave was dug when they even went a step further and bullied our major accounts to stop using our software.)

Many people have complained that Netscape's software became unpopular because it was bug-ridden and couldn't keep pace with the features Microsoft was adding to their software. My response to this is: YOU try fixing bugs and adding features and keeping pace with a company which has a near-infinite cash supply, all while your own revenues are slipping away!

We did the research and development. Microsoft saw what worked, copied it, and gave it away. How could we possibly survive? More importantly, what does this say about the Next Big Thing, whatever that may be? What incentive does a person have to turn his great idea into a company, when he knows that Microsoft can simply steal his idea and undersell him once he proves that his idea is a success? The only options available these days are to follow the open source movement or ally with Microsoft; there is no longer any room for anything else.

(3) Microsoft has a long history of abusing their power, and they've been taken to court for it many times in many different countries. They've learned, however, that if they can get a court case to drag on for years, any ruling will become irrelevant because the competition it was supposed to benefit has long since died off. And not only are they

skilled at dragging the proceedings through molasses—but they also thumb their nose at the government while doing it; were they ever reprimanded for introducing a falsified videotape into evidence two years or so ago?

Any ruling against Microsoft must be strong and unyielding. So far their punishment for shrugging penalties aside has been another court case which has dragged on for another few years, and they'll only ignore the outcome of this one too.

This must stop now.

IVI Brian Kendig Set your priorities right. / A / . \_ . brian at enchanter net No one ever said on his V / / j <http://www.enchanter.net> death bed, "Gee, if I'd \_ \_ / \_ Be insatiably canous. only spent more time at / / / Ask "why" a lot, the office."

MTC-824

**MTC-00000825**

From: J Langley  
To: Microsoft ATR

Date: 11/17/01 12:10pm

Subject: Drop the case against Microsoft.

Don't you think the Country has enough. Drop the case against Microsoft Don't you think the Country has enough.

Jim Langley

MTC-825

**MTC-00000826**

From: tbudd  
To: Microsoft ATR  
Date: 11/17/01—12:07pm  
Subject: court system...

The current decision makes it pretty obvious to the American public that MS owns the To use an analogy. MS copied other vendor's technology to build a "highway" system for PCs. They used illegal practices to turn it into a monopoly. Whenever someone makes a new successful "car" that runs on the "highway", MS copies it and "gives it away for free". That is, MS charges for it in the cost of the highway. Whenever someone complains, MS asserts their "right" to incorporate anything into their highway monopoly. Obviously, MS is paying government officials plenty of \$ to insure that MS can maintain and expand their monopoly with impunity. When will someone stop the madness?

Regards,

-Tracy

MTC-826

**MTC-00000827**

**MTC-00000828**

From: Ron Goodman  
To: Microsoft ATR  
Date: 11/17/01 11:56am  
Subject: Disgusted with proposed Microsoft settlement

The proposed settlement is pitiful, even coming from a Republican administration. No penalty for past criminal activities, no penalties for future illegal activities, no indication that anything meaningful will be done to change Microsoft's behavior. Previous administrations won the case in the courts, and you're walking away from doing anything with that victory. Our only hope is that the remaining states and the EU will show more integrity and courage than the

current administration has been able to muster.

MTC-828

**MTC-00000829**

From: SMunger@ aol.com@inetgw

To: Microsoft ATR

Date: 11/17/01 12:21pm

Subject: (no subject)

Comment re Microsoft settlement: Its about time to get this resolved. The government has been vindictive and unreasonable in dealing with this company that has done so much to facilitate our country's businesses. Without microsoft our economy would be much less efficient. Lets give some credit to this incredible company and let them get on with business. I am from Iowa and I don't think that our attorney general serves the people in the position he takes. The settlement is reasonable. Lets get on to the next generation of software and technology and stop the bureaucratic intereferece with a free economy and business innovation. Stan Munger

MTC-829

**MTC-00000830**

**MTC-00000831**

**MTC-00000832**

From: Jason Jeffries  
To: Microsoft ATR  
Date: 11/17/01 12:39pm  
Subject: MS Settlement

Thank you for settling the case with Microsoft—the only thing better would have been to never bring the case to court in the first place.

MTC-832

**MTC-00000833**

From: Andy Freed  
To: Microsoft ATR  
Date: 11/17/01 12:33pm  
Subject: Microsoft case resolution

To Whom @ Department of Justice,  
I understand wanting to be finished with the Microsoft case, but there has been no solution as the current agreement reads. The weak terms of the agreement seem to forget all the non-existent companies who have been killed or absorbed by Microsoft's bully tactics.

I think that the administration is making a huge mistake with the current resolution. Nothing was solved, and no practice has changed, or gone punished. The administration may want to reconsider this settlement if they truly have the interest of both business and technology in mind.

I thank you for providing this opportunity to voice my opinion. I only hope that my state does the same. It seems to be busy enough with its suit on behalf of its assisted suicide rights.

Sincerely, Andy

Andy Freed  
andyfreed @ mac.com  
afreed@pcc.edu

MTC-833

**MTC-00000834**

**MTC-00000835**

**MTC-00000836**

From: mikea

To: Microsoft ATR

Date: 11/17/01 12:49pm

Subject: Microsoft Settlement

To Whom It May Concern,

I have owned and operated a small computer technical support business in a small community in the California Sierra foothills for the past three years. Before that I worked for ten years at a mid-sized corporation as a computer system administrator, and I have been employed in the computer business since 1985. All of my clients use versions of Windows, including Windows9x/ME/2000/XP, and I have been at Ground Zero during the two lawsuits of note involving the Justice Department and the Microsoft Corporation.

While the finding of the Justice Department that Microsoft had violated U.S. anti-trust law was heartening—since my experience has been conclusive that this is exactly what they did—the recent settlement is totally unacceptable. This is not a remedy, it is an appeasement of such depth and breadth that I have to wonder what sort of corruption is at its root. It fundamentally does not address the main problem with the Microsoft monopoly, which in the finding is described as "the application barrier to entry." In other words, Microsoft is still free to load its operating systems with all sorts of marketing garbage that freeze out competitor's products that are often superior, in that they are free of the bugs that often plague Microsoft initial offerings that have been designed to capture a particular market.

A perfect example of this is what happened with Internet Explorer. The first versions were an embarrassment to good programming, but because the browser was given away and automatically loaded onto the desktop with the delivery of Window98, Netscape never had a chance. Rockefeller would have been proud. The problem with this is that, with all monopolies, my clients were financially harmed by this chicanery. They did not have a choice in the browser market, and as Internet Explorer was forced down their throats in order for them to do business, they suffered financial losses due to the consequent loss in productivity.

Now we are headed down this same dismal road once again. With the release of WindowsXP, you had a unique opportunity to address the application barrier to entry by preventing Microsoft from taking advantage of its monopoly in the operating system market to capture the digital media, development, and internet application markets, just as it did with the browser market. But you failed to protect consumers and businesses alike by reaching a settlement with Microsoft that does nothing to address its proposed monopoly in these emerging markets.

I do not know how you sleep at night after having reached this tainted agreement; though I have a feeling that a corrupt Republican administration with pillows stuffed with soft money, you most likely sleep very, very soundly. Just so you know, out here in the hinterlands we are not sleeping so well. Our dreams are, instead, nightmares, as we twist and spin trying to figure out how we are ever going to root out the criminal corruption that creates the

stench so prevalent in Washington DC at this time in history. I will remind you that small businesses are the ones who will be hurt by your decision, and they are by far the largest percentage of employers in this country.

I beg of you, please reconsider your decision. Our economic future, the health of our families and our communities, absolutely depends on a Justice Department that is free of criminal behavior.

Most Respectfully Yours,  
Michael P. Anderson  
mikea@clientworks.com  
10288 Natasha Ct.  
Nevada City, CA 95959  
mikea@clientworks.com@inetgw  
CC:

MTC-836

**MTC-0000837**

From: Timothy Enders  
To: Microsoft ATR  
Date: 11/17/01 12:48 pm  
Subject: Microsoft Settlement

I agree with many who believe the proposed settlement doesn't address the crimes that the defendant has committed and will not discourage more of the same in the future.

The behavior of Microsoft has hurt, rather than helped, the computer industry. The loss of a truly competitive marketplace will continue to impede progress. This environment now threatens to be exported to more markets as Microsoft positions itself as the intermediary of all online transactions. Now I read that Microsoft is offering to payoff the remaining states to join the settlement by offering to pay their legal fees. This is further proof to me that the DOJ has acquiesced to this corporation and is not upholding the law.

Regards,  
Timothy M. Enders  
209 Edgerton St  
Rochester, NY 14607

MTC-837

**MTC-0000838**

**MTC-0000839**

From: michael baxter  
To: Microsoft ATR  
Date: 11/17/01 12:45 pm  
Subject: strong enforcement provisions what a fucking joke! admit it, you guys are just blowing gates.

MTC-839

**MTC-0000840**

From: gwl(a)iwdc  
To: Microsoft ATR  
Date: 11/17/01 12:53 pm  
Subject: microsoft settlement

I strongly encourage the Justice Department to complete its action against Microsoft. I am a small business man who makes his living from using the products Microsoft makes. I think this has gone on long enough. Please consider closing this issue.

Regards, Gary  
Gary W. Little  
The Gary Little Company, Inc.  
mailto:gwl@iwdc.net  
Box 430  
Gulf Breeze, Florida 32562

Tel: +850-434-8384  
Fax: +850-434-8974  
MTC-840

**MTC-0000841**

From: Michael Dunn  
To: Microsoft ATR  
Date: 11/17/01 12:52 pm  
Subject: MICROSOFT SETTLEMENT

I feel this case should be settled as soon as possible as per the revised proposed final judgment.

Michael Dunn  
MTC-841

**MTC-0000842**

From: John Keelin  
To: Microsoft ATR  
Date: 11/17/01 12:49 pm  
Subject: Microsoft Settlement

Hello,  
Some comments regarding the proposed settlement. According to an article at USAToday.com, The Justice Department also considered trying to force Microsoft to sell a stripped-down version of Windows that did not include built-in software for browsing the Internet, reading e-mail, listening to music or sending instant-messages.t9

I believe that you should have pursued this approach for several reasons. I use both the Windows and Apple Macintosh Operating Systems on a regular basis. Both of these products offer bundled software, which I would agree benefits the consumer. It is the way in which Microsoft leverages the bundled software that highlights Microsoft's abusive behavior.

The following outlines some of the key differences in the way software is bundled by these two leading operating system providers: Internet Explorer (Microsoft product available on Both MacOS and Windows) On a macintosh, if a web site address is entered into Internet Explorer incompletely (e.g. news vs. www.news.com) the browser assumes and correctly takes the user to the requested site (e.g. www.news.com). On Windows, incomplete web address entries take you to a Microsoft-branded search site.

Conclusion: The bundled web browser on Windows gives Microsoft an unfair advantage on promoting it's web properties. Software Update Features On the Macintosh, there is a program called "Software Update" that logs onto an Apple Computer FTP server and provides the user with a list of updated system software. The user selects the updates and the "Software Update" program downloads and installs the new software accordingly. Windows offers the same feature called "Windows Update." "Windows Update" REQUIRES that a user connect with Internet Explorer to update their system software. Instead of a separate program, like Apple Computer offers for the same software update ability, Microsoft requires the use of Internet Explorer to perform these actions. Conclusion: On the Macintosh, If I remove Internet Explorer and decide?

2. Mandate that Microsoft discontinue the practice of tying non-related features together to essentially require that their products be installed even if a user chooses a competitive product. The second remedy would be

difficult to oversee and enforce, making the first remedy a seemingly preferred approach. Sincerely,

John  
MTC-842

**MTC-0000843**

From: Twomellie@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 12:58 pm  
Subject: Microsoft Settlement

LEAVE MICROSOFT ALONE! We are sick of government trying to stifle competition in today's market. If companies can't work around what Microsoft has already established TOO BAD. It doesn't matter to me that Bill Gates makes billions of dollars. Free enterprise is free enterprise. Quit spending our hard earned tax money on trying to destroy what this company has spent years on creating. You are part of the reasons why people resent the government so much. We give, give and give and you take, take and take.

MTC-843

**MTC-0000844**

From: dnlboyle  
To: Microsoft ATR  
Date: 11/17/01 12:57 pm  
Subject: settlement

Your settlement agreement with the Microsoft Corp. was fair and equitable to everyone.

Congratulations.  
Dave Boyle  
dnlboyle@bossig.com

MTC-844

**MTC-0000845**

From: Gary Gromet  
To: Microsoft ATR  
Date: 11/17/01 12:55 pm  
Subject: Microsoft Settlement.

The settlement is excellent for all, especially the consumers. Discount Health Foods

www .DiscountHealthFoods.net  
858 N.Krome Ave.  
Homestead, FL 33030, USA  
Tel: 305-247-8487  
Fax: 708-575-6632

I use Hotmail because all incoming and outgoing e-mail is screened for viruses by Symantec(Norton Anti-Virus)

MTC-845

**MTC-0000846**

**MTC-0000847**

From: Will Martin  
To: Microsoft ATR  
Date: 11/17/01 1:04pm  
Subject: Comments on the MS/DOJ

Settlement from a Concerned Consumer  
Dear Sir or Madam,

The proposed settlement between Microsoft and the Department of Justice fails to remedy the state of events which originally brought Microsoft to the attention of the Department of Justice, namely, that it had engaged in anti-competitive and predatory practices designed to protect its existing monopoly of the OS market, and to give it monopoly power over the web-browser market.

Microsoft holds a monopoly on the worldwide operating system market; that is, Microsoft's Windows operating system is the most common in the world, being installed on over 90% of computers based on Intel's x86 processor architecture. This fact, combined with the enormous number of people in the workforce who are untrained on any operating system but Windows, gives Microsoft extraordinary powers to direct the development of new applications, and by extension the day-to-day usage patterns (behaviors) of the owners of the computers. Currently, no operating system poses a significant threat to the dominance of Windows, largely because the majority of applications developed for Windows and used by most businesses and individuals cannot be used under other operating systems.

The provisions in the settlement regarding interoperation, sections III.d, III.e, and III.j, completely fail to remedy this. Under this judgement, Microsoft would continue to be allowed to use proprietary protocols, APIs, and file formats to maintain and even extend its dominance not just of the operating system market, but also of the associated markets relevant to business software. If the Department of Justice is truly interested in restoring competition to the operating system market, the Final Judgement of this case should require Microsoft to cease using proprietary protocols, APIs, and file formats; specifically, Microsoft should be required to publish full specifications for all of their previously closed file formats, such as (but not limited to) the .doc, .xls, and .ppt formats used by Microsoft Office, for the Application Programming Interfaces used to create Windows-based applications, such as (but not limited to) the DirectX API for three-dimensional graphics rendering, and for communication protocols intended for use in transmitting information across networks. Sufficient information should be published for competitors to be able to create their own implementations of Microsoft protocols, APIs and file formats so that software originally written for Windows would run in competing operating systems, such as Mac OS or Linux. This information should be made available royalty-free, and should include not only existing, but any future protocols, APIs, and file formats Microsoft might create.

Not only is the proposed settlement too lax in regard to its punitive measures, it is also too lax in regard to enforcement. If Microsoft fails to adhere to the terms of the agreement, the agreement gets extended. In essence, the proposed settlement grants Microsoft government approval to continue business as usual, despite the negative effects on competition and (more importantly) on the ability of consumers to use non-Microsoft products.

I strongly disfavor the proposed settlement, and ask that it be reconsidered by the court.

William David Martin

MTC-847

**MTC-0000848**

From: dan @sof.ch@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:03 pm  
Subject: Microsoft settlement

I started programming before DOS and Windows came. Microsoft is bad, their product is bad. This is not really meaningful, they are not alone. A lot of company are doing their work bad and they won't last long.

Microsoft is a special case. They do bad (dangerous) software, but because they have the monopoly power, they are in position to force nearly everybody to use or at least to adapt to their way. Let just imagine what's the next step in Microsoft strategy: where do they have more territory to conquer? INTERNET. They started the Internet war with Explorer. The next step will be to twist protocols, to make them proprietary.

YOU HAVE TO STOP THEM.

How do you believe Microsoft will be fair after 20 years of illegal practices. They don't know themselves how to behave fairly. I think the current settlement is bad. As you admit this settlement, you admit that everything is an OS, you admit that Internet is only an extension of Windows and finally that any other operating systems will be part of Window (at least ostage). This is a manner of enforcing their position.

You have to broke them. That's the right remedy, because Microsoft-application will need to work not only with Microsoft-OS but with other OS too and that's good for people. Microsoft-OS will have to support different platform if they do not want to die, will have to publish their API because nobody will use their soft if they do not.

I really think the only right remedy, the one that can help people and firms is to BROKE Microsoft at least in 3 parts:

—Microsoft OS  
—Microsoft Application  
—Microsoft Network

Doing this you really will break the monopoly.

PS: sorry for my english, I'm not an american citizen. Courage, fuyons...

MTC-848

**MTC-0000849**

From: Mark Seifert  
To: Microsoft ATR  
Date: 11/17/01 1:00 pm  
Subject: Settlement agreement

I am writing to protest the blank check being given to Microsoft to continue to dominate the software industry. Legal gimmickry has been the main source of Microsoft's wealth, not the production of excellent software. Open sourcing should be the ultimate goal, not the continued and ever expanding restrictiveness forced by Microsoft. Microsoft's "licenses" should be illegal. On what basis does Microsoft demand that once one buys a copy of Windows 2000 or XP, one must not install it on any more than one machine. This kind of tyranny is similar to that of the Taliban.

Once one pays one exorbitant price to Microsoft to buy an operating system disc, one should have the right to install it on as many machines as one wishes. That is the case with Linux. Intellectual property should not extend to the relationship between a software disc and a given machine, as there is no basis for this connection.

Concernedly,  
Mark Seifert MD

MTC-849

**MTC-0000850**

From: 3211@usa.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 12:59 pm  
Subject: no deal!!

The deal u made for microsoft was to help them not the us, the public. Please stop saying u have the publics interest at heart her. It is plan for anyone to see that u want to gave Nicholson what ever they want to abuse us the American public.. Will be glad to vote u out of office next election. This time we will not make a mistake like the last president election.

Download NeoPlanet at <http://www.neoplanet.com>.

MTC-850

**MTC-0000851**

**MTC-0000852**

**MTC-0000853**

**MTC-0000854**

**MTC-0000855**

From: DippyDawg6@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 2:49 pm  
Subject: (no subject)

To whom it may concern,

The purpose of this letter is to comment on the MS/DOJ settlement. I doubt that anyone will read this letter, but I feel obligated to write it regardless. It saddens me that we live in a government that can't handle a single corporation, where a company can so blatantly get away with criminal activities under the guise of "innovation". How can one have faith in a government to fight wars and protect us if they can't even deal with a single corporation? What Microsoft has done over the past 20 years is criminal, there's not even any reason to elaborate past that point, it's just given. At this point it's all politics who they can dig dirt up on and who they can pay off. It won't be too surprising if before long they start claiming that people who use free software are "terrorists." That seems to be the easiest thing to throw at the public to garner support. So, anyway, thanks for not reading this.

Disgustedly, Me.

MTC-855

**MTC-0000856**

From: Joe Cool  
To: Microsoft ATR  
Date: 11/17/01 2:49 pm  
Subject: Unhappy

Justice Department,

Thank you for allowing the citizenry to leave comments about MS/DoJ settlement. Officially I would like my comment to be 'very unhappy with the decision/settlement'.

I could spend my moment here by talking about economics, innovation, financial responsibilities or even social costs; however, I will skip that in favor of one thing: the future of our country. Read the polls, the studies, talk with your peers and you will find a decreasing hopefulness in the future felt by the bulk of the citizenry. I believe I know enough finance and politics to realize most of how and why government policy is

shaped. But remember our attitudes of all life's aspects over the last 30+ years. You don't need to read the statistics, ask yourself. I believe you will find this 'decreased hopefulness' also. That is, unless you are not in the majority.

If you believe this declining state, then you should be wary how you support any given current government agenda. Making decisions based on desired results in a given 2 or 4 year period can be at odds with an increasingly hopeful, promising future for the bulk citizenry. The better, long term solution should be chosen, yes? What is better, how is that measured? Measured so many ways, I suggest looking at this one: The one which promises the greatest long-term net social benefit. This should be calculated by the entity which benefits individually the least over all outcomes.

Corporations are made to last more than a lifetime. So is our government. Both types need decisions which will ensure continued success (success is defined differently for each). Individually we need to pay bills, be employed; but we have the chance to help ensure this is the greatest country in the world. I realize this may be difficult, but do you really want to continue making decisions which choose a few over the many? This is why I am "unhappy with the decision/settlement". Once again, thank you for listening, we are all supposed to be the government. By the people, for the people.  
MTC-856

**MTC-00000857**

From: Nancy Harrison  
To: Microsoft ATR  
Date: 11/17/01 3:00 pm  
Subject: Microsoft "settlement"

I have boycotted Microsoft software since 1995. Try this: go to any retail store and try to buy peripherals (printers, scanners, modems etc) for a NON-Windows system. Not real easy unless you have a Mac instead of a PC.

Now, the real problem is MS's determination to "de-commoditize" the Internet. They want it all. Can you stop them? I want the right to use another operating system with the software for the Internet now available thru the web, not designed by Microsoft.

What if you bought a Porsche, and were told you had to have a Chevy engine in it? "Oh, if you want a Porsche engine you'll have to go to Germany and buy one and install it yourself. Only Chevy engines are available for cars in the US".. NHarrison, Linux and Mac user  
MTC-857

**MTC-00000858**

From: David Olegar  
To: Microsoft ATR  
Date: 11/17/01 2:57 pm  
Subject: Antitrust Settlement

This settlement gives Microsoft a free ride to continue to abuse their monopoly position. It desperately needs teeth.  
MTC-858

**MTC-00000859**

From: David Olegar  
To: Microsoft ATR

Date: 11/17/01 2:57 pm  
Subject: Antitrust Settlement

I understand this is the e-mail address to send feedback concerning the Microsoft antitrust settlement. As a Windows 98 SE user and resident of Western Washington state, I understand the importance of Microsoft to the economies of the USA and Washington state. However, I believe that it is against the long term interests of the USA and the computer world in general for Microsoft to abuse the monopoly position that they are in. You have asked Microsoft to do some things which would be beneficial if implemented. However, there appear to be no useful sanctions whatsoever if they do not comply. This agreement needs more teeth.  
MTC-859

**MTC-00000860**

From: Edmond Meinfelder  
To: Microsoft ATR  
Date: 11/17/01 3:00 pm  
Subject: the settlement

I am disappointed in the Microsoft DOJ settlement. Regardless of the rule of law, Microsoft remains a monopoly. Capitalism, wonderful as it is, fails without competition. The best product for the best price will never be produced by a monopoly; it's not in their best interest. In the current marketplace, the only competition left is from the free software arena. Microsoft, in a roundabout way, acknowledges this though their constant nagging against free software.

The US thrives on information technology. Having a monopoly in this vital area is shortsighted and detrimental to the future of this country.  
MTC-860

**MTC-00000861**

From: Jay L. Alberts  
To: Microsoft ATR  
Date: 12/6/01 2:12 pm  
Subject: Microsoft case

Just a quick note to let the DOJ know that I am in favor of the proposed settlement of the Microsoft anti-trust case. This case has stalled innovation long enough. Thanks to the prevalence of Microsoft products I am able to effortlessly exchange files and documents with colleagues around the world when working on our research papers and grants. These features only serve to improve our work.

Sincerely,  
Dr. Jay L. Alberts  
Jay L. Alberts, Ph.D.  
Dept. of Health and Performance Sciences  
Georgia Institute of Technology  
Atlanta, GA 30332-0356  
jay.alberts@hps.gatech.edu  
Voice: 404.385.2339  
Fax: 404.894.9982  
www.hps.gatech.edu

MTC-861

**MTC-00000862**

From: Bruce L. Friedman  
To: Microsoft ATR  
Date: 12/6/01 2:11 pm  
Subject: DOJ-MS Settlement Agreement  
Opinion

I am told this is the forum for sending in public opinion for the proposed settlement.

I am a computer professional, familiar with MS Windows (3.1, 95, 98, Me, NT, 2000, and XP) as well as with Linux from various distributions (RedHat, Slackware, etc.) and Sun Solaris operating systems. I have been working professionally in the field for 16 years and hold undergraduate and graduate degrees in computer science. My feeling from reading the press reports on the settlement is that Microsoft having been found guilty of monopolistic practices is being penalized by having to donate software to schools. This doesn't make sense. If the penalty's purpose is to prevent them from practicing as a monopoly in the future, I don't see how that would do it. I think the only penalty that should matter should be financial. The real question should be—how much, and who is the beneficiary? I think education is an excellent choice for the recipient. As for how much, I can't say. However, it should be based upon the assets and income of the corporation. I would think that something on the order of half of the corporate assets would not be overly punishing given the impact they have had on the marketplace in the personal computer business.

Sincerely,  
Bruce Friedman  
bruce\_friedman@yahoo.com

MTC-862

**MTC-00000863**

From: WESCODIST@aoLcom@inetgw  
To: Microsoft ATR  
Date: 11/17/01 3:03 pm  
Subject: MICROSOFT SETTLEMENT

It is high time for the DCharge of the case against MICROSOFT which has been motivated by their competitors fueling pockets of the politicians and the states lawyers. I was involved in a just antitrust suit and know the influences are biased beyond reason. This company MSFT has provided a service to the average american and the world beyond any comperable damage they could ever have done. I feel this warped attitude just to extract money is unwarranted/... Wes Decker Seattle,WA  
MTC-863

**MTC-00000864**

From: Donald, Teresa, (038) Abby Fleming  
To: Microsoft ATR  
Date: 11/17/01 11:04pm  
Subject: Please level the playing field

Dear Department of Justice,  
It is my personal opinion that the news reports of the proposed settlement with Microsoft do not do enough to encourage free trade. My reasons are as follows:

1. Promotes exclusive deals using a secure facility implies exclusive. The news report says that the details of programming code would be available at a secure facility. Let's say that I as an individual would like to write an application. The availability of a secure facility is of little value to me unless I can afford to go there. To be of value to me across the nation then more information needs to be available on a national basis. It is only through nationally available information can a future generation of rising programming students have to information necessary to create a new wave of software companies. Free trade is promoted through competition.

2. Restricts free trade through bundling  
The proposed deal allows Microsoft to use its dominant position in home computer operating systems to finance its venture into software applications. This bundling of software applications restricts free trade.

On the surface Microsoft appears to avoid the charge of bundling software since it does not separately sell the bundled software. At best I consider this a legal loophole. I consider Microsoft to be breaking the intent of the law. The intent of the law is to promote free trade. Microsoft is using its dominant position in desktop operating systems to sell bundled software. In other words I would estimate that a significant portion of the cost of the upgrade of the operating system from Windows 98 SE to Windows Me is not the cost to improve the operating system but the costs associated with the applications such as media player that are bundled with the operating system. Windows Me is recognized by many as being inferior to Windows 98 SE. It is because of this inferiority that many computer distributors such as Dell offer the customer the choice of which operating system to install on new computers. But that is beside the point. The point is that what Microsoft is really selling is not a product to recover the cost to upgrade the operating system but is really selling bundled software such as media player to cover the cost to add this bundled software to the product offering.

The potential profit margins on Microsoft products are tremendous. A blank compact disk can be purchased for less than a dollar. A pre-recorded compact disk with commercial artwork on the packaging and on the disk can be purchased for under five dollars. The Microsoft operating system on a compact disk cannot be purchased for under one hundred dollars. It is this large potential profit margin that leads to organized crime and software pirating. The Linux operating system can be downloaded over the Internet for no cost or purchased for less than fifty dollars. A retail box version of Linux usually comes with technical support to resolve installation problems. A Microsoft operating system when purchased with a new computer does not include any Microsoft installation support.

The bundling of a software application with the operating system accomplishes three purposes for Microsoft. (1) it adds value to the operating system which is intended to stir demand for upgrades (2) the major cost for an upgrade is not always the cost of updating the operating system portion of the upgrade but the added or bundled software; the cost for the bundled software is recovered in the operating system price, and (3) takes software revenue away from its competitors. Microsoft is using its dominant position in desktop operating systems to take software markets away from its competitors. This injures free trade. This can best be remedied by dividing the operating system and hardware (joysticks, mouse, keyboards, and xbox) portion of the Microsoft business from all other portions of Microsoft. Windows XP combines the technology available in Windows 2000 with the technology available in Windows Me. Page 33 of the October 16 edition of PC magazine described some of the

new features available in Windows XP. The features are described as follows:

Tightly integrated features formerly available only from other software makers abound. Microsoft has built some of the features from scratch and used third parties (with which it will now compete) for others. At the top of the list are Windows Messenger instant-messaging software (targeted directly at AOL's turf) and an improved Windows Media Player (taking on Real Networks' Real Player). Windows XP includes an Internet firewall, a Web cookie controller (watch out, Norton!), CD creation software (sorry, Roxio!), PPPoE support for use with ADSL connections (ante up, Wind River), and a file-and settings- transfer wizard (a la AlohaBob) to ease the transition between PCs...? The above paragraph includes the competitors AOL, Real Networks, Norton, Roxio, and WindRiver. Many of these companies are publicly traded. If Microsoft can gain an unfair trade advantage over publicly traded companies such as these then some future college students who wants to be given the same opportunity as Bill Gates had will not have a chance. This discourages free trade.

3. Restricts free trade through dominant position  
Microsoft has a dominant position for desktop computer operating systems. It is using this position to restrict the ability for competitors to create competing applications that run on the operating system. It does this by not sharing application development information. This injures free trade. Twenty years ago it was very popular for a computer manufacturer to create and maintain an operating system that will run on the latest computer being sold. Many manufacturers supported Unix since over 90% of the code is in the public domain and the remaining 10% is the device drivers to support the hardware. The Unix operating system is written in the ?C? programming language. Microsoft operating systems are written in either the ?C? programming language or the object oriented version of the ?C? programming language called ?C++?. Computers are not sold because they are pretty but because they provide value in productivity (workplace software) or entertainment (games, movies). In this environment a computer manufacturer would want as many applications as possible to run on their operating system. They would provide documentation on operating system calls with every computer sold. Information needed to create an application was not referenced as company secrets.

Microsoft has established the Microsoft logo program as a way to test software applications to ensure that they are taking advantage of new operating system features and avoiding problems that were present in the older operating systems. Programs that pass the tests are eligible to have the Microsoft logo artwork added to the retail box packaging. Microsoft sells programming languages that run on their operating system. Last year I purchased ?Visual Basic 6.0 Deluxe Learning Edition?. It came with a compact disk and two manuals. Neither manual included the information needed to be able to write a program to install a software application. It contained a package and deployment wizard that included some

source code that could be customized and some object code without the source code. Neither the manuals nor the source code provided the information necessary to meet Microsoft's logo program. I have been researching the Microsoft web site and other sources of information for information on how to write an installation program for a software application that will only display a help file. I want this software application to be compliant with the logo program. I also want this program to make registry calls using Unicode and support operating systems such as NT/2000/XP. What I have found is that two different third party books recommend the purchase of an installation program from another third party.

By not making application creation information available Microsoft is discouraging free trade.

4. Restricts free trade through dominant position  
Historically many market leaders do not like standards. Microsoft appears to be no exception. Many market observers discussed how that JAVA became popular for its ability to work across many different computer operating systems. A subset of JAVA was called JavaScript and is supported by the Netscape web browser.

The Linux operating system does not require a web browser. A Netscape web browser is available for the Linux operating system. Microsoft claims that their web browser is an integral part of the operating system. My personal observation is that Microsoft calls many software applications part of the operating system for the reasons outlined earlier.

Microsoft also sells and supports programming languages. They used their expertise in programming languages to give Internet Explorer version 5.0 the ability to do things that cannot be done by JavaScript. By including the price to develop this software in the cost of the operating system gave Microsoft an unfair trade advantage. They were able to supply this product for "free" as a feature of the operating system rather than charging a price for each copy as was once done by their competitors.

Much of the Internet's wide acceptance has been established by industry standards. Microsoft used its dominant position in operating systems to distribute its web browser. Once it has a dominant position in the web browser marketplace it developed and implemented its own version of new Internet standards. The dynamic HTML available in Microsoft Internet Explorer is not compatible with Netscape. The result of this incompatibility is that some web sites could not afford to continue doing web software development for both browsers. They chose to go with the dominant player Microsoft. This bully tactic by Microsoft is an injury to free trade.

The Windows XP operating system includes Internet Explorer 6.0. This web browser is available for download for use on earlier operating systems. It supports an Internet draft standard for handling privacy issues associated with web cookies. The release of a product that supports a draft standard by a company with a dominant share of the market is acting like a bully. A bully should be treated as a bully. The

Microsoft .NET initiative is intended to radically change the way that web development is done. Microsoft is using their programming experience to offer programming language support to web servers. The new programming language is called "C#". This is intended to create a dramatic impact to web servers as these programming languages can replace scripts written in Microsoft's ASP languages or competing script languages such as PERL.

The cost of development of the .NET initiative has to be carried by Microsoft major sources of revenue. These are the operating system and Microsoft Office. Microsoft is again using its dominant position in operating systems to grow into other software markets. This injures free trade. It provides an unfair trade advantage. The Windows operating system is written in the programming languages "C" and "C++". The Linux operating system is also written in "C". The new programming language "C#" is not intended for use in operating system development or enhancements.

#### 5. Pricing discrepancies

One report claims that 80% of the motherboards made for personal computers are made in Taiwan. Some of the cards that plug into motherboards are made in China. Many electronic assemblies are made overseas where labor rates are less expensive. The home desktop or tower computer is no longer solely an American product. The technology no longer exists solely in America. Personal computers is an international market. Many computer dealers assemble components and preload the operating system onto the hard drive. The hardware drivers are not written by the computer dealers but by the companies that made the computer components. This applies to the drivers for video cards, printers, modem cards, sound cards, and compact disks. Industry standard drivers are usually available for the disk controllers and compact disks. Microsoft offers the same product for two prices. I consider this to be illegal. The operating system is sold for one price when preloaded and another price in a retail box. One magazine ad has the Windows XP Home Edition Full OEM version for \$104. Another ad lists the retail box edition of the same software for \$299.99. Many software games are sold in Walmart in retail boxes for \$30.00. Therefore the cost of manufacturing and distribution of the retail box should be reasonably less than \$30.00.

The intention by Microsoft is that the computer dealer that loads the software would become responsible for any installation support regarding the operating system. This may be true for some computer dealers. It is not true for all computer dealers. Some computer dealers sell computers with no technical support. They require a customer to directly contact the manufacturer of the hardware component for operating system device driver support or installation support. The Microsoft agreement with a computer dealer cannot be a contract with the suppliers to the computer dealer. No money changes hands between these parties so therefore no contract exists. In these situations Microsoft is charging different prices for the same product.

#### 6. Agreements

Some reports say that Microsoft is using its dominant position in the marketplace to force computer dealers to limit the icons that a computer dealer can place on the desktop. I consider this to be illegal since it restricts free trade. It allows Microsoft to promote other products that it sells while discouraging the promotion of competing products. I support the court ruling that allows computer dealers to have more control of the icons placed on computer desktops.

#### 7. Tying

Anytime that one company promotes another company's product then I am considered about tying arrangements, kickbacks, or promotion fees. Microsoft has realized that installation is a problem and has released for distribution the customer version of a Windows Installer program. This program was released with Windows 2000 but is available for installation on earlier operating systems. The upgrade from Internet Explorer version 5.0 to 5.5 will require the installation of this software before the upgrade can occur. Microsoft web site also recommend two companies where the software developer can purchase the application that creates the installation package. Both companies want over \$1000 for the package. This causes me to wonder whether or not either of these companies have exclusive deals with Microsoft or if Microsoft has a financial interest in either one. Hiding information discourages free trade.

Microsoft web site promotes Verisign as a root authority for issuing certificates. Certificates are a means to implement security. There are many companies that issue certificates. Root authorities are visible by selecting tools, Internet options, content, certificates, trusted root certification authorities. Why did the company "Verisign" get singled out for attention?

It is acceptable for Microsoft to permit applications developers to sign their work with a digital signature or to encrypt their work with a certificate. However Microsoft should not require either step. If either step is required then Microsoft one step closer to tying the development of an application with another independently sold product. If this is a requirement it will restrict free trade.

Sincerely,

Donald Fleming  
2224 A Oakwood Ln  
Florence, SC 29501

#### MTC-00000865

From: Jim Smith  
To: Microsoft ATR  
Date: 11/17/01 10:09pm  
Subject: Microsoft Settlement

As far as I'm concerned, a complete sellout by the DOJ. A mild slap on the wrist for MS. This will do nothing to deter the illegal and monopolistic MS practices. It continues in XP and will continue in the future.

You failed.

MTC-865

#### MTC-00000866

From: Aaron  
To: Microsoft ATR  
Date: 11/17/01 11:02pm

Subject: Microsoft case antitrust settlement

I am very disappointed with the current proposed settlement of the Microsoft case. The current settlement does nothing to prevent Microsoft from using their monopoly power as they have in the past and as they continue to do. In the current setup, there is no way for other parties to compete with MS. MS is free to give away software, and ever preload it, to compete with 3rd party software like they did with IE to beat down Netscape. The big problem here is that there is already a monopoly, and due to this there is no way for competitors to get footing. What really needs to take place is for Microsoft to be split into 2, or even 3, different companies. This would split off the OS side from the apps side. In this day and age, both MS Office and Windows have a near stranglehold on the market. If another OS was to start taking off, Microsoft could either not make an office suite for that product that wasn't as good as the same on different platforms, or could delay shipping a version of office. Both of these would cause the competing platform to not gain as much ground as they need. Microsoft has made 2nd rate versions of Office in the past for the Mac (version 4.2.1) along with constantly changing file formats so that Office documents on a Mac aren't compatible with those on the PC. Or as seen with Linux, an OS which they haven't made a version of Office for, while they likely would if the apps department was a separate company from the OS side of thing.

Likewise, if a competitor to MS Office started taking marketshare away, MS could just change the way the OS works, or not release info needed for 3rd party products. This too is something that MS has done in the past for several different competing products, and is something that has come up on several occasions in this trial.

Another section that should possibly be separated from the rest of the company is the networking tools. This would include IIE and other network related apps. IMO this could stay part of the Apps group, but should be considered if MS claims that IIE should go with the OS. I hope that some of the input from the public is used to decide how this case is decided, though I am leery of the DOJ listening too much to the quantity, since it has come out that MS has sent in support letters for themselves in the past, some from real people but a lot from people that no longer exist. Also, MS has been shown to be spending a lot of money lobbying, and I would hate to see them buy themselves out of this case and not get punished for using monopolistic powers.

Thanks for listening

Aaron Daniel

MTC-866

#### MTC-00000867

From: Nedgam@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:09pm  
Subject: back off

Back off. You have punished MSFT enough. Any more will discourage creative people from submitting new ideas.

MTC-867

**MTC-0000868**

From: Phil Smith  
 To: Microsoft ATR  
 Date: 11/17/01 1:04pm  
 Subject: States may have rights and their interests, but at what expense to the national interest?

In my opinion, a settlement should be reached between Microsoft and the federal government. Those states that remain opposed to the points tentatively agreed upon are actively sabotaging the situation at hand. It would seem that these states are not in fact interested in looking out for their residents, but perhaps more for their corporate constituents. It is one thing to sarcastically quip that a corporation can "purchase" a senator or a congressman, but the very notion of "owning" a state is sickening to the very core.

The behavior of these states has not been explained clearly to those members of society that would be most directly affected by these states course of action. If they indeed have a legitimate grudge with Microsoft, why is it not spelled out directly, for the public to know and understand? I would like to see the federal government impress upon these state prosecutors that their intentions will cause far more harm than good, and that they should concede to the better solution of settling this case with Microsoft.

—Phil Smith

MTC-868

**MTC-0000869**

From: Brad Paton  
 To: Microsoft ATR  
 Date: 11/17/01 1:12pm  
 Subject: MS Settlement

To whom it may concern:

I just wanted to register my opinions on the Justice Department's proposed settlement with Microsoft.

First, given the fact that the primary objection the Appeals Court had with Judge Jackson's verdict on the case was his penalties, not with his legal rulings that Microsoft was both a monopolist, and one that abused its monopoly power to expand to other fields. To quote from the Friday Wall Street Journal covering David James's defense of the settlement:

"Mr. James said the Microsoft settlement reflects changes in the software industry since the Justice Department sued Microsoft in 1998. While the case began as the result of the so-called browser wars between Netscape and Microsoft's Internet Explorer, Microsoft has won that war, Mr. James said."

This means that he acknowledges in public that Microsoft used their monopoly leverage to successfully defeat Netscape in the so-called browser wars. But according to everything I have read about traditional anti-trust resolutions is that the two primary things a settlement is supposed to achieve are: 1) a guarantee that the monopolist is unable to repeat it's illegal expansion into other fields, and 2) deny them the fruits of their original illegal expansion. Addressing the first contention and how it relates to the proposed settlement, I don't know how given both the history of Microsoft's behavior in the prior consent decree, and the fact that even though it was found guilty of illegal

behavior the company maintains that it has done nothing wrong (if you can find one instance in the public record of any Microsoft executive from Bill Gates on down contradicting this, you are much better detectives than any of the many journalists covering the case), I don't see how basically telling the company, "Now don't do it again." is going to be effective.

Essentially, Mr. James has acted as though he not only disagreed with the court findings, but would never have filed the case to begin with, despite supposedly winning it! To the second concept above, there are no penalties anywhere in this settlement that even pretend to address this. There isn't even a financial penalty, despite the fact that Microsoft took one of the most dynamic companies in the US technology industry, Netscape, and basically eviscerated it so much that it wound up being swallowed whole by media companies, to whom they are basically a technology adjunct. Could you imagine the same thing ever happening to Microsoft? Do you think there weren't significant job losses at Netscape? Why is Microsoft considered the only "innovative" company worthy of being let do whatever they want, simply because they are so dominant that anything done to hurt them is seen as hurting the American economy, rather than the harm that they have done in the inverse?

There are some who say that Microsoft has "innovated" so much that they are the sole reason the PC industry is where it is today. Exactly where is the PC industry today? True, the costs of equipment have roughly stayed constant, and today's machines are much more powerful than they used to be, but that is hardware advances, an area that Microsoft doesn't operate in! In the area of software, our desktop computers still routinely crash every bit as frequently as they used to. Software programs that were miles better than anything that could be done in the analog world, word processing for example, used to fit on a single density floppy disk (remember those?). Now they take up over 100 megabytes of hard drive space (roughly 200 times as large), still mostly do the same things, require 40 times as much system memory, and still crash (usually by running out of memory, a problem almost always caused by either faulty coding in the software, or the operating system). Take a document that you wrote on an early PC, say 10 years ago, open it in Microsoft's Word 2001 (or XP), save it in the native format, and compare the file sizes. You haven't done anything to it, and it now takes up over 4 times as much space!

Imagine what would have happened to American industry if Microsoft servers powered the financial industry instead of IBM's mainframes. These mainframes have been operating relatively fault-free for over 20 years! Microsoft upgrades everything within a year or two, always promising that this time they've gotten it right, yet they still can't even approach that level of reliability. If anything, the standards of software reliability that Microsoft has been a prime mover for getting the American public to accept has probably impeded the progress of American technology more than any other

single factor. They have gotten away with practicing via coding the exact same sorts of sophistry that all the dot-coin companies that crashed in the past couple of years were doing, only the investment public isn't nearly so permissive what you do with their money as what you do with their computers (and time).

I know the general state of the software industry is not within the purview of this case, but not significantly penalizing Microsoft for it's rapacious behavior in the past not only encourages it, but also sends a message to the rest of the industry that such behavior is not only permitted, but encouraged.

Sincerely,  
 Brad Paton

MTC-869

**MTC-0000870**

From: Capecodjac @aoLcom@inetgw  
 To: Microsoft ATR  
 Date: 11/17/01 1:11pm  
 Subject: Microsoft Settlement

Microsoft has done more good in developing & building the Internet than all the competitors combined. They risked capital & are entitled to all the rewards the market place can bestow upon them. Our whole society has developed by being innovative. To punish Microsoft is to help destroy innovation.

John H Camey  
 5909 Edinburgh Court  
 Dallas Tx 75257

MTC-870

**MTC-0000871**

From: Arturo Rafael Martinez Retama  
 To: Microsoft ATR  
 Date: 12/6/01 2:05pm  
 Subject: microsoft should be punished for its past monopolic practices  
 i think microsoft should be punished for its past monopolic practices

MTC-871

**MTC-0000872**

From: Gary N Fanning  
 To: Microsoft ATR  
 Date: 12/6/01 2:11pm  
 Subject: DOJ/Microsoft Antitrust Settlement  
 No. Do not allow Microsoft the opportunity of reaping a reward from a punishment.

I am not sure of what punishment I would place on Microsoft, but the current proposal is only a short term punishment, with a long term possible gain.

Have Microsoft develop/convert its most popular softwares, Office, development tools, etc., to competing platforms. After a stated period of time, 3-5 years of support, Microsoft may stop support and enhancements. Microsoft would have to publish the software into the open source community.

Regards,  
 Gary Fanning  
 Vice President  
 Elevating Communications, Inc.  
 918.587.0131 x102

MTC-872

**MTC-0000873**

From: grossklas

To: Microsoft ATR  
Date: 11/17/01 1:17pm  
Subject: microsoft settlement  
To Whom It May Concern:

Try as I may, I can find absolutely no constitutional authority for the actions the federal government has taken against Microsoft. These actions are a blatant usurpation, arrogation and illegitimate seizure of power of tyrannical proportions. While Bill Gates is not one of my personally favorite people, nevertheless, I totally object to any sanctions being placed on his company whatsoever by any branch of the federal government.

If justice is to be done, then all punishments, assessments, damages, fines, disciplines, judgments, limitations and agreements relating to this unjust "settlement" by the federal government against Microsoft must be voided and I demand that this be done.

William P. Grossklas, Sr.  
609 Spring Road  
Elmhurst, IL 60126  
Phone: 630 530 2973  
Fax: 630 530 2976

MTC-873

**MTC-0000874**

From: william@mta2.srv.hcvlny.cv.net@inetgw

To: Microsoft ATR  
Date: 11/17/01 1:15pm  
Subject: MS Settlement

While reviewing this document it became evident that the past and current Microsoft Windows (tm) products, not there Graphical User Interface (GUI) platforms, was being addressed.

Fortunately, from a legal standpoint, Microsoft Corporation has begun to transition away from the existing Windows (tm) product offerings. Recently introduced ".Net" products will replace all Microsoft Corporation Windows (tm) products within the next thirty six (36) months.

Consequently, this settlement and its multiple year remedies address soon to be non-existent Microsoft Corporation products.

Any settlement must address this software vendors GUI product lines which include past, present and future Microsoft Corporation product offerings.

MTC-874

**MTC-0000875**

From: Paul Whitmore  
To: Microsoft ATR  
Date: 11/17/01 1:20pm  
Subject: I oppose the settlement

I am outraged that the solution to years of predatory marketing, flagrant lies that extended all the way through the MS public trial, and anti-competitive strategy is rewarded with such a lame settlement. The failure to promote true diversity will one day unleash a catastrophe, given how abysmal MS has been about security. I oppose the settlement, and am very angry that the DOJ has failed to fulfill its civic obligation to protect American citizens from such blatant law-breakers.

Paul Whitmore  
3356 16th St SF, CA 94114 Home  
415.626.6479 Work 415.932.6182

<http://www-psych.stanford.edu/~wit>  
MTC-875

**MTC-0000876**

From: Csambenson@cs.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:18pm  
Subject: Microsoft Settlement

Honorable Attorney General  
If I understand it properly, this settlement will provide Microsoft with an opportunity to continue, in my opinion, the excellence in two areas of concern to me.

First, the development, testing and support of the finest computer software, that I as a small business owner can use to increase my productivity. Second, the contribution to my retirement fund with the excellent growth of Microsoft stock.

In my opinion, both of these opportunities areas have been significantly restricted with this legal action.

God bless you, your family and The USA.  
Coach C. Sam Benson  
Personal & Professional Success Coach  
Human Dynamics Resources  
Division of Aviation Consultants Inc  
118 12 CR 76  
Findlay, OH 45840  
419-424-0248  
sam@coachwithsam.com  
www.coachwithsam.com

MTC-876

**MTC-0000877**

From: S.I. and/or Matilda Chou  
To: Microsoft ATR  
Date: 11/17/01 1:17pm  
Subject: Microsoft Settlement

Dear Sir:  
Microsoft's behavior must be strongly regulated because of its past monopoly history and lack of remorse in unlawful practices. We must stop MS from perpetuating its monopoly practice of maximizing its profits by shutting down support for its older products and pushing everyone towards buying newer, supported Microsoft products.

The following is from <http://www.langa.com/newsletters/2001/2001-11-15.htm>

[Next month (December 2001) Microsoft will cease to provide support for MS DOS, Windows 3.xx, and Windows NT 3.5x; and support will become limited for Win95, Win95 OSRi and Win95 05R2. Seven months from now, in June 2002, Microsoft will cease to provide full support for Win98, Win98SE, and WinNT4.x. That's right: Starting next month and ending next June, the overwhelming majority of current Windows users will find themselves operating OS versions that the vendor—Microsoft—either doesn't support, or only partially supports!]

Note that Win98SE is currently the largest segment among Operating System users.

Sincerely Yours,  
S.I. and Matilda Chou  
5323 Mount Burnham Drive  
San Diego, CA 92111  
858-560-0531

MTC-877

**MTC-0000878**

From: Paul Whitmore

To: Microsoft ATR  
Date: 11/17/01 1:20pm  
Subject: I oppose the settlement

I am outraged that the solution to years of predatory marketing, flagrant lies that extended all the way through the MS public trial, and anti-competitive strategy is rewarded with such a lame settlement.

The failure to promote true diversity will one day unleash a catastrophe, given how abysmal MS has been about security.

I oppose the settlement, and am very angry that the DOJ has failed to fulfill its civic obligation to protect American citizens from such blatant law-breakers.

Paul Whitmore  
3356 16th St SF, CA 94114 Home  
415.626.6479 Work 415.932.6182  
<http://www-psych.stanford.edu/~wit>

MTC-878

**MTC-0000879**

From: ArnoldfS@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:33pm  
Subject: Microsoft settlement

Sirs:  
ENOUGH ALREADY!!!

The Federal courts have settled the Microsoft case and we have a WAR going on! Pay attention now to those things that are harmful to our country! Tell those nine state AG's to find some other way to selfaggrandize and push their political agenda.

"Let's Get Rolling!"  
Arnold F. and Linda E. Schmitz  
163 Deer Lake Circle  
Ormond Beach, FL 32 174-4275  
Arnoldfs@aol.com  
CC: MSFIN@microsoft.com@inetgw.

MTC-879

**MTC-0000880**

From: Stuboxi@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:30pm  
Subject: microsoft settlement

It is about time this waste of taxpayer's dollars finally comes to an end. What you really need to ask is the consumer been harmed by Microsoft's actions? I don't think so! Not when the cost of software continues to decrease and the quality and new features continue to improve greatly. This case was a result of a bunch of cry babies-competitors of Microsoft (Netscape/AOL, Sun Microsystems and others) who were losing the technology battle to Microsoft. If you guys would have spent as much money on homeland security and anti-terrorist efforts as you did on this Microsoft case the World Trade Center towers would probably be standing today. Leave Microsoft alone and let the market determine the winners and losers-they will choose with their pocketbooks. Go catch and prosecute some "real" bad guys.

Stuart Boxenbaum  
CC: jackchub@bellsouth.net@inetgw.

MTC-880

**MTC-0000881**

From: Craig Fisk  
To: Microsoft ATR  
Date: 11/17/01 1:26pm  
Subject: Microsoft is NOT a Monopoly

Why do people think Microsoft is a monopoly? There not forcing you to use any of their products. You've got choices like Linux and Macintosh. So what if they bundle IE or a video editing program or Media Player? YOU DON'T HAVE TO USE THEM. Its not like Adobe is going to loose any more money on Premier and MusicMatch is certainly not going to loose any more money. Just because Internet Explorer is bundled with Windows does not mean you have to use it.

MTC-881

**MTC-00000882**

From: Richard Kems  
To: Microsoft ATR  
Date: 11/17/01 1:20pm  
Subject: Microsoft Settlement

It is time to end this crap against Microsoft. If you track the law suit and the downturn in the economy, they track very closely. Microsoft is large enough to bring down the general economy. Microsoft does not deserve this negative government action. Now that Bill Clinton and his band of thugs are out of the way...END THIS NOWW!!!! It will be a big boost to the economy.

MTC-882

**MTC-00000883**

From: JMaggard@timesdispatch.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:44pm  
Subject: Microsoft settlement.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Byun Hung Kim for President... Microsoft walked. <[http://www.salon.com/tech/col/rose/2001/11/02/microsoft\\_settlement/index.ht ml](http://www.salon.com/tech/col/rose/2001/11/02/microsoft_settlement/index.ht ml)> No, Microsoft hit a home run in the bottom of the ninth with two out. <[http://www.salon.com/people/feature/2001/11/02/series\\_two/index.html](http://www.salon.com/people/feature/2001/11/02/series_two/index.html)> Seems alot like our war on terrorism, the solutions don't seem to address the problem.

To stick with our baseball analogy, Microsoft reminds me of Pete Rose <<http://www.peterose.com/>>. It's not so much what they've done, it's their refusal to admit <[http://reds.enquirer.com/1999/08/22/red\\_rose\\_sticks\\_to.html](http://reds.enquirer.com/1999/08/22/red_rose_sticks_to.html)> they have done anything wrong.

The current anti-trust case against Microsoft came on the heels of a previous case in which they were found guilty. Strike One. Judge Jackson ruled them a Monopoly, with the appeals court upholding that claim and reversing the remedy. It's a high pop-up behind the plate, and the DOJ is doing their best Damien Miller <<http://espn.go.com/m1b/p1ayoffs2001/s/2001/1031/1271321.html>> impersonations. Strike two.

Then, with the count up on the batter, a lollypop over the middle of the plate. Home run. By the way, did you notice the lack of balls?? Next: <<file:///N:/page2.shtml>> The cage that Gates built... —> The cage that Gates built...

As Microsoft evolves, there is a growing desire by Microsoft to control file formats. Certainly their control over their Office formats does more to bolster the Windows platform than anything. Now, they want to move into the space occupied by MP3 with

their proprietary WMA format. If Microsoft is successful, it may be that in ten years you will be required to pay Microsoft to listen to a new album. More to the point, you may have to be running Windows to listen to music. For all of those out there who cannot figure out what .NET is, it is Microsoft's strategy to turn the Internet into Microsoft's own version of AOL.

Microsoft can accomplish this due to their monopoly in the operating system market. As they change their operating system, they can continually redirect "The path of least resistance", by making MP3 hard to play and WMA easy to play. Want to rip a CD in XP? It'll be WMA format unless you connect to this site, research encoders, purchase and install one.

They will use Passport/Hailstorm to restrict access to the known internet if they can get their way. Want to do online shopping?? Please log in via Passport. This is to make the internet more secure <<http://www.theregister.co.uk/content/archive/20855.html>> they will tell you. As we have already stated in a previous rant <<http://www.nothing4sale.org/rant/10202001/page6.shtml>>, Microsoft doesn't "get" security. They think it's something you add after the features are done.

They use their browser to add in non-standard HTML tags, or force you to write "incorrect HTML" for it to look like you want it to in IE. They use non-standard extensions of public specs and then claim the <<http://www.theregister.co.uk/content/4/22618.html>> competition is defective when it cannot render these obscure and undocumented tweaks. Microsoft is so entrenched in these tactics <<http://www.vcnet.com/bms/departments/dirtytricks.shtml>>, that it often accuses it's competitors <<http://www.theregister.co.uk/content/archive/11074.html>> of doing the same. The reality of it is that Microsoft does not see any other way to play the game. If they do not resort to anti-competitive tactics, how can they succeed?? With Microsoft off the leash and back on the prowl, they may have a point. Next: <<file:///N:/page3.shtml>> It just keeps getting worse...

It seemed an unlikely%20settlement <<http://news.cnet.com/investor/news/newsitem/O-9900-1028-7408520-O.html%20a rget=blank>> %20from%20the%20start,%20but%20one%20owe%20had%20hoped%20would%20have%20some teeth if it was to be made. Not only does this new deal not impose any real restrictions on Microsoft, but actually provides them with new tools to steal GNU <<http://www.gnu.org/>> tools. (OOPS! Did we say steal, we meant embrace and extend <[http://www.salon.com/tech/log/2000/O5/11/slashdot\\_censor/>](http://www.salon.com/tech/log/2000/O5/11/slashdot_censor/>)..) From Eben <<http://emoglen.law.columbia.edu/%20target=>Moglen,Columbia Law Professor>:

There are [also] several provisions designed by Microsoft and accepted by an indifferent or careless government. Sections III-D and E say that Microsoft must document its APIs within reasonable time, for ISVs [independent software vendors], "for the sole purpose of interoperating with a Windows Operating System Product." Not, in

other words, to allow a competing Non-Microsoft Operating System Product to interoperate with Windows applications. This is designed to make it possible for Microsoft to deny information to developers of [free software like] GNU and Linux [who create products that are not designed solely to work with Windows.]

111-1(5) says that [developers and hardware manufacturers] "may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this Final Judgment; the scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives." Microsoft will use this to argue that code under the GNU General Public License (GPL) [which protects such software as GNU and Linux] must be licensed to it on non-GPL terms, so they can use the code in their own programs without having to GPL their programs. What, did they have to strike clause 32i that states that every U.S. Citizen is required to pay Microsoft one-hundred dollars yearly whether you use Windows or not? Also note that the API's must be opened up a little, but not file formats.

Next: <<file:///N:/page4.shtml>> Burn all .DOC's day! —>

Burn all .DOC's day!  
Nowadays you cannot apply for a job without Microsoft Word. "Please submit resume in .Doc format." Page 4 of this rant should be the part where I tell you to abandon the MS formats and use.... ..and use... And there you have it. What else is there? Name me an alternative to the .DOC format that is open and widely interoperable. Name me a slideshow producer that rivals Power Point with the same qualities. What is there??

Nope, page 4 is the page where I call out Bill Gates' rivals. Scott McNeally, Larry Ellison, and Steve Jobs, you all suck. You whine about Microsoft, but refuse to challenge them.

When Microsoft announced Windows NT, Sun should have shot back with the Solaris home edition for x86. Sun should have invested time and effort into a competing Office package, groupware, Something! They purchased Star Office way too late in the game. Now they want to talk about Sun One?? Microsoft has no plan, but one vision for .NET, while Sun has no plan and no vision for Sun One. Sun should have at least produced the definitive Java version for the Windows platform.

Sun is an OS company just like Microsoft, and they have let Windows take the lead. Oracle?? Larry Ellison can't even fight off Gates, much less fight against him. Steve Jobs sucks because he refuses to take the battle to Gates. Apple, if you are listening, port OS X to x86. Show the strength of the BSD codebase, sell it for 50\$, and mop the floor with Microsoft. So long as Apple refuses to port to generic hardware, they will continue to be a marginalized competitor.

These corporate entities are at least playing on the same field with Microsoft, and they need to state their challenge for Microsoft territory, and fight the ensuing war. Instead

they play a game of punch and run, trying to be a David against a Goliath and hoping one small lucky shot can slay the beast.

Next: <file:///N:/page5.shtml> Microsoft Uber Alles —> Microsoft Uber Alles

The Bush administration may have settled due to concerns about the economy, but anyone who's smart would get out of any stock that competes with Microsoft. The have carte blanche to run roughshod over the industry and by God they intend to. (Note: Actually, the real reason MS got a deal was due to Campaign Bribery. They weren't even supposed to lose the appeal. To find out more about your elected corporate shells, visit the <[http://www.opensecrets.org/alerts/v6/alertv6\\_26.asp](http://www.opensecrets.org/alerts/v6/alertv6_26.asp)> library.) Write your state attorney general, let him know you disapprove, write your congressman, write John Ashcroft, write President Bush, send <a href="http://seattletimes.nwsources.com/html/nationworld/134332634\_microlob23.html" target=\_blank>letter after letter after letter. The only true solution to this will be the opening of Microsoft formats and API's, most companies do this as a matter of need, they cherish interoperability. Microsoft wants to lock everyone out, make 'em surrender the keys.

I would like to see the government agencies at least move to open formats and API's for the new e-government initiatives. Force local, state, and federal offices to use only open standards when publishing and receiving documents. We should at the very least be sure that running Microsoft is not necessary for access to our own government. That would be unconstitutional. Then do your own part at home. I don't refuse to send Word Docs, I refuse to accept them. I refuse to save my documentation in Word format. Send your resume in HTML format. Encode to MP3 not WMA. It's not about keeping Microsoft out of your life, it's not letting them become a necessary part of it.

Microsoft wants to choke the flow of information... Let it breathe.

MTC-883

**MTC-0000884**

From: andrew rutherford  
To: Microsoft ATR  
Date: 11/17/01 1:40pm  
Subject: The Terms of Settlement—

Comments

Sirs:

I am a private citizen and have nothing other than a personal axe to grind. I use and have used Micro Soft products for years. I started out, in the Army, dealing with computers back in 1964, and have continued since, particularly since retirement from the Army; to whitt to take an AS in Data Processing and teaching Computer Science at Monterey Peninsula College (from 1987 until 1993). I feel that the growth and prosperity and size of Microsoft is due to its innovation and the hard work of their people, not predatory actions. I feel that Microsoft, through its products, has enhanced my ability to use a computer and has, of course, caused the whole computer driven economy to take gigantic steps forward. I also believe that because of Microsoft's size and position within the computer and computer related realm, I am able to buy state of the art/ leading edge products at lower cost.

Yours Truly,  
Andrew M. Rutherford  
MTC-884

**MTC-0000885**

From: patricia odau  
To: Microsoft ATR  
Date: 11/17/01 1:38pm  
Subject: Microsoft settlement

On what ever fine or \$ amount is judged ,that will only be to the American consumer. In my thoughts look what Microsoft has done since it's 1995 opening of Windows. Your own web page DOJ could not have been done without the expertise of Microsoft programmers etc... Think about it. As a consumer I hope we will not be "touched" by this small misunderstanding between parties involved. If I was the judge I would have thrown it out due to this is a case which has never been tried because Microsoft went a step beyond reasoning and brought it to the public and is very successful at it. Court adjourned. Sincerely, Jamey Odau  
MTC-885

**MTC-0000886**

From: benb@ntplx.net@ inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:51pm  
Subject: Resolution does not address damage done

Dear Sir/Madam:

I am a software consultant who has worked in the software field for 20 years, and have been very much aware of the decreasing consumer choice and elimination of competition caused by Microsoft's destructive monopolistic practices.

I have read the US vs Microsoft anti-trust case resolution and am disappointed that while the settlement attempts to prevent Microsoft from engaging in monopolistic abuse in the future, it contains nothing to remedy the damage already done, or to penalize Microsoft for those actions.

In my opinion one of the most egregious abuses was Microsoft's dumping of it's internet browser product, Internet Explorer, thus successfully destroying Netscape who was attempting to sell a competing product. The argument that internet browsing can reasonably be considered part of operating system functionality is entirely without merit. It is an application pure and simple, just like other Microsoft applications such as Word or Excel which they do not give away because they have already achieved effective monopoly via entrenched proprietary file formats. I believe that a fair settlement of the Microsoft case should include the following elements:

- 1) Address anti-competitive Microsoft Windows operating system sales practices (already addressed in proposed settlement).
- 2) Punish Microsoft for illegally destroying competition in the Internet Browser product category, and attempt to undo the harm done, by measures such as requiring that Microsoft cease competing in this area for a period of time, and to be required to charge for this product in the future.
- 3) Recognize that electronic document exchange (of word processing documents, spreadsheets, etc.) is key to allowing competition in the software market, and that

Microsoft's market dominance and proprietary file formats have damaged the industry and consumer choice by preventing such competition. This should be remedied by requiring Microsoft to make it's file formats public in areas that have achieved utility status such as word processing and spreadsheet software.

Sincerely,  
Benedict Bridgewater

MTC-886

**MTC-0000887**

From: DLati@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 1:50pm  
Subject: Microsoft Settlement

As an older adult (72), I have several points of interest in the future of Microsoft. 1) the local economy, 2) shareholders, 3) free enterprise, 4) competition.

1) A business as large as Microsoft, like Boeing, is not self-dependent, in that it uses the services of many attendant businesses. Therefore I believe that the whiplash of this action will either reduce or eliminate many related businesses.

2) Throughout the U.S. people have invested in Microsoft as part of their retirement, not to receive dividends (of which there have been none), but to be a part of the excitement of a rapidly growing industry. Many have seen their portfolios reduced by half since the government's action.

3) We have grown up in what is probably the fastest growth of industry ever seen. We have many improvements in our lives because of the freedom of individuals like Hewlett and Packard, Gates and Allen, Bill Boeing... the list goes on. Had these innovators not had the freedom to develop their ideas, none of their competition could have started, much less thrived as their competitors. True, many have dropped out, but not because they were stopped by the originators, but because they really didn't "build a better mousetrap."

4) No one that I know of has the capability of eliminating competition in the American market. The government is often misguided by lobbyists who would have us believe differently, but all of my life I have heard of people who developed an engine which wasn't gas dependent, in competition with the auto makers. If people knew of this and really wanted it, I don't think anything would have stopped it. Competition is a valuable and healthy way to do business. Improvement often follows.

Thank you for your time in reading my comments. Dollie W. Latimer

MTC-887

**MTC-0000888**

From: Nathan S. Van Curen  
To: Microsoft ATR  
Date: 11/17/01 1:46pm  
Subject: Procedure

Did you even consult an expert in the open source industry?

MTC-888

**MTC-0000889**

From: Allen Trentham  
To: Microsoft ATR

Date: 11/17/01 2:06pm

After carefully reviewing the penalties that MS will incur, I firmly believe the structure of the settlement is totally flawed. I cannot tell whether this is a case of George W. Bush influencing the case because of his donor relationships or non-technical lawyers making technical judgment calls because of lack of focus from the Justice Dept. The impression it leaves, however, is that the Justice Department under Ashcroft's lack-of-leadership can be bought. So much for his ethical stance. I'm disgusted by this pandering to a blatant monopoly. I firmly support the other states in their stance against this settlement.

This is my opinion and does not necessarily reflect that of my employer.

Allen Trentham

Global Risk Management—IT Director  
GE Capital—Corporate Systems  
260 Long Ridge Road, Room 3136  
Stamford, CT 06927  
Phone: (203) 357-6803 (8\*228-6803)  
Fax: (203) 961-2616 (8\*228-2616)  
Nextel: (203) 223-9011  
E-mail: allen.trentham@gecapital.com

MTC-889

**MTC-0000890**

From: Jon Zegelian

To: Microsoft ATR

Date: 11/17/01 2:05pm

Subject: Microsoft Dept. of Justice Ruling.

Dear Sirs,

I am moderately satisfied with the recent ruling that you have come to against Microsoft, however I would like to add a few extra perspectives>

1. I have had numerous people complain to me about the fact that Internet Explorer is un-installable. Several parents find that Netscape is a better choice, and much easier to use when it comes to protecting children from questionable content. However, leaving Internet Explorer on the system is mandatory, and also opens the computers to new security threats. I feel this is an example of Microsoft's attempt to monopolize the Internet.

2. In times prior, Microsoft has operated an online gaming website called "The Zone". I would like to point out that users attempting to access this website with Netscape were told that they \*had\* to use Internet Explorer to access the site. Once again, this was attempting to push Netscape out of the running for competition.

3. I also believe certain non-classified portions of Microsoft's source code should be available to the public, or at least to security professionals. Microsoft has shown an inconsistency in the past with providing security fixes for critical flaws in a reasonable manner, and if officials from other computer departments were able to more closely reference, this could help to sort out potential problems that computer crime can cause.

4. Although this is slightly off-topic, I believe Microsoft really needs to concentrate against bashing open source software. If MS and the Open Source community could learn to peacefully co-exist and prosper, I'm fairly sure we could become the chief software producing country in the world, if we are not

already. Note that this also could seriously stimulate the economy to avoid the potential 'recession' that everyone fears is heading in.

Thank you for providing your time and bandwidth to receive our feedback,

Sincerely,  
Jonathan J. Zegelian

MTC-890

**MTC-0000891**

From: Fox Hollow Farm

To: Microsoft ATR

Date: 11/17/01 1:52pm

Subject: Microsoft settlement

I am a retired, home user, reasonably expert, frequent user of my home computer. I wish to make 2 points. Microsoft has made life much easier for us non-experts by providing software which operates seamlessly between different programs and tasks. Gone, for good I hope, are the days when the programs which a normal person uses (word processing, spread sheet, e-mail, internet, checkbook, address book, etc.) were disjointed and couldn't transfer information to each other and to the person with whom I was trying to communicate. Microsoft is a great company, that has led the way and been a model in the last decade of prosperity.

They have done so not only by being smart, but by being aggressive in business. That's the American way. That's what causes de-facto standards which make life easier. Every time I pay my telephone bill, to 3 different companies, I am reminded of the disservice that was done by breaking us a public utility. Certainly, monopolies or near monopolies need rules for the protection of their customers, but asking them to give up business gains gotten by doing business by making their product better is wrong.

Ed Schoenhari  
Langley, WA  
snarl@whidbey.com

MTC-891

**MTC-0000892**

From: Jean Thompson

To: Microsoft ATR Date: 11/17/01 1:51pm

Subject: Microsoft Settlement

Living in Washington State I note first hand the benefits Microsoft has given the PUBLIC OF THE USA, not just our State. In fact many places in the world are benefactors. Also having been owner-operators of a small business for 32 years I know that competition can also be a constructive mode. I request that the Microsoft Company be allowed to operate and progress as in the past, helping to teach other businesses how to compete and to learn how success can be accomplished. Thank you for letting me offer my experiences with success. M. Jean Thompson

2034 E. North Crescent Spokane, Wa.  
99207

MTC-892

**MTC-0000893**

From: Jay Reitz

To: Microsoft ATR

Date: 11/17/01 2:13pm

Subject: Well done!

I firmly believe that justice has been done in this case. Microsoft is one of our nations greatest assets, technically, economically and

symbolically. I believe that the settlement reached is both fair and equitable. I'm pleasantly surprised that a large government agency can (occasionally) do the right thing.  
>J.

**MTC-0000894**

From: Seymour Phillips

To: Microsoft ATR

Date: 11/17/01 2:11pm

Subject: settlement

Dear Madam: We agree with the settlement, and hope that the States that remain out of the suit will be brought back in to settle, and allow Microsoft to continue their good work. Sincerely, Seymour Phillips

MTC-894

**MTC-0000895**

From: ender@ike.prioritynetw orks.net @inetgw

To: Microsoft ATR

Date: 11/17/01 2:10pm

Subject: Concerned Citizen's comments on the MS/DOJ settlement

To Whom it May Concern,

I would like express my deep misgivings about the proposed Microsoft settlement reached by the company and the Department of Justice. I will keep my comments brief, and more to a philosophical standpoint, as my groundings in anti-trust law are weak.

It seems to me that there is no punishment in this settlement. There are only provisions to guard against future unlawful behavior. We have an amazingly powerful multinational corporation who has been running up against the law for its business practices for years who has been proven to have violated the law (when Judge Jackson's finding of antitrust violations were upheld). Where is the punishment? The proposed settlement is a slap on the wrist and a thin leash for Microsoft. The American Justice system is letting a convicted offender off the hook without then suffering for what they have done. Do you expect this to rehabilitate their behavior?

The modern justice system does not take organized drug dealers after they have been arrested and give them a punishment of behavior restrictions while they continue to live in the outside world. They are sent to prison.

Yes, these are two different types of crimes—but the basic precept is the same: criminals will strike again and again until their behavior is modified.

We are dealing with a corporation that is a criminal. These fact is beyond dispute. Are we treating them like one? I don't believe so. Maybe I'm alone in my opinion, but I think corporations that defy U.S. should pay for their mistakes. And with this current settlement I don't believe Microsoft is paying any real penalty—they have before them only restrictions on future behavior.

Please strengthen this settlement to teach Microsoft a lesson. I think it is obvious from the companies conduct before, and especially during the trial that they have a serious problem respecting the laws of this nation. It is time that this changes.

I am a computer professional, and have been administering all types of computer systems and networks for over seven years

now. People in my profession see first had the negative results of Microsoft's illegal monopoly. I see the effects of their lawlessness everyday, and I ask you to put a firm, but just stop to it.

Sincerely,  
Jonathan Claybaugh  
Priority Networks  
37 Fox St. #1  
Boston, MA  
617.822.7576

MTC-895

**MTC-0000896**

From: bsmith@wt6.usdoj.gov @inetgw

To: Microsoft ATR

Date: 11/17/01 2:10pm

Subject: Publish the file formats

Please protect American consumers and businesses from the Microsoft monopoly. As a business owner, I am all too aware of the cost of maintaining compatibility with the .DOC, .XLS, and .PPT formats. The money I give to Microsoft would be better spent hiring engineers, sales, and admin staff.

Please force Microsoft to publish all file formats. Please prevent Microsoft from releasing new software until the file formats have been publicly available for 6 months. The term "publish" should include all embedded images and ancillary protocols. The goal should be to allow a competitor to read an write a true .DOC (etc.) file.

thank you  
Bob Smith  
President, Fourelle Systems, Inc.  
Santa Clara, CA

MTC-896

**MTC-0000897**

From: John M Seehagen

To: Microsoft ATR

Date: 11/17/01 2:13pm

Subject: Selling out to Microsoft.

I'm disgusted at how the DOJ sold out to Microsoft. It was possible to reach a harsher judgement against Microsoft even before the Appeals Court found Microsoft guilty of maintaining a monopoly. It is also pretty obvious that the Bush Administration used September 11 as an excuse to just slap Microsoft on the hand. It is obvious that the government has decided to settle also because they believe a strong Microsoft leads to a strong economy. The settlement fails to stop Microsoft from maintaining their monopoly and creating new ones. The number of loop holes in the agreement lets Microsoft ignore the settlement and do as it has done before. As we speak Microsoft is trying to monopolize other Markets such as the PDA, Game Console and streaming media markets. Microsoft also plans to Monopolize the internet with .Net. I know come next election I won't be voting for the bush administration because the War on Terroism(which I support) is no excuse to do unethical and illegal things such as selling out to Microsoft. Bush knows that he was able to do it because there won't be any special investigator to expose him for his illegal activities.

MTC-897

**MTC-0000898**

From: chriso@schmerd.com@inetgw

To: Microsoft ATR

Date: 11/17/01 2:13pm

Subject: comment regarding proposed MicroSoft settlement

To whom it may concern:

I am writing to express my strong belief that the currently proposed settlement in the Microsoft anti-trust case is not severe enough. Having read the proposed settlement I am quite sure it does little to prevent Microsoft from using it's monopoly to prevent potential competition and further abuse consumers. It is my sincere hope that the settlement will be rejected and a penalty imposed which allows for non-Microsoft software to compete.

Thank you,  
Chris Olson  
IT Security Professional

MTC-898

**MTC-0000899**

From: Richard Tackett

To: Microsoft ATR

Date: 11/17/01 2:21pm

Subject: Microsoft Settlement.

microsoft has done nothing wrong.. a great company who pays there taxes!!!

MTC-899

**MTC-0000900**

From: Rick

To: Microsoft ATR

Date: 11/17/01 10:46pm

Subject: Microsoft Is A Monopoly

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you seriously consider the already established findings of fact that Microsoft is indeed a monopoly that has aggressively leveraged this advantage with OEMs to deny access to its competitors. This has destroyed competition so badly that consumers are left with little choice since Microsoft products are the proprietary standard shipping with all new personal computers. For the last 15 years, I have observed that excellent companies whose products I had been using were one-by-one forced into oblivion by the overwhelming monopoly power of Microsoft. You must act in the public interest as install preventative measures against Microsoft to assure they cannot ever act against consumers again. You must remove their monopoly.

Sincerely,  
Rick Stanczak  
16804 Luckenwald Drive  
Round Rock, TX 78681

MTC-900

**MTC-0000901**

From: James D. Bearden

To: Microsoft ATR

Date: 11/16/01 11:36pm

Subject: Public Interest

To Whom It May Concern,

Our government was formed to defend it's people from threats both foreign and domestic. I believe the proposed settlement for Microsoft and the Department of Justice is not in the public interest and will do little to remedy Microsoft's stranglehold on the computer industry, much less punish them

for being the Supreme Court affirmed monopolist that they are. I feel that the Department of Justice sought this weak settlement with a belief that it would be good for America and turned a blind eye toward Microsoft's history of skillfully circumventing legal restraints and how much more good a stronger settlement would bring.

I have spent many hours reading the settlement, and even though I am no lawyer I do know something about the computer industry. Please, the proposed settlement is not a good one, and is little better than no settlement at all. In fact, I would much rather that the Department of Justice eventually lose in court rather than see Microsoft shrug this off. At least fine them a few billions dollars: It might irritate them for a few days, but they might at least respect the law during that period.

James D. Bearden  
james@nontrivial.org  
<http://james.nontrivial.org/>

MTC-901

**MTC-0000902**

From: Falcon

To: Microsoft ATR

Date: 11/16/01 11:33pm

Subject: control freaks

You pompous statist freaks should leave Microsoft and all other companies alone. The free market will take care of them. Why don't you people get real jobs?

MTC-902

**MTC-0000903**

From: Daniel Prather

To: Microsoft ATR

Date: 11/16/01 11:33pm

Subject: I'm disappointed

I have to say that I'm severely disappointed in the agreement reached by Microsoft and the Department of Justice. Essentially, your agreement reinforced the things that Microsoft already did for its competitors, things which are quite inadequate. The issue isn't whether or not everyone can build software that works with Windows, it's how nobody can build software that does NOT work with Windows. Microsoft's Windows operating system is on 90% or more of the desktop computers in the world ... is this because it's superior to other offerings? Hardly. Computer builders / manufacturers are threatened they'll lose their licensing perks if they offer competitors' products. People are not able to make software for other platforms and be profitable, simply because of the former reason ... all systems run Windows or Microsoft charges everyone much more. This is not right.

I know I am not the only one who sees this. It simply reinforces my belief that the government and government departments are fully controlled by the corporations of this nation. It's just amazing at the momentum lost in the DOJ vs MSFT case after Bush became President and Republicans dominated the government. Oh well, to reiterate apparently, money dominates all, even justice.

Daniel Prather cyran@knology.net  
MysticOne—IRC KF4FSE

MTC-903

**MTC-0000904**

From: Lisa Chiang  
 To: Microsoft ATR  
 Date: 11/16/01 11:38pm  
 Subject: comments about the Microsoft anti-trust case  
 Hash: SHA1

I have a few comments about this whole case. First, you should know that I use as few Microsoft products as possible. I became a Linux user as a student when I noticed that all the tools that I needed, a compiler, word processing, spreadsheet, etc... was starting to really add up. Not only that, but it was buggier than hell.

Since I only use Microsoft stuff when I have to, the Microsoft case shouldn't affect me, right? Wrong. The main way that this case affects me is that everywhere I turn, people insist on using Microsoft products which they admit are buggy and also full of security flaws. If we could add up all of the hours wasted by our secretaries trying to get a table pasted from Microsoft Word into Microsoft Powerpoint to keep its same formatting, I think you would find that Microsoft owes the government a lot of money. Yet the government insists on using Microsoft products! I think this use of government money is truly a case of fraud, waste, and abuse!

Right now my company (DOE facility) is supposed to upgrade their systems to Windows 2000/Office 2000. I have a new computer with 128 MB of RAM and Windows 2000 Pro—and it is slow. What about the rest of the people in my office that have Windows 98 and old hardware? Why do we have to upgrade? Do you realize that a majority of our users are only using their computers to read their email and do their on-line training (web based). I can see why PDA's are so popular—much cheaper, they do the job, and they seem to work well. (Unfortunately for them, PDA's are not supposed to be used where I work due to security issues with the wireless versions.)

My only other comment is that Microsoft is a business. When a business does not deliver a product, I cease buying their products which is why I am a Linux user. Not all of the products in the Linux world work but they at least can not lock me into constantly upgrading my software against my wishes. I've heard that Microsoft plans to quit supporting DOS with their release of XP. Guess what, most of our instrumentation uses old DOS PCs and they work just fine. (I, of course, have pointed out the availability of FreeDOS.)

So I guess I just am troubled by your recent actions. I do not see how they will prevent Microsoft from behaving in an illegal manner. Ironically, it is probably large government organizations like DOE, etc... that will be hurt the most by the failure of the DOJ to pursue a more active watchdog role. For example, our company is constantly fighting security bugs and virii with their software—I think they gave up recently because now we are behind a firewall! I just wish that we could spend our money on mission critical upgrades we truly need, rather than on dubious software upgrades that a vendor insists that we need and seems able to force upon us.

Thank you.  
 Sincerely yours,  
 Lisa Chiang  
 10110 Rockbrook Dr.  
 Knoxville, TN 37931

MTC-904

**MTC-0000905**

From: Jason Pippin  
 To: Microsoft ATR  
 Date: 11/16/01 11:38pm  
 Subject: Stiffer penalties for Microsoft

We need to force Microsoft to FULLY document their API's and adhere to open standards for communication protocols for all past and current operating systems. This would allow software developers to compete on the windows platform and compete with the windows platform with compatible operating systems. Closed standards and APIs are what has allowed Microsoft to abuse their monopoly power. If Microsoft had to compete properly, the price of their operating system would decline and consumers would get to keep more of their money to spend on other more tangible things like food, clothing and shelter.

If Microsoft sells 100,000,000 copies (a conservative figure) of their operating system and overcharges \$100.00 per copy, they have just stolen a 10 billion dollars from the citizens of the US and The government. Add to that their policy of using stock options to avoid paying any taxes and they present a drain to the economy greater than any terrorist network. Microsoft Must Be Leashed!

Jason Pippin,  
 Sebastopol, California  
 824-8392

MTC-905

**MTC-0000906**

From: Frank Surerus  
 To: Microsoft ATR  
 Date: 11/16/01 11:37pm  
 Subject: No No No Settlement

I am a loyal Microsoft customer. Their actions lately have convinced me that their monopoly over operating system software is being totally abused. If we are ever to have some kind of meaningful competition something must be done NOW. I am NOT talking about browsers ? there are plenty of browsers available to anyone who does not want to use MS Internet Explorer ? I am talking about Operating Systems. Microsoft's recent actions such as cutting support, initiating Product Activation (for applications as well as operating systems), show a total disregard for customers. The only way to change this is to promote competition!!!

Frank Surerus  
 500 Villa St.  
 Elgin IL 60120  
 franko@megsinet.net

MTC-906

**MTC-0000907**

From: Mark Stout  
 To: Microsoft ATR  
 Date: 11/16/01 11:45pm  
 Subject: Restitution, open application interfaces?

To you who defend the taxpayer against terrorists, foreign and domestic, Hail!

I'm looking for the part that returns money to people who were forced into upgrades, some penalty for Microsoft's demand, during the month just past, when they revoked Windows 95 licenses held (and paid for) by non-profit organizations, and how people can connect to a Microsoft Exchange Server with a mail reader other than Outlook.

I realize that three items got into the last paragraph, but I'm overflowing with thoughts at the moment. Microsoft, over the past two weeks, has tried to end the practice of notifying a software vendor of security holes and then publicizing them two weeks later to ensure that the vendor patches the flaws. In instances where the details have been withheld, other vendors have claimed that the flaw was "theoretical" and not real.

There are applications where the U.S. Government is using MS-DOS, because no version of Windows allows the flexibility that the application demands. Microsoft's licensing practices put them in a position to demand that respirators, missile fail-safe devices and astronaut life support systems be shut down; yet I've heard of no apologies or changes in these policies.

Netscape announced in 1994 that they were going to offer an operating system. Where did it go? When was it released?

The non-profit issue stands on it's own; automakers can't dictate what year of vehicle people buy.

If you're in a company or government agency that has Exchange Server handling mail, you have to use Outlook, security holes and all. The protocol by which Exchange and Outlook communicate is not licensed to anybody, not published, and not regulated for security. A non-Windows computer in any company that has Exchange Server is without mail, but I haven't seen the government move to fix this, I haven't been financially compensated or apologized to by Microsoft, and the specification for this interface hasn't been released.

Overturn the DMCA, free Dmitri Skylarov and the population of the United States from this tyranny. The entire purpose of the American Revolution was to get such injustice off of our backs. The man said that backup software was possible, and went to jail for it. What taxpayer benefits from that? What would Jefferson have said? What if taxpayers had the situation put before them, and were asked to vote?

Microsoft's End User License Agreement for Media Player 7.x (part of Window 2000 and XP, free upgrade to Win95 and 98), gives Microsoft the right to arbitrarily delete files from the users computer. I haven't heard the reversal, apology, nor have I been financially compensated for that travesty.

Microsoft's End User License Agreement for FrontPage (web authoring—I've never used it) forbids the use of the computer its installed on to carry words portraying Microsoft in a negative light. You cant suggest that FrontPage's EULA is heavy-handed on a computer that FrontPage is installed on. If this license is backed in court, the Bill of Rights is no longer law, and the original states that made that a condition of thier ratification of the U.S. Constitution have the right—or obligation—to secede.

The U.S Declaration of Independence explained in it's opening words that people

have the right to life, liberty and the pursuit of happiness. Corporations are afforded no such rights; you can take away Microsoft's existence, legally. When Microsoft declares who can live and die, which the use of DOS puts them in a situation to do, the Court is left with no choice but to eliminate this threat to Americans.

1. Seize all of Microsoft's financial assets.
2. Disconnect communications lines in and out of Microsoft's headquarters building
3. Clear out people from that building using the Washington National Guard, and that of surrounding states.
4. Use the assets to pay down the National Debt. If there's some left over (likely), start many software firms of less than fifty programmers each, maybe one team per state, to write replacement applications/programs. The small teams are where all innovation comes from. Let's repeat that: TI-W SMALL TEAMS ARE WHERE ALL INNOVATION COMES FROM!

Microsoft had a good product in 1979, called Microsoft BASIC. They didn't invent BASIC, they just had the best implementation. Once they stole CP/M via QDOS and renamed it MS-DOS, everything up till the "Dot Net" initiative was a copy of a small company's innovation. Every single thing that they claim as an innovation, till "Dot Net", was somebody else's idea.

The "Dot Net" initiative is the closing of the fist around us; store all of your medical records, financial records, personal email, etc. in a server in Redmond. You won't even need your own hard drive anymore!

Your own room. Your own car. Your own house. Your own pets. Your own children. Your own mind.

What customer asked for this? This isn't entirely innovative, either; The Nazi's and Stalin have played with this idea before.

In 1979, while I was in junior high school, I started designing a graphics computer. I asked Microsoft about a memory chip that was already programmed with BASIC. Bill Gates himself wrote me back, saying that they only sold BASIC on a floppy formatted for the CP/M operating system. He advised me to build a CPIM computer, and buy a BASIC floppy from Microsoft.

They tell me he's the smartest man in the world, and I've taken that personal letter to heart: when I finish that computer, it'll run CPIM and I'll buy a BASIC floppy from Microsoft.

p.s. Ask Richard M. Stallman, of www.gnu.org, what the remedy should be. Then you might reconsider the above as a moderate approach.

MTC-907

#### MTC-0000908

From: Craig Koller  
To: Microsoft ATR  
Date: 11/16/01 11:44pm  
Subject: Regarding the Settlement

As a consumer, I think the most powerful weapon Microsoft wields over its competitors is not the applications or even the operating system, but its proprietary file formats for Word, Excel, Media Player, and now even Internet Explorer data. No other application or middleware developer can compete fairly because of the fearful nature of most users,

afraid to use other software that may create files unreadable or, worse yet, corrupted, when delivered to others with Microsoft applications.

That's why I believe MS, as a proven monopoly, should be forced to publish its file formats so that others can offer competing apps to edit or even create similar documents. The fact that MS Office used to cost a small fraction of what a computer did, compared to today, when it commands half the price of the hardware, is an example of where the lack of competition has hurt consumers in the wallet.

We're forced to use Microsoft software not by choice, but by necessity. If the government sees fit to allow MS to continue as a sanctioned operating system monopoly, we should at least be allowed to use less expensive application software in Windows to create documents and communications.

Thanks for your time.

MTC-908

#### MTC-0000909

From: Brian Butte  
To: Microsoft ATR  
Date: 11/16/01 11:40pm  
Subject: Microsofts Monopoly

I am a 31 year old professional consultant with pwc consulting specializing in Internet portal technologies and infrastructure. My strong technical background started with my fascination with TRS-80 computers in 1980 and blossomed into my Bachelor of Science degree in Computer Engineering. I have written software utilized in over 10 million GM cars and trucks as part of the Engine Control Module, designed 100% uptime environments for dot coms and dot bombs, and built CRM solutions for some of the Fortune 500. I am recognized as an expert in my fields including public presentations and publication.

I state my qualifications because I am not sure that anyone deciding the fate of Microsoft has the technical capacity to understand the state of Microsoft's monopoly nor its impact on innovation. What is easy for people can be harmful. As a parent of three children under the age of four, I can unequivocally state that although jumping down the stairs is easier than walking, it can result in disaster. A child must be reprimanded for inappropriate behaviour lest they never learn to become a productive part of society. How often do the unrestricted actions of another child influence your own child to act outside the well established boundaries of acceptable behaviour? Deterance is the most effective means to discipline a child; action, reaction. Consider your son or daughter caught at school misbehaving. Did you witness the act? No. Is the damage done? Yes. Do you dismiss the circumstance? Not as a responsible parent. You make sure the child understands the behaviour is wrong, you punish the child appropriately, and most importantly you do not let your child profit from the endeavour in hopes they learn crime doesn't pay. As important for society, the child influences other children through repetition of the same rules of behaviour and repeats the lesson for their children. Examples of right and wrong reinforce the rules of society for everyone, including companies.

Without a breakup of Microsoft, the United States Government endorses their strong arm tactics and unfair competition. I am not concerned about Microsoft, but rather I am concerned about precedent. The reality of the Microsoft case is that the damage is done and cannot be remedied; even by so strong a statement as dissolving the corporate bond between the operating systems, development tools, and software packages. However, their actions are inexcusable.

Microsoft has stolen ideas from many companies, repackaged the ideas, and mass marketed them to the public. How can the world be better off when Microsoft stifles invention? Were the inventors of the web server, windowing interface, mouse, web browser, file compression, and countless others better off because of Microsoft? Did they have the chance to sell their ideas to the public unhindered by competition with their own ideas? Anyone who answers yes clearly lacks integrity and would have the United States Government endorse the actions of RCA in stealing the concept of television from its inventor, Philo Farnsworth. We have one multi-billion dollar employer of thousands instead of multiple multi-billion dollar employers of thousands. We have hundreds of hyper-millionaires from Microsoft and thousands who have seen promised millions crumble to dust. What promise you ask? The promise of the American Dream! Is this the lesson we want to teach to our children; to replace the promise of Thomas Edison, Henry Ford, and Alexander Graham Bell in favor of Bill Gates whose only invention is the software license agreement that says when the software doesn't work, tough?

What will happen, and it will happen, when the new Microsoft comes along and dominates the industry. Not possible? It has already happened once. The United States sued IBM for anti-trust and won. What key mistake did IBM make during the deliberations? They decided to focus on mainframes and thus handed Microsoft the key to a powerful world. Microsoft outgrew their world and starting exploring others which lead to theft, invasion, and finally domination.

If Microsoft is not held accountable for their actions, not only is the clear message to corporate America that crime does pay, but that it pays well. If logic, and not special interests, prevail, Microsoft will be held accountable for their actions with a penalty as severe as their ill-gotten

success.

Brian Butte

CC: Jolene Butte, Jerrel Mattson, Helene Butte, marniehar...

MTC-909

#### MTC-0000910

From: MR\_CRAIGI  
To: Microsoft ATR  
Date: 11/16/01 11:46pm  
Subject: support settlement

Thank you for the opportunity to comment. In the narrow scope of the law the DOJ could not hope to achieve any more in settlement or continued litigation. This should be the end of a long, expensive, and debilitating process for our country.

Craig Johnson

MTC-910

**MTC-0000911**

From: Les Lohmann  
To: Microsoft ATR  
Date: 11/16/01 11:45pm  
Subject: MS Settlement

Dear Sirs/Madam,

I have been using computers since 1968. Up until MS abused their monopoly position by tying retail products to the OS, there was a pretty clear separation between the OS, which offers services primarily to retail programs (software) and retail software. Since MS began truly flaunting their position of power, the availability and usefulness of retail software has diminished tangibly. Walk through any software shop (that has survived) and look at the selections. There are a lot of Games, but most else is MS.

Interestingly, now MS is beginning to compete in Games. They already include several in the OS, thus justifying including more, since the government has also turned a blind eye to this situation. Soon, MS will also be the behemoth of games.

There is only one fair solution. Frankly, even Mr. Gates will prosper. MS should not be permitted to produce any retail (defined by others) software. The company should be split in two, permitting an even playing ground for everyone.

The health of computing and the economy depend on true open competition. The proposed settlement fails to even scratch the surface.

Leslie John Lohmann, FSA, FdA, EA  
8-4-1 1-50 1 Kitamachi  
Nerima-ku, Tokyo 179-0081

While I am a US citizen, I believe the issues transcends national boundaries.

Les Lohmann  
mailto:llohmann@tkc.att.ne.jp  
LIA\$FACTS\$ index at http://

www.benefitslink.com/lohmann  
http://www.japan.co.jp/~llohmann

MTC-911

**MTC-0000912**

From: Brian Florakh  
To: Microsoft ATR  
Date: 11/16/01 11:45pm  
Subject: Professional opinion about settlement

For the record my name is Brian A. Horakh, my phone number is 760-944-7660, I am the CTO of a small software company. I am an MCSE (Microsoft Certified Systems Engineer), and also hold certifications from Compag, Novell, Linux, Sun, and Oracle, I program in 14 different languages, on 3 different platforms, i've written books on topics such as system security, and high availability. In otherwords this settlement will directly affect my career—so I figured I ought to write in an give you my two cents. I have read the proposed draft and concluded that you are falling into the same Microsoft trap that they have so craftily woven for so many of their competitors. There are big gaping holes which prevent, or at least indefinitely delay enforcement, once this deal is signed they'll literally have to kill a dozen people in their business practices before it makes it back to court—because

without a homicide it's going to be really hard to prove dirty business tactics, but you can bet they're going to keep playing dirty. ou need to look at their implementation of contractual history with other companies (i'll provide a few highlights):

- 1998 Microsoft licenses Java, embeds into Internet explorer
  - 1999 Microsoft extends Java (knowing that Sun will get mad and sue them)
  - 2000 Sun gets mad and sues them.
  - 2001 Sun gets injunction, which says Microsoft can't use Java.—Microsoft drops Java support from Internet Explorer, effectively killing the language [it's still breathing, but trust me it's dead] .. whats ironic is Microsoft comes out smelling like a rose, in court they say "we have to have the freedom to do it our way, Sun told us it's their way or the highway, we took the highway" .. no legal expert in the world even consider accusing them of anti-competitive business practices from dropping Java support, after all Sun made them do it. But Sun was setup to fail, they were played like a puppet from day 1. Want another one:
  - 1992 Microsoft wants to own the Internet, realizes the way to do this through the browser.
  - 1995 Microsoft have a good market share, but is facing trouble due to anti-competitive behavior with Netscape, mostly because they are giving their software away for free—and everybody knows it's just to kill Netscape, but nobody cares. Meanwhile netscape begins to feel pressure.
  - 1997 Microsoft settles with court, continues to apply pressure to OEM's under the table. I can't tell you how many stories i've heard where they've done this—NOBODY comes forward because it would mean the end of your career.
  - 1997—Microsoft side steps the Netscape arrangement by "embedding" JE inside the operating system, blab blah blab.. stuff happens .. freedom to innovate (tell me one thing they've Innovated)
  - 2001- it's great, now a webpage can crash by Operating system (Which btw: I blame you guys for since you made them "take it into the OS"). They now have a 95% share?? I can keep going on and on and on .. just give me some time. The bottom line: YOU NEED TO RETHINK YOUR PLAN—go for broke, don't settle for less, otherwise you certainly aren't doing this industry, or the consumer a favor. Explain to the judge how they've consistently violated every agreement anytime it was in their best interest. Explain how the current arrangement will basically ensure that you're out of their hair, and they're free to do business as usual. Please reconsider the punitive damages for Microsoft, make them redo their licensing, make them publish ALL protocols they use as PUBLIC DOMAIN [okay at least no licensing which prevents the Linux folks from building an interoperable and better product].. please think about it.
- Brian A. Horakh  
Chief Technical Guy  
Zoovy, Inc.  
Direct: 877-ZOOVY-4U x 111

MTC-912

**MTC-0000913**

From: Pragnesh Sampat  
To: Microsoft ATR  
Date: 11/16/01 11:45pm  
Subject: Microsoft Antitrust Settlement comments

I think that the DOJ has let Microsoft get away with very light penalties (to put it mildly).

What is at stake for a consumer is one's freedom to choose, not the ability to restrict anybody's right to innovate. Most of the media coverage and even the DOJ's points, unfortunately, do not address this issue. It may not be directly the point of the antitrust case, but there is relationship here which cannot be ignored. Microsoft routinely flaunts open standards and protocols and misuses its dominant position in the desktop. Since it has lots of money, it can simply destroy any competition by buying the companies out and destroying them. Standards are there for a reason: they allow interoperability between different vendors products and ultimately drive down the costs for the consumer. If you look around many of the day to day products, like films and videotapes and electrical sockets and many other common items, the costs for consumers go down due to standardization, since companies have to compete ruthlessly to be the provider of the cheapest solution. Some standards examples from the computer and communications industry are:

- open PC architecture
- The Internet protocols (TCP/IP) and many communication standards
- Computer buses like PCI to interconnect peripherals and devices
- IEEE POSIX standards and so on.

The same can be applied to many widely used and common computer applications like word processing and spreadsheets. If the interfaces between applications and Operating System adhere to standards, there can be many competing applications to the now dominant Microsoft Word and Excel. History shows that wherever standardization occurs, ruthless competition drives down costs. But Microsoft does not allow this to happen.

Are there examples of products where two products are very similar and offer almost the same things, but one is practically invincible from it's position? Compare Microsoft Word and WordPerfect (from Corel). A reference to the ubiquitous Halloween documents (whose authenticity has been publicly acknowledged by Microsoft) shows the views Microsoft has towards standards.

Now, one cannot force a company to adopt a standard, since it may believe that what it has to offer is superior. Fine. It is perfectly OK not to follow standards. It is generally true that when a company does not follow a standard, it will end up pricing the product higher than the ones compliant with the standards (e.g. some Sony products, Bose sound systems etc.) This is logical, since customer may have to pay more for the superior products.

The current situation is so bad in Microsoft's case that consumers end up paying higher for an inferior product

(compared to the Linux operating system) and still feel that they don't have any choice in the matter.

It is almost evil to let injustice get away unpunished. It is unworthy of a great republic to let a situation develop where citizens are slaves to a dictator/monopoly rather than being able to choose. Each citizen can be a king only where the freedom to choose is not compromised.

-Pragnesh  
Pragnesh Sampat  
3123 Salisbury Court  
Wexford, PA 15090

MTC-913

**MTC-00000914**

From: Johannes Ernst  
To: Microsoft ATR  
Date: 11/16/01 11:48pm  
Subject: comments about the settlement

The settlement is not in the public interest because:

1) Over years, Microsoft has made and continues to make large amounts of illegal monopoly profits. Nothing in the settlement remedies this. A large fine is necessary.

2) Tomorrow, if Microsoft decided that SQL Server was part of Windows, and Office was part of Windows, the settlement agrees that that would be okay as Microsoft gets to decide what is part of windows and what is not. Not putting a limit on what new functions can be integrated into Windows is obviously not acceptable.

3) As you know, and as many Microsoft employees and ex-employees have stated publicly before about cases in the past, if Microsoft, for whatever reason, is forced to publish their APIs early on, which would allow competitors to be on equal footing with similar Microsoft products, Microsoft outruns them by keeping changing the APIs—essentially forcing the competitors to always follow and never be on the same page. This is well-documented practice. There is nothing in the settlement that prevents this practice. Note that because of all the ill-gotten monopoly profits, Microsoft is better capitalized than any other software company, and will thus always win this battle.

4) The settlement makes free and highly innovative software such as Samba essentially impossible. This is very clearly against the public interest. Microsoft should be forced to license all API-related intellectual property for free.

5) A good measure for whether "competition has been restored" in the software industry is whether or not startup companies will get funded by professional venture capital investors in Silicon Valley, who may compete with Microsoft some time down the road. This settlement makes no difference in this respect at all. ANY investor will run immediately if there is even a remote chance that there will be competition with Microsoft at any point in time. This is clearly not a market that is level, allowing free innovation for the benefit of consumers.

6) The proposed restrictions on Microsoft conduct are in no relationships to the size of the violations of the law. The settlement is so obviously insufficient that we have to assume that the justice department was somehow politically motivated to agree to

these terms. If so, the judge is obliged to turn down the settlement under the relevant laws.

7) Any serious conduct remedies—while theoretically possible—will be so complex and difficult to enforce that they are infeasible in practice. The original court was correct that the appropriate remedy is breakup.

8) Microsoft should be forced to publish all APIs to its operating system sufficiently in advance to a commercial release, so that 3rd parties have a chance to build competing products in time. If a 3rd party could build a Linux-based Windows API emulator, for example (which they can't in practice, see issue #3 above ...), competition would be much more real. In an even better scenario, it would be a standards body under the auspices of a recognized standards authority who would define the APIs, not Microsoft.

9) Similarly to the rules that carmakers are under in California, Microsoft should be forced to make sure that by a certain date, say, 3 years from now, at least X percent of all desktop operating systems sold are not Microsoft's. I don't see a reason why this can't be demanded—and it would most certainly restore competition.

10) Microsoft should be prevented from leveraging the desktop monopoly into any other market whatsoever, such as embedded systems or servers.

Thus I believe the settlement is very far from the public interest. It should not be accepted by the court.

Best regards,  
Johannes Ernst.

MTC-914

**MTC-00000915**

From: Lynch, Edward P (Ed)  
To: 'microsoft.atr(a)usdoj .gov'  
Date: 11/16/01 11:47pm  
Subject: I think this settlement is the worst

thing that has happened in the last 100 years, and that includes Sept. 11, 2001 and Dec. 7, 1941 combined. Bill Gates has NUKED th U.S. government Big time. After Japan bombed Pearl Harbor on Dec. 7 1941, Japan's Gen. Yamamoto said "I'M AFRAID WHAT WE HAVE DONE IS TO AWAKEN A SLEEPING GIANT." If you think Bill (PIRHANA) Gates was bad, Wait until you see Bill (GREAT WHITE) Gates. Microsofts Creed is We will rule the world, and the U.S. gov. reply is WHAT CAN WE DO TO HELP YOU.

MTC-915

**MTC-00000916**

From: Miles Lane  
To: Microsoft ATR  
Date: 11/16/01 11:46pm  
Subject: I am shocked and appalled at the Justice Departments failure.

To whom it may concern:

I have worked at Microsoft, both as an employee and a contractor. Since then, I have worked as a software tester for many companies, including Compuserve (Sprynet) and Amazon.com. Throughout the last fifteen years, I have studied the computer industry, the internet and the communications industry.

I have seen how effectively and relentlessly Microsoft takes advantage of every

opportunity to control markets, leverage products, strongarm suppliers, OEMs and ISVs. I happen to know that Microsoft has sold products at a loss in order to flood markets with their product and lose money in order to gain strategic market share. The are a proven monopolist.

It is dispicable that you have caved into pressure from Microsoft and the Bush government and made a deal that harms competitors and harms consumers.

I work on Linux and volunteer a vast amount of my time in an attempt to help Linux become a viable desktop alternative to Microsoft Windows and Office. Microsoft's strangle hold on the industry is so absolute that in one way or another everyone's choices and opportunities are constrained by Microsoft's dominion.

How can you bear to look yourselves in the mirror in the morning?

Miles  
MTC-916

**MTC-00000917**

From: Kenneth Filak  
To: Microsoft ATR  
Date: 11/16/01 11:46pm  
Subject: Inadequete

In the 1995 consent decree Microsoft promised to build a "chinese wall" between its applications and OS divisions. Microsoft also promised that it would reveal the API's to competitors to ensure a fair competitive environment for competing applications.

When Judge Sporkin refused to sign off on this consent decree the DOJ and MS went forum shopping and got Judge Jackson to sign off on the that consent decree.

Flash forward to the trail held before Judge Jackson and was shown that Microsoft purposefully ignored all the restrictions of the 1995 decree. Every witness that MS presented at the trail were shown to be disassembling and lying. When Judge Jackson expressed his honest outrage in seeing his court be insulted and abused by Microsoft's dishonest tactics Microsoft went forum shopping yet again.

Microsoft is on its 3rd Judge.

The Court of appeals has unanimously agreed that with Judge Jackson's ruling on Microsoft's anti trust criminal behavior. Microsoft has shown itself to be dishonest and untrustworthy by violating its previous agreements.

But the DOJ wishes to give them yet another bite of the apple. Once again the DoJ wishes to promote a toothless meaningless agreement with an organization that has shown its disregard for the laws of our country. This is a sham agreement with a corrupt company. Microsoft's excuse is its pursuit of power and greed. What is the excuse of the DOJ for selling out the American public.

MTC-917

**MTC-00000918**

From: Brian Shock  
To: Microsoft ATR  
Date: 11/17/01 12:03am  
Subject: Microsoft Antitrust Case  
Dear Sirs:

Even as a software developer who primarily uses Microsoft products for his

livelihood, I am extremely disappointed by the decision not to punish Microsoft. This company is a monopoly by every definition, and in the worst tradition of monopolies, uses questionable or illegal practices to stifle competition.

Regardless of the reasoning behind failing to pursue the antitrust case against Microsoft, publicly this looks very much like criminal conspiracy between the Justice Department (along with the Bush Administration in general) and big business.

Brian Shock  
Phoenix, AZ  
brianshocki@home.com

MTC-918

**MTC-0000919**

From: David  
To: Microsoft ATR  
Date: 11/17/01 12:03am  
Subject: Failure.

I feel that the settlement reached with Microsoft will be a great service to big business...., if by big business you mean Microsoft. 3 years of being watched by 3 people of whom Microsoft has a say and pays them and what after 3 years? You have enough emails about how this Settlement will suit M\$ interest VERY well indeed. And they will not be punished at ALL. ..i.e.-> no penalty. But I have an idea for you, and I'm sure I'm not the only one with this idea.

Recommendation that WILL get Microsoft's attention.. .put in place a penalty to M\$ to be paid out to (via an acceptable medium UN-influenced! un-influencable by M\$ but truly independent or at least less friendly towards M\$. This is a penalty after all!) to go towards Open-Source projects. More directly Linux. This WILL get M\$'s attention and present much more of a hammer over them than any amount of money could as they already have more than enough of it.

Open-Source.. .that is what scares M\$ and they will respect (as long as it is monitored by Independent people with powers to monitor and make public their findings (Quarterly report?) without (!) Microsoft's influence or shadow hanging over them as well as the right to impose further fines as required) a fine which helps a competitor with whom M\$ is unable to bargain or exercise influence over. Most importantly Microsoft is Afraid of Open Source. Perhaps the only thing it is afraid of and will do everything it can to stop Open Source. Anything to stop it via any one of the companies past tactics to others. This can be reflected in M\$'s statements about open source of which I'm sure you have many examples already. One note; imagine what would happen, (of if you prefer?why it has not yet happened by a single major OEM company) if an OEM began to ship a small number to their computers directed at the "small" market out there that would like a pre-installed Open Source OS. There aren't any such examples that come to my mind, how about yours?

Otherwise I feel that the DoJ has let me as a consumer down and is not acting in my best interest with it's current apparent wish to quietly let this matter slide. I also feel that the idea of the DoJ "tiring" and being worn down insulting. I hope similar stances aren't

taken in other places in the government because the DoJ is tired of pursuing the case. Most important of all, this so called settlement stinks. I expected better of the DoJ in light it's representing not only a number of U.S. States?but that they appear too weak to win for lack of conviction, purpose, and sense of duty in the face of co-operate which has been found guilty of law breaking and monopoly abuse.

Thank for you time?.and thank you for you help upholding the rights of the smaller companies looking to survive in light that to upset the giant is to cast yourself into it's shadow.

David.

MTC-919

**MTC-0000920**

From: Arthur O'Connor  
To: Microsoft ATR  
Date: 11/16/01 11:55pm  
Subject: Microsoft "Settlement"

I can see that the Republican National Committee are going to be getting some VERY generous contributions on the next elections. Much more than the ones they did last year to insure that they got off better than 'Scott Free' on their ('antitrust') case. I sure wish that I were wealthy enough to 'buy Justice'. I'm just a poor slob that has to obey the law. "The Golden Rule of our 'Justice' dept. is "He who has the gold, makes the rules". Way to go John Ashcroft & Bill Gates!!!!fl!!

Art O'Connor \* Bristow Ok.

MTC-920

**MTC-0000921**

From: William Owens  
To: Microsoft ATR  
Date: 11/16/01 11:54pm  
Subject: Microsoft case

Thanks for ending this nonsense!

MTC-921

**MTC-0000922**

From: Tony Cooper  
To: Microsoft ATR  
Date: 11/17/01 12:06am  
Subject: Sad

It is sad when multi billion \$ corporations can buy the government off for breaking a few laws & running others out of business whilst still being able to sue other people who break laws by utilising software microsoft since abandoned.

Obviously there is not Justice in America anymore & It's things like this that attract people to doing unlawful things in the pursuit of their own justice.

As a person who used to sell microsoft products & know first hand the deceit that is employed to generate revenue, I am saddened to see that truth & justice now take a back seat to the American way of greed. I use a text based client that complies with the standards relating to email & not microsoft products or a web browser to read my email. As a result I appreciate not receiving html or microsoft products in my email as do millions of other people who use clients that comply to the standards.

MTC-922

**MTC-0000923**

From: J Spicer

To: microsoft.atr(at)usdoj.gov  
Date: 11/17/01 12:05am  
Subject: comment

As a consumer, I would like to see Microsoft carry on without too many new restrictions, except for one. I feel a huge monopoly like theirs, should never be allowed to 'buy out' any other new uprising companies ones that may have new ideas and systems from fresh minds ... that may eventually mature and bring competition back to the marketplace. This practice is one that only kills or eats up dangerously new ideas before they become a valid player in the marketplace. Thanks for giving consumers a chance to say something

John

MTC-923

**MTC-0000924**

From: James M. Rogers  
To: Microsoft ATR  
Date: 11/17/01 12:03am  
Subject: The Microsoft settlement is a joke.

I am shocked that Microsoft can be caught breaking the law and get caught lying during the trial, convicted, the conviction upheld, and they get no punishment. This settlement is nearly identical to their 1995 agreement, which allowed them to take over the browser market. I am tired of one company having so much power that they are essentially untouchable. They can illegally put other companies out of business using their unfairly aquired monopolies. Guess it just takes a few friends in the white house and a little bit of money in the right places. If I ever get the opportunity to vote against anyone involved with this settlement, I will be sure and do so.

What a joke. You should all be ashamed of yourselves.

MTC-924

**MTC-0000925**

From: danny @tampabay.rr.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 12:15am  
Subject: Comment

I think that if a judgement was reached to force Microsoft to put all their protocols useable for cross-platform communications out as open source things would be assured to be on a level playing field.

MTC-925

**MTC-0000926**

From: Larry D. Larsen  
To: Microsoft ATR  
Date: 11/17/01 12:13am  
Subject: Thanks a lot

I am CEO of an Instant Messaging company. Thanks to your new arrangement with Micro\$oft, were probably going to be out of business within a year, maybe two. From aU of us, thanks a lot. Maybe you would like to lay railroad tracks through my backyard while you're at it.

Larry D. Larsen  
CEO  
IveCon, Inc.

MTC-926

**MTC-0000927**

From: Shawn Fitzgerald  
To: Microsoft ATR

Date: 11/17/01 12:26am

Subject: Never Strong enough

Once again the government fails to meet the needs to protect the people that placed it in control. A WEAK effort to slap the wrists of a Monopoly, is how I would grade your agreement.

After being FORCED from my job as a Consultant at Immediant Consulting inc. Dallas, TX due to threats by regional Microsoft executives, I believe the DOJ did not present their case very well. While I do believe that some of the Microsoft bashing is unfounded, I know that there are efforts to hold back Java and Linux development by Microsoft. It amazes me that the government can't collect enough evidence to prove the FACTS that all US citizen's know. MICROSOFT IS A MONOPOLY!!! Microsoft does not aggressively compete, they actively attack those that might offer innovation, or alternatives to a solution that is unstable, unscalable, and proprietary.

For future reference, why put out an Email address AFTER you have finished the case??? Why not publish an email address BEFORE the case, during the discovery phase, to help you find out where to look??? If you would have provided a way to give you evidence to prove your case, I'm sure you would have had warehouses of evidence.

Thanks...For nothing!!!

Shawn Fitzgerald

Java Consultant, Linux user, Windows sufferer.

MTC-927

**MTC-0000928**

From: Kyle I. Winkler

To: Microsoft ATR

Date: 11/17/01 12:22am

Subject: good job:

As a young technology guru, I have seen the possibilities of how "high tech" will take us into the future and help to stabilize our economy. I very much agree with your decision in the Microsoft Corporation settlement. I am happy to see that the Bush Administration is not against Big Business, but instead, putting trust back in to business. Many may disagree with the effectiveness of the settlement but I truly believe this is in the best interests of our economy. Thanks for all of the hard work and especially the great job of the administration in defending freedom and democracy during these trying times.

You all are to be commended!

Thanks again,

Kyle J. Winkler

17, Missouri

MTC-928

**MTC-0000929**

From: reid@sd3.mailbank.com-inetgw

To: Microsoft ATR

Date: 11/17/01 12:16am

Subject: Microsoft Settlement

I'd like to voice my displeasure with the Microsoft (MS) settlement. Given the fact that the Department of Justice (DoJ) essentially won the case, and rightfully so, it's sad to see that the end result is a toothless agreement that will have little impact on MS's actions. The agreement fails on three counts: It imposes no penalty for MS's prior actions, it

sets rules of conduct that have loopholes, and it sets up a system of oversight and enforcement that is closed to scrutiny and very favorable to MS.

Judge Jackson and every Judge on the Appeals Court all agreed that MS violated the antitrust laws on several counts. Yet, with this settlement, MS is getting the proverbial "slap on the wrist," not even facing a steep fine for their misdeeds. It seems to me akin to a convicted bank robber walking away scot-free with loot in hand, because he promised to mend his ways.

This agreement was apparently sought in part to provide quick relief, but anyone who has studied Microsoft's history will tell you that the corporation has always pressed the envelope of legality. Even as this case was ongoing, MS hastily released Windows 98 with IE integrated in order to preempt justice, and later released Windows XP, which takes the anticompetitive bundling of applications even further than the earlier products that got them into court in the first place. If MS has the incredible audacity to undertake such actions while being sued, who would believe they would willingly submit to the spirit of this agreement? I would think any settlement or judgement would depend upon the remorsefulness of the defendant, and there is absolutely none in evidence in this case. It seems quite naive to think that MS has changed its ways; if history is any guide, we will see MS dragged into a new antitrust suit in a few years, something that could have been avoided if proper remedies had been instituted now.

In conclusion, I'm shocked that the DoJ went from a position of victory, and pressing for punishment and an effective remedy, to one of timid, ineffective compromise. I as a consumer can see that MS wields incredible power in the computer industry thanks to their monopoly on the base operating system upon which other software is layered, and it's plain that Microsoft intends to leverage that power as much as possible to everyone else's detriment. Rumors abound of ugly politics setting the Department's agenda, but whatever the case, I still hope that justice can be served.

Sincerely,

Reid Rivenburgh

P.S. For a more detailed account of the problems with the settlement, see Ralph Nader's letter to Judge Kollar-Kotelly, available at <URL:http://www.cptech.org/atlms/rnj12kollarkotellynov5O 1 .html>.

MTC-929

**MTC-0000930**

From: Eric Cox

To: Microsoft ATR

Date: 11/17/01 12:30am

Subject: ok...

So, cave in, do what our not really the majority elected president wants you to do. How can it be good for the economy for a proven monopoly (one the people have known to be a monopoly quite a great while before the courts decided it was) to go unchecked.

It seems rather futile to apply restrictions and reprimands to their rather old school markets. I really hope someone has been paying a good deal of attention to microsoft's

recent ventures. They are moving away from their "traditional" market and into the world of reoccurring prices. Ala passport and whatever the latest buzzword is. It is a market of services. Whatever you do, do not imply restrictions on something solid, imply those restrictions into behaviors, protocols, and licensing... I'm sorry I have little faith in the judicial government..., it has not worked in my favor for many years...

I don't expect you to do what is right for the people or industry. I don't even expect you to do what is right for our government. I don't expect a great deal anymore...

I would just like to see our government is a just a little bit stronger than a greedy corporation. (Publicly held corporations by law and definition are greed driven)

I'm sorry it has to be your heads all our anger will fall on...

Eric Cox

Earthlink Systems Administrator

MTC-930

**MTC-0000931**

From: Gregory Chi

To: Microsoft ATR

Date: 11/17/01 12:33am

Subject: You guys have got to be kidding us

This is a settlement? After some careful inspection (and I gotta do a bit more) it looks like out and out surrender. Thanks a lot for keeping the desktop a nicely growing monopoly (that's sarcasm).

MTC-931

**MTC-0000932**

From: Nicola(OOEF) Michel

To: Microsoft ATR

Date: 11/17/01 12:33am

Subject: My opinion on the settlement

Like many others in the IT industry, I think Microsoft got off far too easily in this case. Why have they not been punished for violating previous agreements? Rather than repeating what has already been said, I refer you to more informed and eloquent critics, such as Ralph Nader. This outcome is typical of what happens in Washington, where lobby groups and big business have far too much influence. The only beneficiary of this weak ruling is Microsoft. Who is standing up for everyone else, including those of us outside the US?

Nicolai Michel

nicolaim@videotron.ca

MTC-932

**MTC-0000933**

From: Cralis

To: Microsoft ATR

Date: 11/17/01 12:32am

Subject: Microsoft Settlement is unfair to the consumer

Dear sirs,

I would like to respectfully say that I believe the settlement between the DOJ and MS is VERY unfair. It will do very little to protect competition from monopolistic practices by microsoft, it will do nothing to help the consumer and open source software, and it has NO penalty for past monopolistic conduct on Microsoft's behalf.

First, while I highly commend the DOJ arguing for the option to have a version of windows shipped without certain extra

programs.. .1 feel the DOJ has neglected to realize that MS's vast potential for control with Windows XP. Many programs are built well into XP and are designed to control the user in a manner that benefits MS. They will control what hardware we can use, what software we can use (the registered hardware/software only), what we can see, hear, and do. While I sympathize with the DOJ's view that this will benefit the DOJ in regards to pirated software and obscenities such as child pornography, NO COMPANY DESERVES THIS AMOUNT OF CONTROL. .1 say it very strongly because I believe that this level of control goes against our constitutional right of choice in the pursuit of life, liberty (LIBERTY), and happiness. This is a big gamble on MS's part, if they succeed they will essentially OWN the entire Internet, all electronic transfers, and the electronic life of all individuals who want to do either.

Second, whether or not any competitor gains access to windows code makes little difference. What matters is that MS takes file and communications protocols and makes them trade secrets, then restricts the ability for anyone to use them only to those people who will not compete with MS. This destroys open source, free software, and the ability for a new company to get into the market in an environment where the majority of computers rely upon MS protocols. The FIRST thing that should be done is to forbid MS from making its protocols secret and keep them from making agreements with other companies for secret protocols, and instead require that all protocols in use by MS become open to ALL of the PUBLIC. This will keep them from destroying any more smaller competitors who are just trying to bring something new to market, and will likely make it a more friendly environment where individuals who were afraid to compete before will feel less threatened and less likely to lose their entire life's goals, dreams, and life savings trying to make a product MS will either want to swallow up or totally destroy.

Third, MS has repeatedly demonstrated that they believe they are above the law. They continue to do and flaunt their monopolistic practices despite the court battle, and frankly are saying "hey the DOJ can't touch us". Their monopolistic practices are WELL documented, yet the DOJ's settlement has no penalty for their past crimes!! Lo, should all criminals be so lucky! At the very least MS should have some major billion dollar penalty assessed against them, if not have some major oversight and payments. If the DOJ does not feel it deserves the reparation payments, feel free to pay them to all of MS's consumers. We wont argue. I would like to point out a few things as well:

\* Judge Jackson said that Microsoft would raise the prices of it's next version of Windows because it can do so and nobody would have a choice to pay it. Please note that Windows XP is double the cost of Windows 2000. He also said that they would continue to add new programs and hijack protocols for their own benefit, and they have done that as well. I have at least 6 utilities such as Zone Alarm (a personal firewall) that

will not operate under Windows XP) WHY? They are spitting in the face of the DOJ and saying "so what? do something about it.", while at the same time cutting the legs out from under competition such as Zone Alarm, who have done it right and refuse to sell to Microsoft.

\* Windows XP only allows you to use it 5 times on different hardware configurations. They also argue that they should be allowed to restrict us to putting their software on only one program. WHY? Should we also be restricted to only using cars in the same state we bought them, or only being allowed to read books for only a year before destroying them or giving them back? The SOFTWARE INDUSTRY is NO DIFFERENT from other industry in respects to buyer's rights. Why let them cheat us out of that because they want to be different? The legal history on buyer's rights is VERY clear. Please dont change them.

\* Microsoft has not "innovated" anything new for as long as I can remember. They buy other markets out, they steal, and they hijack. They take something that already exists, change it, and call it their own. They are "software terrorists". In fact I can think of a number of technological andlor software advancements that were squashed by Microsoft BEFORE THEY EVEN GOT STARTED because they would have been competition.

\* Microsoft is NOTORIOUS for their software being buggy and full of security flaws and holes. Yet we are supposed to allow them access to all of our personal information and financial information? This is a HUGE national meltdown just waiting to happen!

\* Microsoft is moving foward at an extremely rapid pace. Their .Net project is designed for two purposes: 1. to control the internet and get part of any micropayments or online transactions, and 2. to make a worldwide network where you pay for the temporary use of a program (whether it be an operating system, application, utility, or game matters not) and bypass the entire issue of "buying a program". Imagine that. That would be like all of the car companies getting together and deciding they will no longer sell cars, but ONLY rent them.

\* Microsoft MUST be under some form of oversight and have NO SAY in who is in that con-m-iittee. TI-WY are the criminals! Why should they get a chance to make it easier on themselves? That would be like prison full of criminals getting to decide who the prison warden will be. Dont let Microsoft fool you! Please consider that Microsoft's plans for the future involve controlling each and every person who has a computer and wants to go online. Stop Microsoft before you can no longer do so. For the consumer's sake, for the sake of competition and free enterprise, and for the sake of technological advancements in the future.

Thank you for your time.  
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(<http://www.starfiredesign.com/starfire>)

MTC-933

#### MTC-00000934

From: Bren McMullen  
To: Microsoft ATR  
Date: 11/17/01 12:41am  
Subject: Microsoft Antitrust Settlement

I think that microsoft should be made to sell a 'striped-down' version of windows for a far less price. With all of the current bundled software included in WinXP, Microsoft is undoubtedly creating a large monopoly in the computer software industry, pushing larger and more experienced companies with better software out of business. Instead of also making it available to run other software without purposeful intervention. At yet, Microsoft forces all of its uneducated users to toy with their inferior versions of popular software. Microsoft has no previous experiences in the fields of instant messaging or digital photography, and yet they decide to include it with the operating system that will be forced down the throats of home users all over the country.

On another note, they are bosting their inferior software, and also ideas stolen from other operating systems (i.e. the virtual desktop concept from linux) to give their new WindowsXP more leverage over other versions of Windows. These will convince more users to pay the outstanding prices they are charging. As if they arent getting enough revenue from their new Xbox. Along with offering a stripped down version of Windows, we should also FORCE Windows to remove their .NET, Bill Gates is going to take over the world scheme, and get rid of their insecure uS (internet information server) protocols which are being shipped and turned on as default in their Internet Explorer, which is the dominating browser ever since it was bundled and set as default with Windows.

MTC-934

#### MTC-00000935

From: brandon marks  
To: Microsoft ATR  
Date: 11/17/01 12:35am  
Subject: microsoft

Thanks for not breaking up Microsoft. If too many software companies try to break off into very different directions, everything working as uniformly as it does now might not be possible. Send a friend your Buddy Card and stay in contact always with Excite Messenger <http://messenger.excite.com>

MTC-935

#### MTC-00000936

From: Ryan Roberts  
To: Microsoft ATR  
Date: 11/17/01 12:34am  
Subject: this settlement is disgusting

I am a student at Michigan State University. Last Wednesday we reviewed the Microsoft anti-trust violations and deceptive practices in my telecommunications policy class. It made me think that the Doj is very afraid of Microsoft, that George W. Bush does not want the Microsoft case to exist, and that Microsoft blatantly broke the law on numerous occasions. If I was a burglar and I broke into 10 houses and stole lots of jewelry. I would go to jail. I wouldn't be told, "hey, stop committing crime now okay? If

you say you won't do it again, we'll just keep an eye on you for a little while." If I was Microsoft and I did everything in my power to destroy any potential middleware from arising using despicable practices including forcing other companies to bend to their will through complete lies (Mac Office) and purposefully distributing Java tools which only worked on my version of JVM while proclaiming that not to be the case, I guess that I do only get told to stop, and promise NOT TO BE A CRIMINAL ANY MORE. THEY BROKE THEY LAW.

DoJ: Hold out your wrist please Mr. Gates. \*slap!\*

Bill: Oooookaaaaay, I've learned my lesson. \*mutters something under breath that sounds like, "suckers!!!!"\*

DoJ: Well I guess it was worth the millions and millions spent on the case then, if you learned your lesson. Forget the court costs or any monetary reparations whatsoever Mr. Gates. The American taxpayers gladly shoulder the load of your invaluable lesson.

Angry Narrator: And no one lived happier ever after than Bill Gates, and no one in America really cared because they are disillusioned with the system and resigned to the fact that Microsoft does whatever it wants. Had the DoJ protected the people's interests, who knows? The day might have been won in the name of good, but alas, that is not the case.

The End

Good job DoJ. I mean bad job. yeah, bad job is what I meant. If you're going to have a giant trial and spend a lot of time and money, doesn't it make you feel frustrated to finally end up with a castrated settlement?

Thank goodness that Justice has 9 states with the common sense not to accept this rubbish, as Justice is not accustomed to dining on rubbish. Hopefully Microsoft will pay through the nose in civil trials as well. Whatever happens, you failed. That's how lots of people feel. Not just me. Lots of people. I can start a list if you want.

Ryan Roberts  
rober294@msu.edu  
MTC-936

#### MTC-0000937

From: Jeny Kreps  
To: Microsoft ATR  
Date: 11/17/01 12:33am  
Subject: My comments on the DOJ—  
Microsoft settlement.

I am Jerry L Kreps  
521 West Garber Avenue  
Lincoln, NE 68521  
(402) 475-4657

This settlement after FOUR years, and on the heels of an equally worthless consent decree from a previous 'settlement', which Microsoft totally and completely ignored, is exactly why the US legal system is held in such LOW regard by a large majority of the American People. The DOJ simply does not work for the best interests of the common citizen any more. They behave more like lackeys of big business. Why? The DOJ won the court case and Microsoft is convicted as a monopolist. The DOJ won the appeal and Microsoft's conviction stood. The original DOJ team is replaced by Bush appointees who immediately snatch defeat from the jaws of victory.

DOJ lawyers defended the settlement stating: "Government lawyers carefully weighed 'those proposals but ultimately chose other sanctions against Microsoft that they believed would result in the most effective and certain relief in the most timely manner.'" This is patently absurd. "Carefully weighed" suggests that Microsoft's side of the scale was preloaded in its favor. "most effective and certain relief in a timely manner" is a description of the relief that Microsoft received from the DOJ, but it is NOT a description of any possible relief the consumer might gain from this settlement. Microsoft's relief is effective, knowing they will not be fined a single penny after stealing Billions from the consumer. They know it is certain, because the DOJ is behaving like the 'fix is in'. They know it is timely because even though XP was quickly launched ahead of schedule in an attempt to snowball the DOJ into more lenient terms, Microsoft received NO terms of significance at all, so their XP launch, the biggest invasion against privacy and the Bill of Rights yet launched, goes ahead unhindered. The DOJ team goes on to say 'the settlement, if approved by the court, would "eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat" the company faces from rivals.'

This, too, is patently absurd. There is absolutely NO teeth in this settlement. When Microsoft violates (not if) what pauly "restraints", and I use the term loosely, there is in the agreement, the ONLY punishment is that they have to endure another TWO years of the same ineffectual watchdogging.

Frankly, if you haven't been able to figure it out yet, I am disgusted at the DOJ incompetence. It goes beyond incompetence, it is criminal. Disbarment proceedings would have been undertaken had any of you performed so poorly in the public courts of the land. Mr Nader gave an excellent analysis of the "settlement" in his letter to the Judge. <http://www.cptech.org> Although a convicted monopolist Microsoft is given NO meaningful punishment, NO meaningful supervision. NO teeth which could restrain Mr. Gates and Mr. Ballmer from proceeding full steam ahead without changing any tactics. In fact, the settlement, rather than protecting the consumer, legalizes Microsoft's outrageous behavior. Of the three "watch kitten" (dog would be an inappropriate description) one will be inappropriately by Microsoft, and that person will have a say in the selection of one of the other two. So, right from the start, the committee is biased at least 1.5 to 2 out of 3. If a two out of three vote is required then Microsoft already possesses the ability to BLOCK any unfavorable decisions the committee could make. What brilliant genius on the DOJ team agreed to that? In addition, the three "watch kittens" will be housed on the Microsoft campus, in Microsoft offices, paid by Microsoft, and they will be under a GAG order, essentially preventing them from informing the public about any progress Microsoft is making in abiding by the essentially worthless settlement. What brilliant genius on the DOJ team thought that scheme up, and how did he/she get the rest

of the team to sign on? A better question would be "How much did they get paid to sell out the American People, you know, the ones whose interests they are supposed to represent?"

Your "IMPACT" report is pure fabrication. It reminds me of Neville Chamberlain's peace treaty with Hitler. It became apparent SIX WEEKS before the settlement was announced that Microsoft had advanced notice of what the outcome of the settlement would be, and immediately returned to its Monoplistic, predatory attitudes by modifying its PC OEM licenses to restrict what icons and other software the PC OEM could put on the Desktop along with WinXP. Additionally, Microsoft forbade the PC OEMs from installing any other OS along with WinXP in a dual boot mode. These requirements are extremely egregious and certainly an example of Microsoft LEVERAGING its monopolistic position even before the settlement was announced. If Microsoft can be so bold as to embark on this course of behavior even before they supposedly knew what the outcome of the case would be, not one single point of this settlement will deter them for a single second to do even bolder and more outrageous acts. weak Expect to see their legal teams, by threats of legal action and by shady use of patents and other legal devices, intimidate Open Source programmers, the Linux Kernel team (one of whom, Alan Cox, has already resigned from maintenance of the 2.4 kernel because of fear of the DMCA being applied against him for revealing security fixes in a GPL product for which he is a principal programmer!!!! !!)

For the last ten years software houses and security companies and software researchers have had a consumer favorable policy of rapid reporting of bugs and security holes, along with demonstration code which proves the bugs or holes and which can be used to test the weak effectiveness of any patches software houses offer. Microsoft is against informing consumers of the threats to their personal and financial information that bugs in their software poses. They would rather such holes are kept secret. This was the standard 15 years ago, and such holes were rarely admitted, and bug patches rarely offered. In fact, anyone who announced bugs was immediately persecuted, both professionally and legally. Eventually, because of the never ending holes, primarily in Microsoft's OS and software, an democratic policy of rapid announcements was instituted. Recently, in response to a virtual flood of trojan horses, email viruses, server security holes found in Microsoft's software, especially the IIS web server engine, the Gartner Group has advised consumers to switch from 118 web servers to Apache web servers. Even though such holes had been known for several years in various Microsoft products, it is only after Gartner Group advised consumers to switch to Apache did Microsoft address the problem. Their solution, announced a couple of days ago, well AFTER the DOJ settlement, would have the computer world return to the bad old days where bugs and holes would be kept secret. Only Microsoft, flexing in new INVIGORATED MONOPOLY POWER would attempt such a wholesale brow beating of the

computer industry. I have no doubt that Microsoft has been accompanying the public lashings with private threats of economic penalties for all companies that don't toe their new line.

Jerry Kreps

MTC-937

**MTC-0000938**

From: lowell  
To: Microsoft ATR  
Date: 11/16/01 10:53pm  
Subject: recent settlement

Folks:

Judging from how the defendant behaved under a previous consent decree without an enforcement clause of any sort, what makes anyone think they'll behave any differently under this one? The toothless

Gang of Three? Cant see it...

MTC-938

**MTC-0000939**

From: David Gould  
To: Microsoft ATR  
Date: 11/16/01 10:39pm  
Subject: Microsoft Anti-trust trial

I think it sums it up to witness that Gates himself is "happy" with the settlement. Who in their right mind, when found guilty of such a severe crime as anti-trust law violations, should be "happy" with the punishment they receive? This is an obvious sign that the settlement was far too lenient on Microsoft. As a software engineer who is very aware of the enormous market power behind Microsoft, I sit here simply appalled at the weakness and lack of backbone in our government's justice department.

Corporate entities seek out business models that are ambiguously or even very clearly illegal or un-constitutional in foundation, then they expect the government to protect their flawed business models just because they "help support the US economy" by providing jobs and goods to our citizens. And what does our government do? It steps right in line and defends outrageous legislation like the DCMA and this bogus resolution to the antitrust trial.

Here I think it is very clear, the new administration came in, ignored the history of the case, ignored the experts who basically unanimously suggested not just breaking MS up into two or three companies, but several companies, as well as other severe restrictions on their business practices... and got right in line behind "the big american corporation, savior of our economy". Who cares if our constitution and laws are flushed down the toilet, as long as we keep unemployment low right? And even as you negotiated with microsoft, they made a fool of the justice department by continuing to flaunt their monopolistic practices, launching the most absurdly anti-trust violating piece of software yet, Microsoft XP, and continuing to bully the entire vertical market of PC manufacturing into locking out their competitors' products. History has proven that it is better to take the medicine now then wait till later, especially in the case of monopolistic practices. Unfortunately it appears the justice department doesn't even have the technological understanding to realize that microsoft is hurting and stifling

innovation and technological progress in our country by preventing nearly any other US company from having a chance to launch competing products because of the enormous barriers to entry they can impose through leveraging their monopoly of the PC operating system market. And this damage far outweighs any short term benefit to our economy. Eventually this will lead to the US being surpassed technologically by companies from other countries like Germany, Britain, or Israel. But I realize this letter is a complete waste of time. After all, it's clear you are on their side.

Thanks for nothing DOJ.

Dave Gould

MTC-939

**MTC-0000940**

From: Raymond Rizzo  
To: Microsoft ATR  
Date: 11/17/01 12:51am  
Subject: Settlement still insufficient

For quite some time now I have been following this case. I, as a tech., depend strongly on a decision that will force fair play in the market place. Microsoft as a whole has, as far as I have noticed, complete disrespect for any standardization. Which in its self is a step toward trying to force a monopoly. For example, when Netscape introduced Java Script microsoft decided to spin off a version that offered only enough limited compatibility so as to force people to switch web browsers, following started the Browser War". To further their plans for a takeover of the web market the then integrated Internet Explorer 4 into windows 95, and then following was the release of windows 98 which had no option of removal. This is what started the government intervention, but it doesn't stop there. With the release of Windows XP, Microsoft has, in the same fashion, bundled more of their software with the operating system without giving the user a means to remove it. Programs such as Windows Media Player, Windows Movie Maker, Microsoft Gaming Zone for example cannot be removed by standard uninstallation methods, nor even by deleting the files from the hard disk, due to the fact that they are immediately copied back regardless of the end user wanting the programs or not. This is the behavior that must be stopped, the company is doing exactly what it was doing before the court case had even started.

The result is the end user being forced into using a Microsoft product to force competition out of the market. Look at any of the bundled applications that microsoft has added to their standard installation and check the userbase of the bundled product vs competition. Every time they incorporate another item into their product another companies userbase goes down. It is invasion of citizens own personal freedom to be forced keep a product they do not want, and it is an even greater injustice to let a company continue to abuse their position in a marketplace the way microsoft has. All I can ask, is that the settlement not only be based on a way to secure a free marketplace for the US, but to also help the millions of windows users attain the ability to choose what applications they want to use on their PC.

MTC-940

**MTC-0000941**

From: Simon G. Smith  
To: Microsoft ATR  
Date: 11/17/01 12:45am  
Subject: Microsoft Case

I understand this is an e-mail where citizens can comment on the Microsoft anti-trust case.

My personal opinion is that the government should not interfere with the workings of the private sector. In cases of anti-trust, I thought that the law was intended to prevent monopolies. Well, there are other companies that produce office software and operating systems, which are they only things that Microsoft seems to even have a large market share on. Just because a company has a large market share, that doesn't mean they are monopolistic—it might just mean they are good at what they do.

Am I biased? Well, I personally won't buy Microsoft products because they are too expensive. But I think that in a free market system, if most people in the US decide to buy it, that's their choice and Microsoft should not be punished for it.

Sincerely,  
Simon Smith  
Brookline, MA

MTC-941

**MTC-0000942**

From: Bryan J  
To: Microsoft ATR  
Date: 11/17/01 12:42am  
Subject: Please answer my questions...

Why did you, the government, let us down by letting Microsoft off the hook? A five year probationary period? A time-limited sneak peak at PORTIONS of the OS source code? That's all? For a company that has been using illegal practices and violating the Sherman Anti-Trust Act and subsequent antitrust laws ever since its domination of the OS market began?

I have a couple of questions for you:

(1) What about the draconian licensing agreements that MS has with some hardware companies saying that only Microsoft OSEs can be shipped on their systems or they'll be cut out and not given MS OSEs for their systems at all? That's not monopolistic? What did your agreement do to address this situation? Nothing? Was this rumor/issue addressed in discussions at all?

(2) Did the Republican/big business philosophical underpinnings of the prosecution have anything to do with it? The DOJ under Clinton was much more firm and seemed to have their act together much better than you guys, which pains me very much to say, considering I'm a conservative Republican...

(3) When there's a monopoly nobody gains in a market economy. Competition makes for better products and prices. The consumer gets higher quality at a lower price. When did you all forget this BASIC principle that I understood in junior high school?

(4) Most important question—How can putting any piece of software into their OS to compete with ANY other software in the market NOT be monopolistic? Even if 3rd party software companies have access to SOME MS code, for a limited period of time (5 years), how is that going to truly remedy a monopoly situation?

The bottom line: the computer desktop OS isn't just a tool for use. It's becoming a utility—necessary for everyday functioning in more peoples' lives every day. Monopolistic utilities need to be regulated and broken up. What was wrong with splitting MS in 2- one side goes OS development and the other does everything else?

Bottom line—You have failed me as a consumer, and in the long haul, you may have done more harm to information technology throughout the world than can ever be repaired. My choices for desktops will forever be limited (especially if Open Source Software fails in the marketplace)—and MS will control information throughout the world when .NET is implemented in its fullest form and I HAVE to use it because everyone else is. Thanks...

Id like to have some answers to my questions. I pay taxes—I pay your paychecks—give me some answers. So—WHAT THE HELL WERE YOU THINKING??

Bryan Roseberry

A concerned citizen in Mesa, AZ

MTC-942

**MTC-00000943**

From: jahbini@wt6.usdoj.gov @ inetgw

To: Microsoft ATR

Date: 11/17/01 1:05am

Subject: Comment on MS settlement

Microsoft has been harming consumers for years. From the early '80s they had tried to kill Apple's more advanced computer system, until the system architecture of the Intel world allowed an equivalent graphical interface. Now Microsoft COULD have supported Apple's system better, but CHOSE to make a less useful system available for years, all the while saying that the world needed DOS. This hurt consumers. It hurt Apple, and it hurt many small companies that were involved in the marketplace.

More recently, Microsoft has killed, one at a time, any small and succesful product line. Disk Cache vendors were swallowed. TCP/IP vendors were destroyed. There are other examples of this predatory bundling in addition to Netscape's web browser.

And now you are proposing a settlement that will give Microsoft complete impunity from the guilt of their past actions.

Shame on you, DOJ. Are you for free enterprise or just afraid of those high paid lawyers that MS has?

James A. Hinds

MTC-943

**MTC-00000944**

From: Barth Netterfield

To: Microsoft ATR

Date: 11/17/01 1:04am

Subject: Microsoft anti-trust case

Hi,

[one line summary: the proposed settlement is not strict enough]

Please consider this when considering the proposed settlement: This may very well be the most important antitrust case since the railroads were broken up.

By having a monopoly on the operating system, Microsoft is able to leverage into other areas of computer technology, with the stated goal of controlling all aspects of

computing. Controlling computing means controlling almost all aspects of modem financial life. Without strong legal intervention, it will be impossible for any business or individual to function without paying Microsoft whatever Microsoft wants them to pay.

A comparison with the railroads being the only form of transportation in or out of a town is a good one.

Microsoft has shown itself to be a well managed, and an effective company— we can absolutely count on them to be very clever and effective in maintaining, building, and exploiting the monopoly they have developed. Any possible loophole will be exploited. We can count on it.

Thanks for reading (whoever is reading this....)

Barth Netterfield

MTC-944

**MTC-00000945**

From: Robert Lewis

To: Microsoft ATR

Date: 11/17/01 1:03am

Subject: proposed remedy not enough

Microsoft has thumbed its nose at the Department of Justice the entire trial. Even the trial has not curtailed their abusive practices, 2 weeks ago their new msn network forced web surfers to use Microsofts browser to view their site! Their windows software is overpriced, filled with security flaws and the worst part it is, many have no other option but to use it. I'd be interested in seeing the world where innovation ruled, and the progress that would be made without monopolies.

robert lewis

MTC-945

**MTC-00000946**

From: Mark Shadley

To: Microsoft ATR

Date: 11/17/01 1:01am

Subject: DOJ/MS Settlement

To Whom it may concern,

I am greatly dissappointed that although Microsoft was found guilty of violating the law, the U.S. Justice Department has essentially let them off with a slap on the hand. Microsoft has shown in the past, that it has no respect for the law or court rulings. It will continue to stifle innovation, crush competition, and charge whatever prices it wants for it's products. I don't want to believe it, but it really looks like Microsoft bought their way out of legal trouble.

Thank you for reading this.

Mark Shadley

MTC-946

**MTC-00000947**

From: Terry Hermary

To: Microsoft ATR

Date: 11/17/01 1:16am

Subject: Words about Microsoft and the anti-trust issue

To whom it may concern,

I do not believe the best interests of American society, nor the interests of the free world are being considered with respect to the Microsoft Monopoly.

I am a business owner in a small technology based company providing

solutions to the industrial automation market. Manufacturing and processing industries in North America are facing increasing threats from low cost producers in other regions. This takes away jobs and displaces our workforce. For industry to compete in this environment, industrial automation is a necessity.

We have had experience with various operating systems and software. We build our own for our products while employing industry standard interfaces. Microsoft has too big a hand in the infant yet powerful area of computing. Microsoft is well recognized amongst the small guys making it happen, but just like the former USSR structure which existed and was talked about between trusted friends, but never 'officially recognized' for what it was), we are feeling powerless. The ultimate toll will be on the system that lets Microsoft continue to abuse it's market position. The business practices of Microsoft need to be moderated in the best interest of our future generations. Too much influence is being concentrated and only the influenced cannot see this.

With all due respect, Terry Hermary

tjhermary@hermaryopto.com

MTC-947

**MTC-00000948**

From: Microsoft ATR

To: ATRMAIL1 .ATRCFAFO1 .MSMailbo

Date: 12/6/01 2:02pm

Subject: should not have let them off easy

-Forwarded

From: tburkard @vostok.tangentis.com@inetgw

To: Microsoft ATR

Date: 11/17/01 1:06am

Subject: should not have let them off easy

It is a shame that the DOJ has let Microsoft off with almost no real penalties. Having been in the industry, I have seen Microsoft kill great ideas and companies time and time again. They have repeatedly show that they are a predator, not an innovator. They have yet to contribute anything of their own to the industry. Now that they have been let off, they will no doubt continue to wreak havoc by altering standards and trying to make them proprietary. (They did it to kerberos and several others.)

Anybody familiar with the industry is insulted when the government says (or concedes) that Microsoft is not a monopoly or does not leverage their monopolistic position to squash competitive companies, standards and ideas.

Trent Burkard

CEO Tangent Information Systems, Inc.  
Seattle WA

MTC-948

**MTC-00000949**

From: Ralph Butler

To: Microsoft ATR

Date: 11/17/01 1:21am

Subject: Government Settlement

Dear Sirs:

As a consumer presently and in being in the PC business for 30 years at IBM, I do not agree with the your judgement against Microsoft. The judgement needs to go further into allowing Microsoft to bundle it software in an integrated package. Just look at

Microsofts XP software and you can see that the company has not changed it's ways. I am not against Microsoft for coming out with innovated programs but they should be sold separately with other competitive programs and not as an integrated software package.

Regards,

Ralph Butler

Retired IBM Staff Engineer in Product Development.

MTC-949

**MTC-00000950**

From: Nathan Krick

To: Microsoft ATR

Date: 11/17/01 1:20am

Subject: good decision

Since most of the e-mails directed to this address are probably sent by people who think that the ruling in this case was a poor decision, I felt the need to send an e-mail saying that I think it was a good decision. I believe this for many reasons, including the following.

First, OS. Microsoft is not a monopoly, Linux is becoming a larger "threat" as it gains more and more support, including support from industry giants such as Intel, AMD, and HP. If nothing else, Linux is certainly a viable option now and I don't think it can be argued that Microsoft is a monopoly in the OS market.

Second, Office Suites. Microsoft is not a monopoly in the Office Suite market either. Other options exist, such as Corell and Star Office. Adobe also makes good software for page layout and publishing, and Macromedia dominates the internet and web design market.

Third, Internet Browsers. In this area, other options such as Netscape and Opera exist.

Fourth, Intellectual Ownership. Microsoft retains intellectual ownership of the source code for all of their software, to force Microsoft to open their source code for their competitors to see is illegal according to our constitution. They own the software and have the right to open the code (or not open it) to whomever they want. It's called capitalism, the notion on which our country was founded.

Fifth, Innovation. Microsoft's competitors are upset because Microsoft includes to many applications and tools with their software and say that either Microsoft should not be allowed to do so, or should include their tools too. That is all innovation, Microsoft makes a good product, and then they bundle it with their other software, how is that illegal? They own the rights to the software and can distribute it however they want to. That is like telling a car maker that they have to allow the buyer to decide what company they want all the options in their car from. (I want my power windows from company X, and my automatic locks from company Y. No, the manufacturer makes their own equipment and bundles it with the car.) Again, it's capitalism. We are not talking about Standard Oil or Mitsubishi here. Microsoft does not own everything (I have yet to see an entire computer system designed, built, and sold by Microsoft, hardware and software—that could potentially be a monopoly—take a look at Apple). Microsoft designs good software and

many people use it because they like it. I don't use software just because it came bundled with my system. I use what I like to use best. Microsoft has plenty of competition and with the internet, the competitors software is plenty easy to get.

Nathan Krick

MTC-950

**MTC-00000951**

From: Armstrong, Steven

To: 'Microsoft.atr(a)usdoj.gov'

Date: 11/17/01 6:00pm

Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been convened to attachment.]

Thank you for posting the settlement information on <http://www.usdoj.gov/atr/cases/ms-settle.htm>. I do appreciate this act of openness by the government's DOJ. It does facilitate some degree of hope! I just wish the rest of my reaction could have retained that happy, hopeful note.

As I read the settlement, I couldn't help but feel betrayed, cheated and dismayed by the real terms. Where's the pain of penalty? Where's any strenght in oversight? What is the real structural changes expected to occur and how will they be ensured to occur? It's toothless, clawless, and simpering in tone.

The DOT terms of settlement with Microsoft are incredibly weak and shortsighted, and show and incredible lack of concern for the consumer. It obviously yields a big ZERO value to the consumer and seems to ensure Microsoft's continued dominance. You are giving us a bandaid when our collective arms have been twisted and broken, and kneecaps kicked in by Bill Gates and cohorts.

There is no dollar amount penalty assessed against the richest company and richest man in the world for years of monopolistic and predatory practices, nothing against a company known for earning billions and also known for paying zero federal taxes. Their 'taxfree' dollars were being spent on the teams of lawyers that chewed up the DOT up like candy. It really makes me angry to see the DOT applying a few baby teeth to the armored and muscled 90000 pound Godzilla that is Microsoft is. In fact, the settlement appears to make things safer for Microsoft rather than show them there's a price to pay for behaving in a monopolistic manner for decades. IBM should have had such a deal!

The DOJ did not impose a single dollar amount penalty against this company which has billions of dollars in assets, greater than many 2nd world countries.

It did not stop Windows XP and require unbundling of products that supplanted dozens of competitor software maker's products. Microsoft tends to redefine any company making a profit selling something that runs on Windows as a competitor and try to grab their market with a low ball or free Microsoft alternative (that quickly becomes a standard). Remember Netscape? Not in the settlement.

It did not stop Microsoft from excluding Java from XP and the newest versions of it's Internet Explorer. For 8 years, Java has been the glue of the open world of the interative web...now it's tossed aside in favor of

Microsoft's insecure and proprietary ActiveX products and .NET. Microsoft can bald face declare Java as insecure without challenge. It can change Windows and other software delivery timetables to make sure that Java isn't available. Remember Netscape? Not in the settlement.

It doesn't make user security something that MUST be improved by Microsoft.. every week seems to bring out more flaws allowing the consumer's wallet to be picked by the electronic thieves using the internet. If there was any true competition, Microsoft would have to fix these flaws and fast! Digital Research had DR DOS which Microsoft worked hard to eliminate, and that was buried in some weak settlement. You know Microsoft operates like pirates, and yet the settlement doesn't seem to demand anything back to the consumers who tried to use DR DOS and Windows 3.1 and who eventually had no other choices. You leave us captive on the Microsoft pirate ship, and they have their hands in our pockets.

There are no rebates to the consumer for operating system software known for it's 'blue screen of death' and shoddy customer service (all problems solved by reinstall windows and rebooting or upgrading for hundreds of dollars). There are countless stories of people losing their data and functionality as Windows corrupts the data and itself. We have no recourse. The EULA says we can only get up to \$5 or a new CD from Microsoft if try to see any recompense for a misperforming \$600 Windows product. There EULA actually states their software isn't guaranteed to do anything useful although their marketing constantly stress ease of use, productivity and usefulness. No compensation to dozens of companies crushed by Microsoft, or bought out and folded, on it's way to global domination.

No compensation to the truly innovative companies like Borland, who had it's top development staff lured away with millions dangled before them. If a company dares to make something competitive with Microsoft, Microsoft tries to steal their developers, and set up obstacles to the companies success, invoke legal actions, anything but compete fairly and openly. No inquiry into it's use of stock options to hide wealth from taxation, pay off all sorts of parties, and how hard they work to keep the value propped up without really delivering true improvements to consumers.

Real security comes from peer review by real experts in the open market. No opportunity for this is created since whenever Microsoft can show a security concern, it can hide it's software or bring legal action against anyone trying to understand how it works. The settlement gives Microsoft further protections in this! Where's the penalty? I see them benefited! No requirement to fully open the Windows software APIs and source code to all developers who would dearly love to provide more innovation and variety and improved functionality to our free markets. Microsoft is a defacto standard but can protect it's products from competition by continuing to shield it's inner workings from other competition. Many competitors products stop working whenever a 'patch' is provided but

Microsoft's own products don't seem to snagged like that, but gain market share every time this occurs, since nobody wants software that will break when a new security patch is needed. Microsoft only grants access to the inner workings by requiring the viewer of source code to sign documents that cause an agreement to never write anything that competes with Microsoft products, and may not reveal anything viewed.

No penalties assessed to Microsoft or compensation awarded to PC manufacturers for the contracts restricting them from what they could distribute. No punishment to Microsoft or compensation to web ISPs where Microsoft is forcing them to adopt their software as standards. No support for developers and software firms who would dearly like to innovate but are shut out by Microsoft's closed approach to partnering and development, worse they are often steamrolled by Microsoft who pretends to show interest in supporting a developer's product until they can use their R&D to produce their own replacement. Their goal is to take every profitable market which PCs have, through other companies products, helped generate, and then to take all the credit for it.

There needs to be requirements of Microsoft that all it's products will begin to and continue to adhere to international computing standards instead of innovating their own private world of interfaces that only works with Microsoft products. The cost to the international and national businesses of having to constantly rewrite and upgrade in order to meet Microsoft's latest 'industry standard' is in the billions annually. NO business application I've written using Microsoft tools 3 years ago will work without being rewritten today. Businesses are bearing an incredible burden trying to keep up with Microsoft's pace of technology change, and being forced to constantly rewrite the same business critical software for each new version. This lack of stability is a cost no where addressed or calculated. Any IT manager can tell you that the cost of supporting a PC on a workstation desk amounts to thousands of dollars a year. adding critical inhouse business applications can triple that. Microsoft uses planned obsolescence to assure a constant need for developers to rewrite, for new license purchases, and new more powerful PCs to be purchased.

The government should be pressing Microsoft to fully cooperate with the Open Source groups and to open their systems. Closed systems offered by Microsoft are far more expensive than consumers realize, especially as free products steadily evolve into for fee products and then into monthly service fees. With .NET Microsoft is trying to move all Windows consumers to a subscription basis through MSN. Our rights as consumers have been reduced by every legal innovation in their EULA—software licenses, and further reduced by DCMA and UCITA. Now Microsoft and it's third party affiliates remand to themselves the right to shut down the PC of Americans where they believe some violation of their license terms might be occurring. . .no due process, no right to appeal, it's just shut down and

'deactivated'. Where was our Justice department when these changes occurred in Microsoft licensing? YOU MUST MONITOR THEIR EULA AGREEMENTS. They basically are giving themselves rights to our wallets and any information we have on our PCs and any consumer data collected by them or their affiliates (which they hope will be all business and governmental bodies). Why are you not protecting our right to privacy, our rights to control our own information, our rights to fair use of copyrighted material? You give this all to Microsoft without a fight.

Now Microsoft is trying to contain free speech about it's security weaknesses by restricting the conversation to only special privileged groups. What is the DOJ going to do about that? Consumers and businesses will have no idea whether or even if they lost control over their own wallets due to a security weakness known to Microsoft to terrorist groups or electronic crooks, or perhaps to political action groups favoring Microsoft's lobbying causes.

Microsoft is seeking to control access to the information and services on the internet through the MSN portals and requiring Windows XP users to go through this using Passport, Hotmail, etc. Where is the DOJ on this? No penalty. No inquiry. See no evil, hear no evil, say no evil. Your settlement with Microsoft befits the three legendary monkeys. Microsoft never improves the software already installed by making it faster, smaller, more efficient, or more reliable. They just pile on features, require more upgrades, require hardware upgrades, replace competitor packages with their own, make it require a bigger PC, which triggers more purchases of new Microsoft products, and continues the constant annual extraction of billions dollars from American and world consumers. Now they try to move us to subscription basis, and consumers can't figure out how to stop this madness!

I had hoped Republican leadership and constitutional conservatism would have meant real respect for constitutional rights of citizens and American freedoms of choice, advocating legal action which opens markets, supports free trade, and keeps the markets open to all American and world innovators. Instead, I see capitulation to THE CORPORATION, weakness, and the moral fiber of jello. You now seem to be the big corporation's department of justice, not The People's. Your settlement is encouraging Microsoft to continue it's dominance indefinitely. You apparently can't stand up to the biggest software bully in the world on behalf of your fellow American citizens or the world community. The DOJ staff were allowed to shrivel, to become so overworked, and so tired that they couldn't fight anymore. The DOJ was allowed to be bullied about and shaken down by Microsoft lawyers. The DOJ doesn't stand for much now, and to the world our DOJ looks like it's owned by Bill Gates. So many complain that people don't respect government anymore.. .1 see it as government has obviously failed to retain that trust and respect, and I imagine Microsoft is secretly laughing at the DOJ as well. It has publicly revealed it's arrogance against the DOJ and attempted to deceive courts and subvert process. So to me, this deal looks way too

sweet and easy on the single biggest company on the face of the earth, and vindicates their hard nosed, never yielding resistance and antagonism to our laws.

Steven Armstrong, JR Info Consultant  
10801 35th Ave  
Pleasant Prairie, WI 53158

MTC-951

**MTC-00000952**

From: Ken Kyler  
To: Microsoft ATR  
Date: 11/17/01 6:26pm  
Subject: I disagree!

First, I have a BS in Business and a MS in Software Engineering. I'm not a Joe Sixpack. I don't buy this settlement at all. The best course of action was to break MS into 2 companies; an operating system company and an applications company. Then the playing field would be level. Given the US hasn't the moxy to do that, the next best course is very, very strict controls on MS—not the useless controls agreed to.

Ken Kyler

MTC-952

**MTC-00000953**

From: Jack Lynch  
To: Microsoft ATR  
Date: 11/17/01 6:26pm  
Subject: Microsoft Settlement

As a consumer and a Microsoft hardware and software user I wish to make a few comments about the settlement. I have never experienced any anti-competitive practices. I have always had choices of hardware and software products and have never had to make decisions based on any monopoly situation. I have purchased a lot of Microsoft products and other company's products as well. I purchase on the basis of the best match between the features of the various products and my specific needs and benefits from those products. I have never been forced into anything because of lack of choices.

Microsoft's continual marketing of new and innovative products has enhanced my personal and business productivity and has kept the competition continuing their product development to compete in the marketplace. This all works out to the benefit of all consumers.

The recent slide of the US economy began with the Government's attack on Microsoft. A remedy has been proposed that is acceptable to Microsoft and to consumers like myself. Let's activate this remedy now! I guarantee this will mark the beginning of a resurgence in the strength of the American economy!

Good Luck on moving forward on this—we all need it!

Jack Lynch  
19411 Burgundy Way  
Saratoga, CA 95070

MTC-953

**MTC-00000954**

From: LIN HART  
To: Microsoft ATR  
Date: 11/17/01 6:31pm  
Subject: Microsoft Case  
To: The Justice Department  
Re: Consumer Response

Over the past few weeks I have been attempting to understand the decisions

coming from the Justice Department in response to the Microsoft case. It would appear as if they've decided to represent Microsoft rather than the people's best interest. The details of their most recent decision does little if anything to rein in the growing reach of Microsoft in its efforts to dominate and control the PC/IS, wireless and Internet based technologies.

It seems to me that one of the keys areas left unresolved is "middle ware" and Microsoft intentions regarding the use, sale and deployment of "middle ware." It appears that Microsoft competitors have been left at the mercy of Microsoft by the Justice Departments proposed settlement. The settlement, if upheld by the court, allows Microsoft to continue using its Monopoly operating system as a kind of Trojan Horse, bundling its product offering into the operating system. Such a procedure further facilitates Microsoft's practice of injecting current and future applications directly into the consumers experience, while competing middle ware providers of applications for music players, browsers, CD burners, Java apps and financial programs (just to name a few) have to continue fighting an uphill battle to access the same customer space.

Action that were not adopted, such as the one mentioned below, would have given considerably more weight to the proposed settlement:

"The Justice Department also considered forcing Microsoft to sell a stripped-down version of Windows that did not include built-in software for browsing the Internet, reading e-mail, listening to music or sending instant-messages.

The current settlement seems to have found a way to ignore current reality and the future market implications. OEM equipment providers will not be significantly incented or motivated to challenge Microsoft and its present position of advantage. To do so would be too costly. Competing software companies are in no position to do so, given Microsoft's size, monopoly positioning and financial capabilities. Competing middle ware companies are going to get crushed; leaving Microsoft with a clear field to continue their domination.

There is much more that confounds me about this case. The proposed Justice department settlement is laced with loopholes for Microsoft to dance around its obligations. Access to key Windows code has been effectively shielded from non-Microsoft application programmers. How absurd is it to think that a panel of 3 people can keep a tight rein on Microsoft, when even the Justice Department and the Federal Government seem to be unable to do so?

I hope the judge presiding over this case will give considerable consideration to pushing back against the Justice Departments and Microsoft's position. The current settlement proposal is comparable to giving General Motors unfettered power to determine the brand and type of cars that will use the interstate highway system and to allow them to deliver to the consumers door their own brand of gas, tires and oil. Given this kind of power to influence consumer choice, the results would be pretty obvious. Of course even this scenario, if enacted,

would be significantly farer than what the Justice Department is now offering up. At least General Motors has some form of competition already in place; something Microsoft has never had to deal with.

I have enormous respect for the 9 states and their attorneys, who have demonstrated the kind of intestinal fortitude, lacking by our federal judicial system and many of our elected officials. With all due respect to the Justice Department, political tinkering and political influence seems to be written all over this case.

I'm hoping the Justice Department will find cause to revisit their findings and their proposed solution.

L. J. Hart  
St. Louis, MO  
MTC-954

**MTC-0000955**

From: Trey Pattillo  
To: Microsoft ATR  
Date: 11/17/01 6:47pm  
Subject: MicroSoft Settlement

I work for a government organization, so was the settlement reached to protect Micro\$oft and avoid the Irony Of The Day: "A government organization purchasing goods and services from a vendor found guilty, by the government, for violations of the Sherman Anti-Trust Laws, established by the government."

I am deeply concerned that our political system has allowed a convicted criminal to get away on "their own terms". As a taxpayer I demand that all government agencies stop pertutuating the Micro\$oft Monoply, and spend my hard earned tax dollars wisely by supporting the \*NIX systems with costs only a fraction or MS.

The ultimate penalty for Micro\$oft — removing income resources of their #1 customer YOU!

Trey Pattillo  
Operations & GIS  
Coastal Bend Council of Governments 9-1-1

2910 Leopard St  
Corpus Christi, TX 78408  
ph: 1.361.881.9911 ext. 227

MTC-955

**MTC-0000956**

From: Stan's Computer  
To: Microsoft ATR  
Date: 11/17/01 6:45pm  
Subject: Microsoft

To Whom It May Concerned,  
I strongly feel that the Government shouldn't dictate to any company what it can include or exclude from its products. This is supposed to be a free society and not a dictatorship. This action has cost us the taxpayers more than it is worth to pursue in the first place. I also believe that forcing any company how to make their product is unconstitutional.

Stanley R. Kneppar  
8109 Hibiscus Circle  
Tamarac, Florida 33321-2134  
(954) 720-0413  
kneppar@mediaone.net

MTC-956

**MTC-0000957**

From: BRIGEBRITE@aol.com@inetgw

To: Microsoft ATR  
Date: 11/17/01 6:40pm  
Subject: (no subject)

I feel this lawsuit has gone on too long, it appears that competitors of Microsoft used the Justice Dept. because they couldn't produce a better product, and wanted to hold back the competition. The computer companies in California are urging California's Attorney General to continue the suit, only to serve their own interest. Whatever happened to free enterprise?

MTC-957

**MTC-0000958**

From: MDigia62O3@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 6:36pm  
Subject: Settlement

America was found and built on a competitive spirit. Our constitution speaks to this. I just don't understand why Microsoft is being singled out. Should Michael Jordan be asked to play with a hand behind his back. Should Tiger Woods be asked to give his opponents strokes. They either broke the law and should be punished or did they just build a better mouse trap? P.S. I would also be interested in knowing how much of "MY" tax dollars were spent on this case. Michael

MTC-958

**MTC-0000959**

From: Ray  
To: Microsoft ATR  
Date: 11/17/01 6:56pm  
Subject: Microsoft

Once again Microsoft and its money buy the legal system.

MTC-959

**MTC-0000960**

From: tom@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/17/01 6:53pm  
Subject: Too Weak

The government caved!  
Microsoft has 95% of the OS market in the world. And for the next 5 years someone is gonna watch em? Who pays, probably me, if for no other reason that to use computers in the world today one must buy Microsoft products.

WindowsXP extends this monopoly. It comes with normally extra products. Where one might buy Real player, it comes with Windows Media, putting Real out of business. Where one might buy any add on, Microsoft will usurp the industry standard, and extend it, putting anyone who tries out of business. Anyone who wants to work with the 95% is required to buy a microsoft product.

They didn't get here by participating, but by strong arming the their customers (in this case, computer buyers aren't the customers, since they were required to buy a computer pre-loaded with Microsoft software, the PC manufacturers were the customer). Microsoft argues they inovate. I have yet to see anything they have inovated. MSDOS, they bought that. Excel, purchased, Internet Explorer, purchased. Name one thing they invented? Sure they package all this, but so do others.

To only give them a pathetic minor set of requirements full of loopholes and

exceptions does no one any good. You might as well send 'em a check for all the money spent on the Justice department, maybe then they will stop trying so hard. Microsoft would be better served by putting Bill Gates in Jail for a year or two, to remind corporations that strong arm tactics are the same for gangsters as well as corporations. If the president of the company served time, that would discourage illegal practices more than pathetic wimpy minimal restrictions.

I am moving to the country that does it. It is really hard to be patriotic when the very government that we ought to support doesn't support us.

MTC-960

**MTC-0000961**

From: zmower@wt6.usdoj.gov @inetgw  
To: Microsoft ATR  
Date: 11/17/01 6:50pm  
Subject: An Alternate Solution

Dear DOJ,

The current agreement in the Microsoft antitrust case is seriously flawed. All the analysts agree that it will not have much effect on the companies operations, much like the previous 1995 consent decree. Indeed the MS stock price actually rose after the details of the agreement were published, a sure sign that it was ineffectual.

So what remedy would really bring competition back to this market? To know this one must understand how MS maintains its monopoly:

- 1) Tight control over OEMs.
- 2) Leveraging the windows installed base by bundling.
- 3) Secret file formats/APIs which hinders other software vendors compatibility/performance.

Broadly speaking Microsoft is a box which denies access to its intellectual property. If you remove the box you solve the problem. The solution I propose is: The source code of the Windows family of operating systems should be made available under the LGPL (<http://www.gnu.org/licenses/licenses.html#LGPL>) except to any company which manufactures, supplies or sells PCs. The design documentation for this source code should also be made available under a similar license and in a format readable by non-Microsoft web browsers.

This solution has many beneficial aspects:

- 1) It is easy to implement.
- 2) Competition is installed within the market. Any company can build and sell windows or a derivative.
- 3) It is easy to police.
- 4) The exceptions guard against the build up of vertical market segments.
- 5) Microsoft remains free to innovate (it is just everyone else is now too!)
- 6) Under the terms of the LGPL license, any derivatives of the source code must themselves be licensed under the LGPL and therefore be available to those who buy the executable version. This prevents re-assertion of the monopoly by Microsoft or one of its new competitors by denying access to the source code again.

7) Access to the design documentaion aids understanding of the source code and hence gives competitors a leg up. It also stops Microsoft obscuring the source code and

putting all the information about how the code really works elsewhere.

Microsoft certainly won't be undone by this solution. It has a strong brand name and it has a competitive advantage in that it knows the source code.

It also does not address Microsoft's monopoly in business software. My reasoning for this is that there are competing products in this arena and with the increasing importance of the web, the Office file formats will become less important.

I look forward to Microsoft arguing that IE is not part of the OS sometime in the near future. (At which point Microsoft's intentions toward the Internet should also be examined.)

Yours Sincerely,  
Chris Moore  
Software Engineer in the UK  
Sig pending!

MTC-961

**MTC-0000962**

From: Janus Daniels  
To: Microsoft ATR  
Date: 11/17/01 6:49pm  
Subject: MS suit

US spent time and money to prove the obvious fact that MS is a predatory monopoly. It has done virtually nothing with that victory. AT&T suffered worse, and they delivered an excellent product, and did less damage.

MTC-962

**MTC-0000963**

From: Andrew Lee  
To: Microsoft ATR  
Date: 11/17/01 7:23pm  
Subject: BUNDLING

Why is bundling products against the law? There are many products bundling in the market in the world. Clock with radio, TV with VCR, computer with printer or scanner, buy one ice cream and get one free, 4 tires get one free, get dinner and get one free, buy a new car and get radio free and install. What's wrong bundling products?

When one is not smart enough to invent their own programmer codes for software. You can ask the government for help.

When one buys a software it will cost one price. And if one buys a million softwares the price will lower like wholesale. Right? Bill Gates goes out to promote his products everytime. I never see any competitors doing the same. Only they sit in their offices like church mouses and waiting for salary and bonus and cry monopoly. Some one said "Cut off the air supply" is that a crime? Heard many times and loud "I will kill you, you sob" that's what one call a figure speaking and not a crime.

MTC-963

**MTC-0000964**

From: Carol Bartholf  
To: Microsoft ATR  
Date: 11/17/01 7:21pm  
Subject: Opinion regarding Microsoft

Hello,

I am a computer professional, most 'techie' I know think that Microsoft has violated anti-trust laws and will continue to do so as long as they are allowed to by the government.

Bill Gates testimony was a classic illustration of his contempt for the government.

Microsoft has foisted inferior software on the public and driven good software off the market with his anti competitive strategies. Please do not let them off so easily. They are just laughing at all you!

Thanks,  
Carol

MTC-964

**MTC-0000965**

From: Chris Arnette  
To: Microsoft ATR  
Date: 11/17/01 7:21pm  
Subject: Strongest Penalties

Please impose the stongest penalties allowed by law.. Given the recent terrible events that have happened to our country, I urge you to not let Microsoft continue (they have already been found guilty) to hurt our free enterprise system by breaking the law and hurting many companies, employees and citizens...

Please enforce the law and protect all Americans from abuse of power and money...

MTC-965

**MTC-0000966**

From: Joe Charmella  
To: Microsoft ATR  
Date: 11/17/01 7:06pm  
Subject: Microsoft Settlement

Dear Sirs;

This is just to let you know that I believe that the settlement that you have proposed is ludicrous. It is a reward to Microsoft for breaking the law. The only thing that you can say about it is that it is prompt. It does not provide relief for the countless companies that they have put out of business nor does it bring any amount of equity to software companies. One item of of the settlement that will prove to be particularly troubling is that no person of the three member committee overseeing Microsoft will be able to testify against the company in court. Presumably this means that you would have to build a case independently of the committee. One question, What good does the committee do? Apparently nothing.

As a result of this settlement, Microsoft will be back in court within the next 5 years on different Antitrust violations. I can only hope that the next administration will not capitulate in the same manner that this administration did.

Sincerely yours;  
Joseph N. Charmella

MTC-966

**MTC-0000967**

From: Craig Ringer  
To: Microsoft ATR  
Date: 11/17/01 7:45pm  
Subject: One 'vote' for harsher punishment

Hi

I'm the IT Manager of a small/medium business in Western Australia, the POST Newspapers (<http://www.postnewspapers.com.au>).

As an Australian citizen, I can't claim to have a direct say in this matter. However, I must express my concern for the current settlement, given that legislation made in the US about IT has the depressing habit of

filtering through to Australia—and also, the US is the only place where MS can be practically restrained.

While I can't claim to be well educated in the details of the MS v DOJ proceedings, I must express my concern about the potential for loopholes, etc., in the current settlement. As has been stated in some media, the settlement was reached more out of lawyer exhaustion than any real breakthrough. MS wore them down.

The settlement also strikes me as a slap on the wrist—it doesn't do much about the privacy concerns about MS. For example (though it may be outside the scope of the settlement to deal with these), all the hooks to MSN and other MS services, etc. tisers—can change these, but MS is unlikely to have the OS installer ask them to pick from a list of option for, say, search site or web browser. They will set themselves as the default, and perhaps 5% of users will ever change it.

As for OEM rights—that is a step in the right direction and I applaud the settlement's handling of that part. Overall, I'm a proponent of the "harsher penalties for CRIMINAL COMPANIES," plus restrictions such as requiring them to ship both their product and the competing products in "middleware" applications like web browsers and eMail clients. So if they can't remove IE from windows, all well and good—integration has its advantages. But they can make the hooks available to Mozilla.org, they can implement an alternative and have it ship with windows as a user-selectable alternative. Even better, have the windows installer ask the user what mail program, etc, they want to use!

MS couldn't provide support of course—but they don't provide useful end-user support anyway.

So classify me under "tougher restrictions and penalties"... and thanks for taking the time to read this.

Craig Ringer  
IT Manager  
POST Newspapers,  
2 Keightley Rd,  
Shenton Park WA 6009  
Australia

MTC-967

**MTC-0000968**

From: SantaGRBIV@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 7:32pm  
Subject: Criticism

Charles James was quoted as saying, "Some of the loudest and most vocal criticism has come from some of Microsoft's competitors." I would say that this is only true because they have the money and power to be vocal. However, I agree completely that if this is all that is going to be done to MS even though they have been found guilty, then the entire process was a waste of time. How much money did US tax payers spend to get a guilty verdict only to have it basically ignored by a remedy that has absolutely no teeth?

Most little guys in the industry are afraid of MS and will not be vocal.

Best regards.

MTC-968

**MTC-0000969**

From: Karen Asher  
To: Microsoft ATR  
Date: 11/17/01 7:32pm  
Subject: Comment on Proposed MS Settlement  
Sirs,

As a former employee of the Bell System who served during Divestiture, I would like to congratulate you on perpetrating the biggest joke ever attempted in the field of anti-trust/anti-competition law. It is encouraging to see evidence of such broad and uninhibited slapstick in a field that is, normally, devoid of any vestige of humor.

I won't address the Proposed Microsoft Settlement terms as I feel Mr. Nader's previous comments to you need no embellishment.

I will speak to my experience as a Microsoft customer and to the frustration and limitations of operating a consumer PC while using an MS platform. In order to keep my Operating System (OS) functional, it was necessary to refrain from deleting MS's Internet Explorer which I do not use. At that time, my resources were limited and I was not in a position to purchase either another PC or a larger hard disk drive. I was not able to fully use all of the functions of that machine which I bought for my own purposes. I consider that to be as intrusive as any other of MS's business practices.

Since then, I have purchased other machines with larger disk space and newer Operating Systems. All of these Operating Systems have been variations of MS Windows as I use MS Office for my personal and business needs. Each machine has the same limitation caused by disk space taken up by MS's Internet Explorer. The most recent OS (ME) will not perform the OS-update function unless Internet Explorer is loaded. No "patches", no security updates, nothing. If you feel that this isn't non-competitive in design and effect, then you have seriously failed to assess the totality of the circumstances from the consumer's point of interest. MS's intrusive and un-warranted business practices have cost me money I did not wish to spend over and above the cost of my purchase of their retail products. Microsoft has dictated to me, via their manipulation of their operating systems, the additional software that I could utilize and has prevented me from purchasing and/or using software that would have been of benefit to me.

As this trend has continued unabated since Windows 3.0, I have no reason to believe that it will cease as a result of your efforts. I insist that any settlement with Microsoft that purports to be undertaken on the behalf of consumers or potential competitors must include remedies sufficient to deter MS's monopolistic business practices. Full disclosure of source code to potential competitor's is essential to ensure this. It is also essential that MS not be permitted to place insurmountable obstacles in the path of such competitors. Your Proposed Settlement is not sufficient to guarantee the performance you claim it will produce and should be modified accordingly.

Respectfully,  
Karen L. Asher

MTC-969

**MTC-0000970**

From: JJMForbes@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 7:27pm  
Subject: Penalty for antitrust activity

Dear Sir or Madam:

I, as a user of Microsoft products, to the exclusion of virtually all other competing software, feel your chosen penalties are NOT nearly harsh enough. This company will never stop its predatory practices when left whole.

They may not stop if split into several pieces, but coordination would be more difficult. I strongly ask that you reconsider your decision.

I own no Microsoft stock, do not and have not worked for Microsoft or any cooperating or competing company, and have no interest in this issue beyond the fact that I am forced by Microsoft to use their products. Thank you.

James E. Forbes  
1809 Meridian St.  
Reese, MI 48757

MTC-970

**MTC-0000971**

From: Sam Katz  
To: Microsoft ATR  
Date: 11/17/01 8:04pm  
Subject: Antitrust settlement

Microsoft is not playing fair in its bundling game, the manufacturers have no incentive to replace the middleware, and Microsoft can change the user's preferences by simply giving them notice. Microsoft's bundling uses up system resources and hard drive space, and as I barely use any Microsoft products this is unacceptable. Microsoft uses the price of the Windows operating system to pay for its supposedly "free" software. They should sell them as separate componets. Here are some examples:

1. Firewall: Competes with Norton and a bunch of other utilities

2. CD Burning: Competes with Nero (arguably superior according to review sources.)

3. Windows Media Player (which thanks to the blocking of MP3 ripping puts sites like MP3.com at a difficult circumstance) It competes with realplayer. Its browser can be used to leverage standards like ActiveX and create sucerity hazards for users.

MTC-971

**MTC-0000972**

From: Richard Flagg  
To: Microsoft ATR  
Date: 11/17/01 7:58pm  
Subject: Microsoft settlement

Dear Sir

I think is is time to let business operate freely. This case against Microsoft has taken to much time and money and has hurt the consumers who buy computer software. I urge you to get on with business and let free enterprise operate as it should

Richard L. Flagg  
430 College Ave  
Culver, md 46511

MTC-972

**MTC-0000973**

From: Richard Griffin  
 To: Microsoft ATR  
 Date: 11/17/01 7:53pm  
 Subject: Antitrust settlement

As a consumer I am happy that the government is backing away from the drastic sanctions originally considered against Microsoft. I do not know one consumer who has been hurt by Microsoft's business practices. Other companies have to learn to compete. It doesn't make sense to punish a company because it is successful.

Anna Griffin  
 OFallon, Missouri 63366

MTC-973

**MTC-0000974**

From: jay  
 To: Microsoft ATR  
 Date: 11/17/01 8:38pm  
 Subject: microsoft

Jay Gardner  
 4644 shadow wick  
 Arlington tn  
 38002

This has gone on long enough. Let Microsoft be. This company has help more people then any company I know (like job creation) I am a computer net work engineer with a bank. This lawsuit is all about the other companies that are jealous of Microsoft's success and everyone knows it. there're companies that are larger and have more anti trust issues that Microsoft. but it always easier to go after the richest man in the world so we can bring him down to earth. Is this what's capitalism is all about jay

MTC-974

**MTC-0000975**

From: jay  
 To: Microsoft ATR  
 Date: 11/17/01 8:38pm  
 Subject: microsoft

Jay Gardner  
 4644 shadow wick  
 Arlington tn  
 38002

This has gone on long enough. Let Microsoft be. This company has help more people then any company I know (like job creation) I am a computer net work engineer with a bank. This lawsuit is all about the other companies that are jealous of Microsoft's success and everyone knows it. there're companies that are larger and have more anti trust issues that Microsoft. but it always easier to go after the richest man in the world so we can bring him down to earth. Is this what's capitalism is all about jay

MTC-975

**MTC-0000976**

From: Howard King  
 To: Microsoft ATR  
 Date: 11/17/01 8:11pm  
 Subject: re: Microsoft Settlement  
 To: Renata Hesse, Trial Attorney  
 microsoft.atr@usdoj.gov  
 Fm: Howard King heking@juno.com  
 re: Microsoft Settlement  
 Bottom Line:

Settle with Microsoft and let them proceed with making better and improved software for the consumer.

Discussion:

As a retired electrical engineer, I have been a computer user in the last 12 years. Admittedly, I am a dumb computer user. I am good at word processing, but if I have to delve into the operating system, I am lost. So its a good thing the consumer has one operating system to work with.

I believe that a "standard" operating system is best for the consumer. Microsoft continues to improve their product and the price is not exorbitant. Considering what the software does, it's a bargain.

I can't imagine what the computer business would be like if there were X number of operating systems. Every application would have to be compatible with each operating system. It would be a mess. Sure it's competition, but has Microsoft raised their prices to hurt the consumer? I don't think so.

Forcing Microsoft to disclose Windows source code is NOT FAIR to any company. Are companies willing to give away their proprietary information? Probably not!

The consumer has not been hurt by Microsoft! they have made computers available to all of America!

Thanks for considering my opinion.

Howard King

P.S. I am a Corel Word Perfect (competitor to Microsoft Word) user, but it is based on the Microsoft's operating system. Windows is great!

MTC-976

**MTC-0000977**

From: Keith Krabill  
 To: Microsoft ATR  
 Date: 11/17/01 8:55pm  
 Subject: The terms agains MS are not strict enough

Dear sir,

I am not a lawyer, I am an ordinary consumer with no particular connections. The terms published as meeting the antitrust violations are not strict enough. Over the past years, I have noted the recurring problems Microsoft has had in meeting the terms of previous settlement decrees. This is a worrisome place to start.

The terms published in the current plan don't seem to have distinct "teeth" to speak of in the event of non-compliance.

Last, the terms don't seem to address the actual issues that led to the court case, and appear to allow Microsoft to benefit from the illegal activities that have been identified.

Thanks

Keith Krabill  
 6499 Old Post Circle  
 East Amherst, NY

MTC-977

**MTC-0000978**

From: Roy Christmann  
 To: Microsoft ATR  
 Date: 11/17/01 8:48pm  
 Subject: comment

Thank you for the opportunity to comment.

I think the government has demonstrated that Microsoft has monopoly power in operating systems for personal computers, and the evidence shows that it uses that

power in various ways to further its own ends to the detriment of consumers. Microsoft claims to innovate, but in fact Microsoft copies the work of smaller innovative companies and then uses its monopoly power to supplant their businesses.

Even throughout the trial period, Microsoft has continued to engage in these practices in new business areas such as streaming media. Microsoft's ownership of the operating system franchise makes this practice possible. This situation does not encourage innovation; on the contrary it puts a damper on it because no one can afford to compete with Microsoft.

I urge the DOJ to do something to stop this practice. The current settlement seems to be nothing more than a slap on the wrist. This is very disappointing.

Sincerely,  
 Roy Christmann

MTC-978

**MTC-0000979**

From: Marvin Snyder  
 To: Microsoft ATR  
 Date: 11/17/01 8:39pm  
 Subject: Microsoft issues

Please, please, please stop trying to "protect" us from Microsoft. If they were a monopoly, the quantity and/or quality of their product would have gone down, or the price would have gone up, or both.

Instead, we now get more computing capability by a huge factor, at a price that has actually gone down, than we ever could get before. Innovation proceeds apace in economies that leave innovators alone. It is squelched in economies that control, regulate, and "protect." We cannot afford to have you people "protecting" us any more. It's just simply too counterproductive. Government is an extraordinarily poor allocator of resources, whether they be capital, talent, entrepreneurship, or jobs. Please don't try to outthink, out-allocate, or outsmart the free marketplace of ideas. It's never been done successfully, and there's really no reason to try now. Could you just figure out a way to quietly leave us all alone? I know it flies in the face of what you're trained to do, but please try. We need you to be on our side for a while, and just let nature takes its course. We'll be fine. Honestly.

MTC-979

**MTC-0000980**

From: Haifeng Xi  
 To: Microsoft ATR  
 Date: 12/6/01 2:19pm  
 Subject: A monopolist should be punished.  
 Dear Sir/Madam,

The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions. Isn't that a bit weird? It left doubt as to its protections against future Microsoft monopolistic practices. To make things even worse, not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products. On the surface, the settlement forces Microsoft to donate

software, hardware, and services to America's poorest schools. However the settlement could simply introduce Microsoft to a market where they could further extend their monopoly.

I am writing to support a counter-proposal that Red Hat Inc. brought forward. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. Please consider this proposal seriously, for the sake of the welfare of American schools and children.

Best Regards,  
— Haifeng

MTC-980

**MTC-0000981**

From: The Sleuth  
To: Microsoft ATR  
Date: 11/17/01 8:59pm  
Subject: Finally!!!

Dear DOJ folks.

Thanks for dropping this waste of time issue and please do not bring it back up again. Leave progressive innovative companies alone please. Jihad against Microsoft was bad fanaticism.

Rick Morelan  
Las Vegas NV

MTC-981

**MTC-0000982**

From: Timothy R. Butler  
To: Microsoft ATR  
Date: 11/17/01 8:55pm  
Subject: Comments on the United States v. Microsoft Settlement

Dear Sir:

I am writing with a few comments and concerns about the settlement proposal that has recently been established with Microsoft. I am appreciative of the Department of Justice's action to provide this e-mail address for such concerns.

1.) This proposal doesn't seem to attempt to remedy the problem with non-Microsoft middleware accessing files from Microsoft middleware. For instance, it would be advisable to restrict Microsoft from making undocumented changes to the Microsoft Word file format to prevent Microsoft from illegally maintaining a monopoly on word processing software.

2.) This proposal doesn't cover potential problems with .Net, including Microsoft's potential ability to restrict projects (such as Ximian Mono) that attempt compatibility with this format. While the proposed remedy prevents Microsoft from making a protocol that only Microsoft servers can access, it does not seem to prevent Microsoft from making Windows use open protocols to access services that can only be powered by Microsoft products. This is crucial due to the fact that Microsoft's stated goal is to move most computing activities over to .Net infrastructure.

3.) The settlement does not restrict Microsoft from taking anti-competitive action by requiring Original Equipment Manufacturers to pay for Windows even on systems that do not include the Windows operating system. This could be a major hindrance for alternative operating systems such as Linux.

4.) The proposal lacks any preset penalty, other than extension of the proposal, to Microsoft should the terms be violated. Since Microsoft has a track record of ignoring the previous agreement with the U.S. Department of Justice, this could potentially be a problem. In the least, this lack of penalty could cause irreversible harm during the interlude before a new Judgment could be handed down.

5.) Finally, the proposed settlement lacks any retroactive fines or punishment for previous anti-competitive behavior.

Thank-you for your time, I appreciate your consideration of the points considered above.

Warmest Regards,  
Timothy R. Butler,  
Chairman and CEO,  
Universal Networks

Timothy R. Butler Universal Networks  
<http://www.uninet.info>  
tbutler@uninetsolutions.com ICQ: 12495932  
AIM: Uninettm Christian Portal and Search  
Tool: <http://www.faihtree.com> Open Source  
Migration Guide: <http://www.ofb.biz>  
"Christian Web Services Since 1996"  
MTC-982

**MTC-0000983**

From: John D. Bohumil  
To: Microsoft ATR  
Date: 11/17/01 8:55pm  
Subject: A concerned citizen's view

Dear Sir or Madam,

I do not feel that the DOJ has gone far enough. Actions should be taken which will guarantee that this issue against MS will not have to be addressed yet again. It would appear that the current decision is merely a "wrist slap" which will do nothing to deter MS from continuing the monopolistic practices of which they have been found guilty. I urge you to take genuine and effective action instead.

Sincerely,  
John Bohumil  
Minneapolis Minnesota USA

MTC-983

**MTC-0000984**

From: orondo kid  
To: Microsoft ATR  
Date: 11/17/01 9:15pm  
Subject: proposed settlement

fair! defined  
us patents run for the protection of  
valuable trade  
secrets;

BUT THEY DO NOT RUN FOREVER it is not fair to consumers! businesses that could and would give consumers a choice in the computer industry if the government would give them the chance. Because Microsoft has acted in the manner we are all aware of they should be (punished) by not giving in to them in the arena of secret codes! If keeping others who are capable of giving us some other operating systems. CPM was great but was squeezed out by...U NO HOO

Sincerely  
BERT MUNSON  
110 STORAGE ROAD  
ELDON MO 65026  
AKA ORONDOKID@YAHOO.COM

MTC-984

**MTC-0000985**

From: Chris Ahlstrom  
To: Microsoft ATR  
Date: 11/17/01 9:09pm  
Subject: Microsoft bundles and disables  
Microsoft bundles almost every type of software into their operating systems, and keeps the price of the OS the same. Sounds a lot like when the Japanese dumped memory chips in the U.S.

Can you tell me where are the other PC operating systems that compete with Microsoft? Linux and FreeBSD don't count. Where are the Atari 800 and Atari ST machines? Where are the Commodore 64's (or descendants) and the Apple II's (or descendants)? Where is BeOS? Where is GEM? Where is DR-DOS (or descendants)? All torpedoed by OEM contracts and NDAs.

Are you guys too far out of it to do a good job preventing Microsoft predation? Heck, even Kenneth Starr and Robert Bork are more with it than you fellows.

Sorry to be so rude, but I think Microsoft has bought many people of with shares of Microsoft stock.

Why else would you do absolutely nothing to prevent the lock-in, warranty-voiding deals that the Office stores provide?

I can't even get a "naked PC" (look it up at [www.google.com](http://www.google.com))...

I have to pay a Microsoft tax whenever I buy a laptop.

And I strongly dislike Microsoft's buggy beta software.

Thanks for listening.

Chris Ahlstrom  
ahlstromc@home.com <http://24.9.74/156>

MTC-985

**MTC-0000986**

From: Crsnot@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 9:05pm  
Subject: Microsoft Settlement

I strongly urge you and all the States involved to drop all the charges against Microsoft and allow it to go on with the business of creating jobs for the people who desperately need them and wealth for the nation and its stockholders.

Enough is enough, it is time to close this chapter once and for all.

Charles  
Notara

MTC-986

**MTC-0000987**

From: Mike Mormando  
To: Microsoft ATR  
Date: 11/17/01 9:00pm  
Subject: Microsoft Settlement

To Whom it may concern,

Please rethink the Microsoft deal, it isn't a settlement, it's a capitulation, and something that no one with half a brain thinks will really make any progress toward curbing Microsoft's excesses. Thanks for your time Michael I. Mormando

MTC-987

**MTC-0000988**

From: vwilson@seanet.com @ inetgw  
To: Microsoft ATR  
Date: 11/17/01 9:26pm  
Subject: Re: A Strong Disagreement...

To Whom It May Concern (The United States Department of Justice):

Quite frankly, I am strongly disappointed with your terms of settlement with Microsoft.

Your conditions are nothing more than an incredible slap on the wrist for the completely diabolical corporate behavior, Microsoft has clearly exhibited.

As well, many citizens, consumers, and businesses that are a great part of the high tech industry were considerably disgusted, as your result of lack of appropriate action.

Thousands of jobs, products, and new markets have clearly suffered as a result of Microsoft monopolistic pillaging.

Without equivocation, the applicable and suitable consequence would have been either the complete breakup of the behemoth, or a requirement that Microsoft only produce the basic Operating system- no internet browser, email, and media player.

For this would truly allow an open and free marketplace.

I, just as several others, are beginning to question what is the true purpose of having a Department of Justice—when it is apparent, the division is completely ineffective and worthless?

The DOJ needs be a part of the solution, not part of the problem.

Thank you for your time and consideration.

Wilson

MTC-988

**MTC-0000989**

From: Rudy and Norma Brownell  
To: Microsoft ATR  
Date: 11/17/01 9:26pm  
Subject: Microsoft Settlement.  
Sir:

The whole process of litigation against Microsoft has been unfair and unnecessary. It all started by a complaint of an unsatisfied person wanting to 'make Microsoft pay and enlisting an eager congressman into this plan. It appears Microsoft will pay through the nose, meaning less opportunity for the public to be better served with out reaching products and services. It is sincerely hoped this judgment will be amended to be not punitive, or, better yet to be reversed.

Thank you for your attention and prayerfully for your support for Microsoft.

Rudy Brownell  
308 Dakota St.  
Kannapolis, NC 28083

MTC-989

**MTC-0000990**

From: Timothy Miller  
To: Microsoft ATR  
Date: 11/17/01 9:16pm  
Subject: Microsoft is bad

I would like to add my name to the long list of people who believe the following two things:

1) The settlement has too many loopholes and therefore will not have any significant impact on the behavior of Microsoft.

2) The settlement does not punish Microsoft for past misdeeds. Competition is the corner stone of our economy. Microsoft is blatantly anticompetitive. The problem has to be eliminated, and a weak settlement won't do it. Microsoft will flagrantly violate

the spirit of it and call upon the loopholes in order to justify their violations.

I wonder if anyone is going to read this. The DOJ seems to have made up their mind on this issue. What are the chances that it may see the settlement as a mistake?

MTC-990

**MTC-0000991**

From: c7771eo@inetmail.att.net@inetgw  
To: Microsoft ATR  
Date: 11/17/01 9:58pm  
Subject: Microsoft Settlement Comments

At the rate at which technology is changing, this suit by DOJ became almost meaningless less than one year into litigation. Motivation for continuance seemed more politically directed than legally. It was like trying to shoot down an F-iS with a slingshot.

Even before the suit began, Microsoft was evolving into another form, with more internet focus. Perhaps a more proactive legal approach via Congress (winch) may work better. Notice any correlation between the demise of the stock market rally and Microsoft's legal troubles?

Hmmm! Microsoft, like it or not is intricately woven into the economy. What used to be said about GM?

MTC-991

**MTC-0000992**

From: David O. Blanchard  
To: Microsoft ATR  
Date: 11/17/01 9:54pm  
Subject: Microsoft settlement

The judicial system has determined that Microsoft is a monopoly. The settlement between Microsoft and the Department of Justice imposes only minor sanctions on Microsoft. I believe that stronger sanctions are in order and that the originally suggested breakup of the company may be the appropriate action.

I am not a lawyer and do not speak the language of law. I have, however, closely followed this case and have reached my conclusions based on depth and breadth of knowledge of this case.

Thank you for allowing me to submit my brief comments.

David O. Blanchard  
David O. Blanchard Flagstaff, Arizona  
dob@ntr.net

MTC-992

**MTC-0000993**

From: Michael Wallman  
To: Microsoft ATR  
Date: 11/17/01 9:46pm  
Subject: Microsoft Settlement

Dear Sir or Madam:

The Microsoft settlement is a blatant sell-out of the interests of the public, a slap in the face of the entire concept of antitrust, and a blatant political pay-off. We shall not forget the details when the next elections arise.

Michael E. Wallman  
U.S. Citizen (and Voter)

MTC-993

**MTC-0000994**

From: WILLIAM HOFFMAN  
To: Microsoft ATR  
Date: 11/17/01 9:35pm

Subject: (no subject)

I believe the original lawsuit was bad for and the major reason for the collapse of our 10 years of prosperity. A prosperity that was in large part a product of our technical creativity. Funny, the thing that made prosperous we destroyed.

Bill Hoffman  
wshoff@flash.net

MTC-994

**MTC-0000995**

From: Cameron Huff  
To: Microsoft ATR  
Date: 11/17/01 10:05pm  
Subject: "The Microsoft remedy"

To whom it may concern

I am a computer user and former worker in the IT industry (I have no reason or desire to work in IT anymore thanks to Microsoft). I find this "settlement" that the Department of Justice proposed to be disgusting and worthless. I believe that it will do nothing to bring competition back into the computer industry and will only harm the United States in the long run. If this "settlement" goes through, then the US will be put into a computer backwater where Microsoft rules and anyone who lives in the US will be unable to "talk" to the rest of world due to Microsoft protocols that don't "work" with any other computer system on the Earth.

If this is what the US government wants, then I am leaving this country as fast as I can.

MTC-995

**MTC-0000996**

From: melvin d. johnson  
To: Microsoft ATR  
Date: 11/17/01 10:03pm  
Subject: settlement

think the gov.should settle this lawsuit now. it good for the country and buisness. thank you

melvin johnson

MTC-996

**MTC-0000997**

From: JacHovis@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 9:59pm  
Subject: Microsoft Settlement

I am very much in favor of the Microsoft settlement. I was opposed to the previous administration's attack on Microsoft which I feel is one of our premier American companys. How did they ever harm we consumers? The answer is that they did not. I for one want Microsoft on my computer!!!! I have had other formats & they do not compare. Thank God for the administration we now have, who are friendly to a great co. such as Microsoft!!!! Thanks for your attention, Jack Hovis.

MTC-997

**MTC-0000998**

From: Kevin B. Castleberry  
To: Microsoft ATR  
Date: 11/17/01 9:58pm  
Subject: Please let MS get on with making software

Hello,

My business depends on MS continuing to move forward with their. NET direction

ASAP. If MS does not do it I am afraid another company from another country will.

TIA,  
Kevin  
Kevin B. Castleberry, MCP  
mailto:kcastlebeny@BSSAuto.com  
919.365.8424 (24x7) Browning Software  
Services, MCSP Service is Automatic http://  
www.BSSAuto.com

MTC-998

**MTC-0000999**

From: Ian Bicking  
To: Microsoft ATR  
Date: 11/17/01 10:35pm  
Subject: I do not support the settlement  
As an independant developer who, I feel, has been indirectly hindered in his operations by the Microsoft monopoly, I was very unhappy to see the proposed settlement with Microsoft.

The enforcement authority as presented is far too limited in ability, too closed from public view, and easily coopted, manipulated, and deceived.

You presume that you can somehow trust Microsoft to act in a proper manner, when they have clearly shown that they are untrustworthy lawbreakers, who will purjer themselves to hide their true intents and practices. Their behavior during the suit was absolutely disgraceful. Their extensive use of astroturf "grassroots" support shows how little true support they have. This cannot be ignored.

For the settlement to have any real effect, it must not give Microsoft future negotiating power. You cannot let them define things as being "security related" and then hide them. You cannot let them say they are doing a best effort, when that best effort is not successful. You cannot let them say anything, because they will \*certainly\* lie. The proposed settlement is clearly not in the interest of the People of the United States. If it takes longer to get a ruling that you can enforce, then so be it—the compromises you propose are far, far too great, and practically an encouragement to Microsoft that they can blatantly break the law and not receive significant punishment. I also hope you take into consideration the fact that some of the pro-Microsoft/pro-settlement feedback will be fraudulent, as Microsoft has done exactly this sort of thing before. If you do find evidence of this, I hope you make it public, and even better prosecute those who would manipulate the system in such a non-democratic and dishonest manner.

Ian Bicking Colorstudy Web Design  
ianb@colorstudy.com http://  
www.colorstudy.com  
4769 N Talman Aye, Chicago, IL 60625 /  
(773) 275-7241

MTC-999

**MTC-00001000**

From: Gary  
To: Microsoft ATR  
Date: 11/17/01 10:34pm  
Subject: This is why you should stop MS  
They are nothing but a bunch of copy n paste artists who intend to destroy innovation.

See this link: <http://www.euronet.nl/users/frankvw/index.htm> "One OS to bring them all and in the darkness bind them..."

MTC-1000

**MTC-00001001**

From: Ravi Gehlot  
To: Microsoft ATR  
Date: 11/17/01 11:09pm  
Subject: My opinion.

Dear readers,  
I feel that I should write an e-mail like this because I would like you to know my thoughts about the MS/DOJ case that has been going on. I strongly feel that the DOJ has done an astonishing work for the settlement of the Microsoft case. The Microsoft company had to go to justice and be judged. The company didn't know how to play the role respecting other companies. The monopoly was getting huge and many other few companies were going down because of that. Users now have the free opportunity to choose wether to use Internet Explorer or not since it can be deleted. Other small companies now have the spot they never had before. I really believe that Microsoft is gonna have to work harder than never to keep up with rival softwares and companies. It means better products from Microsoft and more space for the others.

Congrats,  
Ravi.

**MTC-00001002**

From: samntom@senet.com.au@inetgw  
To: Microsoft ATR  
Date: 11/17/01 11:23pm  
Subject: my 1c worth

I've been a software developer for almost 10 years.

In that time the options for the mainstream consumer seem to have dwindled. On the plus side, I guess it's easier for someone to walk in off the street and get a computer that mostly works most of the time. There are no confusing choices to make as to which OS, wordprocessor, browser etc., it's all there and it all mostly works. I guess it's like walking into a car yard and saying "I have \$5000 to spend and I want a red one!". That simple!

I'm annoyed that people don't have the choice anymore, or rather, that the choice is glossed over so completely. Maybe I'm a tech-snob, expecting everyone to have the same understanding and appreciation of computers that I do. Why should you have to understand the internal combustion engine, and how to service it, just to buy a car? The most charitable interpretation of some of Microsoft's actions are a desire to make things easier for the average consumer. Even if that were the intent, I think we've reached the point where the public at large is no longer served by this attitude. I think computers have become complex enough to warrant some respect/appreciation from the users. I don't think we can force consumers to have this appreciation (licenses to own and operate a computer? not likely, or even desirable!). However, when a mayor company completely disregards the consequences of their actions again and again in an effort for market share (mostly by adding features that more often than not result in security nightmares), then they should be held accountable in some way.

I can walk into a shop and buy a car powerful enough to be incredibly dangerous

in my novice hands (and I'll probably end up wrapped around a tree). I can buy a computer, connect it to the internet and become a source of a DDOS attack. The difference is that, at least the car manufacturer had to make some attempt to make the car safe to drive. Microsoft seems under no such obligation.

Though the cracked computer does not threaten life directly, how much longer will this be the case as more utilities are vulnerable to attacks from the net? how many lives would be at risk of major powerstations failed due to a DDOS my missions of compromised systems? OK, maybe that's stretching things a bit far, but what about the cost to industry? The email became a lot longer than I planned, and (until now) I even avoided mentioning the L word ("LINUX", there, I've said it!). I've tried to present what I feel are arguments applicable to the majority of computer users, there are many more applicable to computer nerds like myself.

I've you've gotten this far, I'd like to sincerely thank you for taking the time to read

my email.  
with friendly regards,  
Thomas Sprinkmeier

P.S. I know it's customary to give 2 cents worth of opinion. I took the liberty to convert from Australian dollars

**MTC-00001003**

From: William E. Murray  
To: Microsoft ATR  
Date: 11/17/01 11:19pm  
Subject: Bad judgement in settlement

I believe you have done all consumers and an entire industry a grave injustice. This settlement is only politics as usual. You should hang your collective heads in shame for this sellout. I have retired after 43 years in the industry. Bill Gates and company were lucky others made grave mistakes in marketing.

Marketing is the only strength of Microsoft they will now smother both the consumer and all competitors.

At least it seems the EU is going to continue as well as some states who have integrity. Once again I can not stress enough the so called settlement is very bad for this country.

William Murray

**MTC-00001004**

From: Mark(u)D(u)S  
To: Microsoft ATR  
Date: 11/17/01 11:12pm  
Subject: Choices

As a US consumer I am pleased with having the option to choose between many brands of cars, refrigerators and tv's. I am also pleased that I can buy my car from Japan, my TV from Korea and my refrigerator from German.

However I'm extremely disappointed in the lack of choices I have for buying OS software. Why can't I buy an OS created in Japan or Germany. The US court is illegally protecting the US economy by allowing the continuing Monopoly of Microsoft, with some minor slap on the wrist.

Sincerely Mark Simms

**MTC-00001005**

From: Earl Brightup  
 To: Microsoft ATR  
 Date: 11/17/01 11:37pm  
 Subject: Microsoft Settlement

Forget about breaking Microsoft up.  
 The only way to allow the software business to become competitive is to force Microsoft to license their source code (on any product released for sale to the public), to anyone who wants it, for a reasonable fee (say \$5,000 or \$10,000), making it available within 90 days after first delivery date.

This allows anyone to make improvements and sell them, make additions and sell them, make competitive products and sell them. In other words, it allows competition to those who wish to pursue that course. It also allows anyone who claims Microsoft stole their code to see if the code sequence(s) are in the new product.

If you don't allow this, Microsoft will always hide behind the "improvements to the Windows experience" bunk and continue to pursue its cutthroat tactics

Earl D. Brightup  
 9105 Fox Estates Drive  
 St. Louis, MO 63127  
 (314) 842-0208

**MTC-00001006**

From: Weigen Liang  
 To: Microsoft ATR  
 Date: 11/17/01 11:35pm  
 Subject: Against the settlement  
 Against the settlement.

DOJ tried this before, the MS abuse continued.

See below: The DOJ promised in its 1995 settlement that it would "end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power." Yet as Sporkin rejected it, he complained that, "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained."

**MTC-00001007**

From: Dave C. Hill  
 To: Microsoft ATR  
 Date: 11/17/01 11:27pm  
 Subject: Enforce The Findings of a Federal Court!

Dear Renata Hesse,  
 Today in the mail I received an advertisement for Qwest DSL/MSN services (despite the fact that I'm already a Qwest DSL subscriber). I'm offended, on behalf of all computing consumers, on the technical requirements listed for using MSN internet service...

Nowhere on the cover letter, nor in the main text on the tri-fold brochure, is there any mention of technical requirements listed. The words "PC" and "Windows" are not even mentioned... On the back page, in a 3" square block of fine print, the requirements are identified as "Windows 98 Second Edition or later operating system." This, of course, means that only newer Windows PCs are supported, a typical Microsoft tactic...

A couple of months ago, a friend of mine in Colorado Springs got an iMac for his kids. He uses PC's for his business, and was already an MSN subscriber, and wanted to set up the iMac to use MSN for internet

access as well. Since the iMac already came with Internet Explorer (oops, I mean Explorer!) and Outlook Express, he thought that he already had the software that he would need to have installed. He called MSN tech support to get instructions on how to configure the iMac to dial in and get connected. After waiting on hold for a while, the tech support person told him that MSN could not be used on Macintoshes, and that they did not support it. My friend refused to accept this, and called me for a second opinion. Figuring that it just used a "PPP" dial up connection, I could see no reason why it wouldn't work with his iMac I had him open his "Dial-up Network Connections" dialog on his PC to get the phone number and user ID. Next I had him look at the network settings, and discovered that everything was set to use DHCP (Dynamic Host Configuration Protocol).

The only thing that I can think of that is different about DHCP on the Macintosh is that it expects to have the IP addresses for the Domain Name Service (DNS) manually entered into the configuration dialog. Since MS wouldn't give the DNS addresses to my friend, I had him dial up from his PC, then we used the "winipcfg" command to determine what addresses had been assigned by the server.

Now armed with the user ID and password, the phone numbers, and the DNS addresses, we set up the Internet preferences on the iMac, and within minutes we were online with MSN from a Macintosh! (It amuses me to do things that others, especially MS, say are not possible!) I think that it took us less time to solve the problem than he spent on hold waiting for MSN tech support!

As I've mentioned at a couple of MacinTech meetings this summer, Qwest has partnered with MSN to replace their own ISP services. Qwest.net, in exchange for offering Qwest DSL service to MSN users. They intend on converting all of their current Qwest.net residential subscribers to use MSN services by the end of the year, except for Macintosh and UNIX users that MSN says that they can't support. MSN doesn't offer several of the services that Qwest has offered for years, such as multiple email addresses for a single dial-up account, and automatic email virus scanning. These services will be discontinued when users switch to MSN.

I am offended not only because MSN won't support non-Windows platforms, but I'm also bothered by how they are treating PC users... Note in the requirements that it specifies Windows 98 Second Edition, or later. If a PC user was still running Windows 95, which would be perfectly reasonable for many home users, they would also not be supported. While they have the option of upgrading, this could turn into an expensive proposition. Chances are that they would be forced into adding memory, and perhaps adding disk space as well, as MS tends to increase the need for memory and disk space with each upgrade. While Win98SE is listed as the minimum, chances are not good that you would still be able to purchase an upgrade to 98, as it is (obviously) several years old. They would probably need to upgrade to Millennium Edition, which may introduce enough incompatibilities that they may then

be forced to purchase upgrades to many of their applications as well... All of this time, money, and effort just to have a faster internet connection!

As many of you know, even though my passion is really for the Macintosh, I have supported PC's for the past six years or so. I can't understand why a DSL connection that uses an EtherNet connection to connect to the computer, couldn't be supported adequately on Windows 95, or the first release of Win98, rather than only the Second Edition. The "or later" clause is also troublesome when you consider that NT4 came out in 1996, so it would apparently not be supported either. Only Win98SE, Millennium Edition, and Windows 2000 would be supported, as well as Windows XP.

It irritates me when technology companies almost seem to go out of their way to incorporate "planned obsolescence" into products and services in order to force consumers into upgrading. While sometimes the improvements in technology mandate changes and upgrades, both networks and the Internet were widely available prior to 1998, so I can't think of any reason that MSN would be unable to support high-speed internet access from older platforms. I believe that Apple has been extremely supportive of their installed customer base throughout the years. Apple's software upgrades have been kept very low cost, often free or available for the cost of shipping and handling, such as the 10.1 upgrade. Apple even used to offer hardware upgrades, where the logic board from an older machine could be replaced with a new one, literally making it the same as the new model. Microsoft's software upgrades are often more than half the price of the full product. Even though Apple's hardware may be a bit more expensive in the initial purchase, I still believe that they are less expensive in the long run to own, operate, upgrade, and support.

Microsoft has been working on new product licensing and support programs where the software and support are virtually rented or leased, rather than purchased. The cost to purchase standalone versions of the products will become increasingly high, until it becomes cost prohibitive to not participate in the programs, which force users to stay up to date with current software offerings. This isn't being done for the customers benefit, it is to provide a continuous revenue stream for Microsoft. They are afraid that users aren't going to be convinced that there are compelling reasons to upgrade to Windows XP or Office XP, and that they will just continue to use the applications and operating system that currently have, depriving MS of any additional profit. It has also been reported that Microsoft intends to stop supporting Java and JavaScript, popular Internet web site scripting languages developed by Sun Microsystems, in future versions of Internet Explorer. The only scripting that will be supported are Microsoft's own technologies like ActiveX and VBscript. This is not due to waning support for these competing tools in community, nor by expensive or restrictive licensing from Sun. I believe that Microsoft is once again attempting to "herd the sheep" in the direction that is best for Microsoft,

with no regard to the best interest of the user. I'm sure that MS hopes that since IE is so prevalent, with so many users, that more companies will be forced to switch their web sites to use MS web technologies, which of course are only available on MS servers.

I feel that companies should win customers and sell products by being better, not by being bigger. Positioning products to eliminate competition, reduce the number of alternative choices, or manipulate consumers down a path of increasing dependence are desperate practices. I have heard several sports commentators discussing the home run race during the past couple of seasons being driven by the competition between Bonds and McGwire. Without the pressure of the competition, and the incentive to outperform one another, many speculate that neither one would have accomplished the feats that they have. In the early days of desktop publishing, the race between PageMaker and XPress, or Illustrator and Freehand, made for better products all around. This kind of competitive, open market economy is what this country was built on. Microsoft, in my opinion, has lost sight of this view. They are not concerned about serving their customers, or providing them with innovative, useful tools to increase their productivity. At least, they are not as concerned with that as they are with making a bigger profit, squeezing more little competitors out of the picture, and expanding their market share until they have a completely captive market that they can lead around by the nose...

To serve customers with better products, and more options, they would want to offer the same products and services across a broader range of platforms. I have never understood why the Access database, such as it is, has not been offered on the Mac, when it is bundled with Office for Windows. FileMaker is cross-platform, with files that are interchangeable, so I am certain that this would be possible. Oracle has made their database run on Mac OS, why not SQL Server? There have been plenty of email servers on the Mac, why not Exchange? Why can't you synchronize a PocketPC device with a Macintosh the same as we do with Palm devices? My view is that MS offers products on other platforms only to dangle a carrot in the eyes of users, hoping to eventually lure them over to the dark side (a Windows-based platform) in order to get the rest of the features.

Apple, for instance, has produced FileMaker and ClarisWorks for Windows, and has recently released a Windows client for its free iTools web services. Palm offers desktop synchronization software for Macintosh and Windows, and there is free software available for Linux as well. Microsoft has also taken an adversarial approach to open source or free software such as Linux. Corel and Viso, before being sold out to Microsoft, had embraced the Linux community as an opportunity, offering their products to a new audience. Why wouldn't Microsoft want to offer Office for Linux, enabling users to pick the platform that best suited them? For that matter, it seems to me like Microsoft could do well to follow Corel's lead, and offer its own

distribution of Linux. MS could build a better installer wizard, port features like ODBC and OLE, and make a system that could easily interoperate with Windows machines, while perhaps offering higher performance on older hardware. They would still generate revenues by selling the OS, the applications, and the support services.

Well there you have it ! Now, have the "Ball's" to correct these situations and mead out the punishment to Microsoft that they have proven to deserve. A slap of the wrist won't cut it! They continue to abuse the consumer and the competition with their unbridled arrogance even while facing the pending punishment you are charge with coming up with. You know it and so do the nine states that will fight for justice.

Sincerely,  
David C. Hill

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

...John Fitzgerald Kennedy—1/20/61  
Dave Hill <dchitl@qwest.net> :-)

#### MTC-00001008

From: Kelly L. Fulks  
To: Microsoft ATR  
Date: 11/17/01 11:27pm  
Subject: DOJ/Microsoft settlement

To whom it may concern:

I feel that the proposed resolution was not properly worked out to the benefit of the American public. The proposed resolution was reached quickly under the disguise of Sept. 11. It was claimed that a quick resolution to this case would benefit the economy and the public. While in the very short term, this might have some validity, it seems that the long term needs more consideration.

Doesn't the release of Windows XP prove that Microsoft isn't going to change? They continue to "integrate" things into the OS so that alternatives are not available, and they continue to pressure vendors, so that alternative OSs are not available. While I feel that Microsoft has the privilege to include any software in the package that they wish to include, they should not be "integrating" everything into the OS. I also believe that parts of the proposed resolution might be good.

Microsoft providing references to file formats, etc would be a good thing as standards and inter-operability of systems would be a good thing. However forcing everyone into a single mold isn't good for anyone. Why should I be "forced" into the Windows XP mold like the rest of the world? Maybe it doesn't fit my needs. Free markets are founded on choice and I have not choice right now, I don't have a choice because the major vendors can't sell a computer with a Microsoft OS already installed. I have no choice, I must pay for it whether I use it or not. This would be like paying Chrysler before you can drive your Lincoln car. Please reconsider and withdraw this proposed resolution and spend a little more time helping the consumers and the economy, instead of caving in to what is good the Microsoft and is quick.

#### MTC-00001009

From: Jerry Tibor  
To: Microsoft ATR  
Date: 11/17/01 11:58pm  
Subject: Comments about the Microsoft Antitrust Settlement

"...the settlement, if approved by the court, would "eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat" the company faces from rivals."

The above is a quote from an Associated Press article about the Department of Justice's statements on the proposed Microsoft settlement. I can only believe that the Department of Justice may know a great deal about the law but they know very little about the computer industry and even less about Microsoft and their historical behavior in the industry.

The proposed settlement would do absolutely nothing to prevent the kind of abuses that Microsoft has employed time and again to first gain and then perpetuate their monopoly on desktop operating systems. I find it tragic that Judge Jackson chose to complicate this case by his actions, yet his assessment of Microsoft in the interviews he granted was absolutely accurate. In my experience, Microsoft is singular in its approach to business and demonstrates a complete lack of morals or ethics.

A conduct remedy will do absolutely nothing to change their approach to the marketplace. They have always been and will continue to be uncooperative in changing any of their business practices. They will choose to misinterpret every aspect of the settlement to their advantage, and the settlement doesn't really require them to give in that much in the first place. This settlement is not in the public interest and if approved, time will show that it is simply inadequate to change the monopolistic behavior of Microsoft.

Jerry Tibor, CNA  
President, Network Users Group of Anchorage  
Tibor Consulting Computer & Network Consulting  
jerry@tibor.org  
(907) 561-6871—voice  
(907) 561-7100—fax

#### MTC-00001010

From: AMaiersugg@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/17/01 11:46pm  
Subject: (no subject)

Dear Sirs,  
Please settle this matter as quickly as possible. It seems to us that from the time the Justice Department began this suit, the stock market has had a very difficult time staying out of the basement. The completion of Microsoft should just work a little harder. Amazing that the states still opposing this settlement have tech companies who are not doing quite so well.

Good it be sour grapes?

You have far more important matters to be concerned with at this time. Let's just get this over.

Sincerely,  
Ann and Bob Maier-Sugg

#### MTC-00001011

From: lloyd olson

To: Microsoft ATR  
Date: 11/17/01 11:44pm  
Subject: microsoft

Dear Sirs,

I think that the case has been completely ridiculous, in the first place. If you have to punish them, have them pay for some medical for the Afgans. This case has made the economy go down hill and now with the war, we just may have a bad recession.

Sincerely,

Eileen and Lloyd Olson

**MTC-00001012**

From: Larry Belkin  
To: Microsoft ATR  
Date: 11/17/01 11:39pm  
Subject: Microsoft Settlement

Anything less than a settlement requiring the separation of the Operating System from the Software Division is unenforceable; Microsoft will continue its monopolistic practices. If we really want other Operating Systems and other software developers to have a fighting chance, please require that Microsoft be divided into to separate companies: 1. Windows Operating System; 2. Microsoft Software Co.

Thank you.

**MTC-00001013**

From: Paul Rippey  
To: Microsoft ATR  
Date: 11/18/01 12:16am  
Subject: Microsoft settlement

Imagine that Ford also made highways and gas stations, then got enough of the market so they could manipulate the technology and somehow make cars that worked better on their own highways, and ran better on their own gas stations. Ford would make half-hearted efforts to let other car manufacturers have their secret codes for adapting their own cars to the Ford highways and gas, but the others would know that there would always be new versions coming out, and that Ford would always have information first, and would not introduce the new highways until their cars were perfectly tuned for them. The situation is analogous in software. Please continue reading.

Dear Department of Justice,

My understanding is that you have solicited public comments on the Microsoft case from consumers. I am a consumer and have a particular experience to share.

I believe that Microsoft has been able to manipulate their operating system monopoly into a monopoly in other areas. A case in point: It is a problem for me that there is only, essentially, one word processor on the market. Since there are millions of computer users, and word processors are relatively easy to program, and tastes vary, this is a distortion.

I have used Microsoft products for around fifteen years, I like some, and I don't like others. That seems like the way things should be in a competitive market. I personally find the word processor Word to be overkill. It has countless features that I don't want or need, and it does not do the things I want particularly well. I recognize that there might be other users who love it, which is fine. My problem is, as a Mac user, I have no choice. None. Because the Word file format is the

standard, and it is very difficult to open Word documents perfectly, I am obliged to have Word on my computer.

I have now upgraded my principal Mac to system OSX and want to upgrade my other software. The MS Office upgrade costs \$250. My wife has a second computer, and I use one at the office also. That is \$750 that will eventually be paid to Microsoft for UPGRADES, not even buying the original program. Intuitively, this is more than the market price would be if there were competition. Like I say, it is heavy burden.

I believe that the Microsoft monopoly constitutes a heavy burden on me and on the rest of the American Public, and the proposed settlement is too little and too late. Nothing in the proposed settlement makes me think that things will change in any substantial way.

Paul Rippey  
4, Rue Dribka  
Oudayas, Morocco  
212-37-70-23-21  
CC:hendersonn@washpost.com@inetgw,  
contribute@macosrum...

**MTC-00001014**

From: Dahv Kliner  
To: Microsoft ATR  
Date: 11/18/01 12:04am  
Subject: DOJ cave-in

The proposed Microsoft settlement is woefully inadequate. Given the serious and sustained nature of Microsoft's illegal activities, the penalties are insufficient, and the settlement will not ensure fair competition in the computer software industry. Microsoft has not even admitted any wrong-doing. Please ensure that our nation's anti-trust laws are enforced.

Dahv Kliner  
2624 Campeche Court  
San Ramon, CA 94583

**MTC-00001015**

From: ROBERT H BARGE JR  
To: Microsoft ATR  
Date: 11/18/01 12:00am  
Subject: Microsoft Settlement

Having followed this case from its inception I think the proposed settlement is good for Microsoft, the government and, most of all, THE CONSUMER. R H Barge, Arcadia, Ca.

**MTC-00001016**

From: J. Davis  
To: Microsoft ATR, Gary Lody, pulsetaker  
Date: 11/18/01 1:09am  
Subject: Microsoft Settlement

D.O.J.—Show us some Justice. In the mid-nineties, Microsoft agreed to stop its predatory and monopolistic practices. They obviously didn't. Their attitude has always been to push the limit. It's standard practice for them call in the lawyers and ask just how far they can go. All they're getting is a slap on the wrist, again. They know that in three or four years, they can drive on with doing what they do best. Putting a strangle-hold on the world by stifling competition, and overly restrictive licenses that won't even allow me to transfer my old copy of Windows 95 to my mother when I upgrade my computer.

We, the people who have been paying through the nose, would like to actually see some justice done. Their "screw the little

guy" attitude shouldn't go unanswered. If you aren't going to break the company up, which is the only just thing to do, at least make them to release their source code. As a matter of fact, really foster some competition. Make them release their source code to the linux developers. Then they'll really have to earn their market position. If you don't, they'll just do everything they can to circumvent the Law and fair business practices again and again. They were doing it elsewhere without any fear of reprisal, while this trial was underway. Included are a few examples of Microsoft's conduct. Pay attention to the dates. They go back a long way. Only a pittance few are listed here.

Quoted from <http://www.csse.monash.edu.au/~lloyd/tilde/InterNet/Law/> February 2001: Sun accepted \$20M from Microsoft in an out of court settlement for MS breaking the Java license conditions. Microsoft probably looks upon this as small change for delaying tactics to muddy the Java waters while getting a competitor up. 24 July 2001, Linux offer to charity in Windows row, The Age IT1 p2, Nathan Cochrane. "Sydney free software distributor and trainer Everything Linux has pledged to support a Geelong children's charity whose work Microsoft halted last week for distributing PCs with obsolete copies of its software." [...] a. [LA: It shows the potential risk of getting locked in to a single source monopoly supplier. Many charities are donated old PCs. These often are not big enough or fast enough to run current MS Windows. MS have apparently stopped this charity from loading copies of e.g. Win3.1. Fortunately the Linux operating system will run fine, even on an old 486, and it's free. And Openoffice (Staroffice) is a free office software suite -word, -excel, etc.—see [Sun] in Refs.]

4 August 2000: The European Commission (EC) began investigating claims that Microsoft selectively withheld information from some software companies, seen as being competitors, with the aim of extending its near monopoly in the desk-top operating system market into other markets. This would violate European Union antitrust laws. February 2000: The European Commission (EC) will investigate complaints that Microsoft that indulges in anti-competitive practices, in particular making it difficult for competitors to write software that can interact with the new Windows 2000 p.c. operating system.

20 November 1998: The Microsoft Anti-Trust case has been running since 19 Oct 1998 and some heavyweights have now testified about pressure being applied to them by MS to do, or not do, 'uvw', or else MS might do 'xyz' e.g. Intel w.r.t, some Intel multi-media software that MS allegedly disliked, Apple w.r.t, its QuickTime movie product, its default web browser and MS Office software, and of course Netscape... Bill Gates has also testified, denying the significance of internal MS email messages containing threatening language against other companies.

17 November 1998: A US court found that Sun Microsystems Inc. would be likely to win its case, that Microsoft violated its Java contract and therefore granted an injunction

that Microsoft must change any of its products (e.g. Windows98, Explorer .... ) that it claims to be Java compatible, or that are derived from Java technology, so that they genuinely are compatible with Sun's Javatm test suite.

19 October 1998: Microsoft Anti-Trust case begins in court. D. Lawsky. MS 'disabled' competitor's sound system. The Age, IT1, Tues 28 July 1998, p3. Realnetworks Inc. [make internet sound and music software] ... has accused Microsoft of releasing a program that disables its product. Chief executive Robert Glaser [of Realn] [...] told the Senate Judiciary Committee [MS] was using its dominant position to extend its grasp of the software market. [...]

Four other executives [inc' from Lotus, Acer] gave specifics on ways they said Microsoft used a monopoly in the Windows operating system to compete unfairly. [...] March 1998: A USA court told Microsoft to remove the Java-compatible logos from Microsoft Internet Explorer and Microsoft Software Developers Kit while a court case brought by Sun Microsystems continues. Sun has sued Microsoft for breach of contract over its Java licence; see 7 October 1997 below. This may yet be a case of Sun winning a battle but losing the war? January 1998: Apple turned in a profit after its recent losses, painful cuts and much debated \$150M investment by Microsoft (1997).

Conrad Walters Microsoft faces fine over Net dominance, The Australian Wed' 22 October 1997. The US Justice Department yesterday asked the Federal Court to fine Microsoft \$US! million a day over the software giant's attempt to dominate the Internet. [...] [LA: Microsoft's web browser Explorer-4 grows ever more closely involved with the Windows-95 (soon Windows-98) operating system. Microsoft's argument is that they are just adding improvements and new functions to their o.s.. The counter view is that MS is attempting to stifle competition in the web browser market, specifically to knock-off Netscape which held 70% of it as of mid 1997. The European Commission is also investigating if Microsoft is using its monopoly of Windows-95, and hence monopoly (to all intents and purposes) of P.C. operating systems, to force computer suppliers to install Explorer as the default browser to the detriment of Netscape. Incidentally, it has been suggested that if the Windows O.S. specification was freely available there would be some real competition in P.C. operating systems because other software companies would be able to implement the spec', hence be able to run the applications programs which are the reason for Windows' popularity, and offer an alternative to MS.]

7 October 1997: Sun Sues Microsoft For Breach of Javatm Contract Sun claims that Microsoft products Explorer 4.0, the recently (Oct 1997) released ms web-browser, and Software Development Kit for Java (SDKJ) failed the Java compatibility tests and so should not be labelled as being Java compatible, nor should the Java-compatible logo be applied to them. The Sun press release alleges that Microsoft's actions include "...secretly adding Win32-specific and other APIs to the Java class libraries...".

Some conspiracy theorists believe that Microsoft would like to kill Java off, others that it would like to hijack it.

Ralph Nader's Essential Information is organising an Appraising Microsoft conference (13-14/11/97) to discuss whether or not Microsoft engages in unethical business practices and whether its dominance of the p.c. software market is harmful.

Quoted from Fox News:

"Speaking on CNNfn's Digital Jam, O'Reilly & Associates president Tim O'Reilly said he was questioned earlier this week by Justice officials, and that he told them that Microsoft is artificially trying to keep some competitors' software from functioning properly on its desktop Windows NT environment. [...]

"O'Reilly said he's concerned by the fact that Microsoft—which by its own admission is somewhat of a latecomer to the Internet software market—is trying to take control of the global network. 'They're doing all they can to take control (of the Internet). In the process, I think they're damaging it pretty seriously.' ... Microsoft started creating a showdown when it began bundling its Web server with Windows NT, it's high-end operating system. Microsoft is reportedly telling companies they can't use competitors' software on the NT workstation platform and have sought to limit the use of standard Internet protocols with their software. ...

"'They're saying 'you have to use our platform the way we want you to.' The vision they have is contrary to the way people want to use it. They're saying we'll tell you how to use the Internet and saying the way we want you to use it is the way that benefits our revenue the most.'" CNNfn, 8.22.96

LA Times:

"In the most dramatic allegation yet that Microsoft Corp. uses bullying tactics to protect its turf, Apple Computer Inc. has charged that the software giant threatened to withhold a key piece of software unless Apple agreed to drop two lawsuits and a competing product.

"The allegations are contained in a Feb. 13 letter from Apple to U.S. District Judge Stanley Sporkin. In a stunning decision last week, Sporkin rejected as too narrow a consent decree that settled antitrust charges by the Justice Department against Microsoft. [...]

"Microsoft ... denied the allegation, and Chairman Bill Gates said he was disappointed by Apple's treatment of Microsoft. [...]

"According to Apple... the computer maker a year ago attempted to obtain a copy of Windows 95, a yet-to-be released version of Microsoft's best-selling operating system software. ... Typically, Microsoft gives an early version of its software to independent software developers. Since December, 1993, about 40,000 independent software developers have received the early, so-called beta versions of Windows 95.

"Apple claims that Microsoft withheld Windows 95 because of two copyright infringement cases. In 1988, Apple filed suit against Microsoft, contending that Windows copied the Macintosh operating system. ... In December, Apple filed a lawsuit against San

Francisco Canyon Co., charging that the start-up company gave Apple's copyrighted video software to Intel Corp. and Microsoft. Later, Apple sued Microsoft.

"... Apple Chief Executive Michael Spindler and Microsoft's Gates met to settle their disputes .... Apple contends that Gates issued a veiled threat against Apple, saying that withholding Windows 95 was 'cause and effect' for Apple's decision to file a second lawsuit against Microsoft. "At the same meeting, Gates asked Apple to drop Open Doc, a software program that competes with a Microsoft product called Ole.

"Apple said it informed Assistant U.S. Arty. Gen. Anne K. Bingaman of its problems with Microsoft. After a phone call from Bingaman, confirmed on Thursday by the Justice Department, Apple received the early version of Windows 95.

"Although unorthodox, Bingaman's decision to intervene falls within her rights, legal experts said. 'I wouldn't call it mediation,' said Stanford University law professor William Baxter. 'I would call it law enforcement.' [...]

"Gates ... sent a letter to Spindler, saying that he was 'disappointed' by Apple's actions. 'Microsoft develops more software for Apple than any other company,' he stated. Reflecting the tense relations between the two, Gates listed more than two pages of grievances." Los Angeles Times, 2.24.1995, p. D-1

"Critics of the Redmond, Wash.-based company, the world's largest software publisher, have repeatedly claimed that it has used its dominance and relationship with IBM to crush tiny competitors and outmaneuver larger rivals.

"Particularly upsetting to many smaller software publishers is Microsoft's unique strategy of providing both system software, which controls the computer's basic operations, as well as application programs, such as word-processing and spreadsheet packages. "Critics argue that because Microsoft controls the system software, it has an unfair advantage in developing application programs that must operate with the system software."

Los Angeles Times, 3.13.91, p. D-2.

Quoted from ZDNet:

Caldera vs. Microsoft: It's Not Over Yet

By Mary Jo Foley

Smart Partner

February 4, 2000

Caldera and Microsoft may have ended up settling their four-year-old antitrust suit before it went to trial, but the fireworks aren't over. The latest explosion: Former Microsoft Germany employee Stefanie Reichel admitted in her deposition that she destroyed files and other information that potentially could have been used as evidence against Microsoft in the Caldera case. Reichel also admitted in the newly public deposition excerpts that her direct supervisor discarded hard drives of computers in Microsoft's German office.

Reichel said in her testimony she had destroyed e-mail messages that "could be problematic in an investigation," at the request of Microsoft management. Reichel also said she may have destroyed paper copies of documents.

At the end of January—as a result of a lawsuit brought by three media firms, The

Salt Lake Tribune, The San Jose Mercury News and Bloomberg News—a number of previously sealed documents in the Microsoft-Caldera case were unsealed. Among the two boxes of documents were tens of pages of excerpts from

**MTC-00001017**

From: Bob Hastings  
To: Microsoft ATR  
Date: 11/18/01 12:48am  
Subject: Microsoft Anti-trust case

I cannot believe that the United States Federal Government is letting Microsoft off so easily after having been found guilty of so many charges. They are a monopoly that has absolute control over the PC market and will be free to charge whatever prices they choose for their products and there's not a thing that any of us in the Information Technology industry can do about it. Look at their new licensing policies for Pete's sake. I'm sure Bill Gates and Steve Ballmer are having a good laugh at all of our expense.

Don't believe me? Next time you go into a CompUSA or any other computer store and just try to find any application that doesn't run on Windows. This is wrong and it shouldn't be this way and it doesn't look like our government has the guts to stand up to a financial dictator.

Sincerely saddend  
Robert J. Hastings, Microsoft Certified  
Systems Engineer  
6202 Myra Court  
Austin, Texas 78749

**MTC-00001018**

From: Tom  
To: Microsoft ATR  
Date: 11/18/01 12:46am  
Subject: My opinion

(1) Microsoft is guilty of monopoly practices.

(2) They are likely to continue.

(3) They should be heavily fined for past offenses, with compensation to victims.

(4) They should be made to undo the structural blocks posed by their practices, and also to do some things proactively to promote competition.

(5) They should be monitored closely in the future. (The DOJ should not quit the case until all harm—past, present and future—is rectified.

Thank you,  
Tom Chapman  
Santa Ana, CA

**MTC-00001019**

From: John C Trosie  
To: Microsoft ATR  
Date: 11/18/01 12:17am  
Subject: opinion re Microsoft

The Government should now leave Microsoft be.

The benefits Microsoft provides the economy and the technical improvements to the industry far out ways the possible damage that company does to competition. In fact, Microsoft provides a stimulus to the competition, or should, to do better, do more research, etc. be more inventive, more productive to help the present state of the economy... John C Trosie

**MTC-00001020**

From: Chris Adams  
To: Microsoft ATR  
Date: 11/18/01 1:25am  
Subject: Extremely disappointed with the proposed settlement

I work in IT and see how much money Microsoft's practices have cost my clients on a daily basis. When Microsoft was found guilty of antitrust violations, I had hoped it might restore competition to the industry. Unfortunately, the proposed settlement looks like it was written by Microsoft's lawyers—it gives up less than they were offering to settle for before losing the case!

Now that Charles James has sold out a significant fraction of the US economy and cost the US a few trillion dollars, I wonder if this approach will extend to other areas of law enforcement. Will a convicted drug dealer or murderer be released if they promise not to do it again? I'm sure many of them have enough money to pay off the same people.

Regards,  
Chris Adams

**MTC-00001021**

From: Troy L Jacobs—Raw Infinity  
To: Microsoft ATR  
Date: 11/18/01 1:21am  
Subject: Microsoft Settlement

Greetings,

A lot of people have been swayed by the headlines on how much of a monopoly Microsoft has, I just want to set a few things straight. I have been programming computers for almost 20 years and have seen a lot of changes in technology in that time. Microsoft has far surpassed others when it has come to opening the door for programmers.

They have piloted such technologies as Active X and the Component Object Model (COM).

We programmers have never had as much freedom as we do now. Instead of cutting us out of the picture or making us no more than vainglorious macro writers, Microsoft has given us the best (by far) programming environment in the world. They pioneered Rapid Application Development (RAD) and created an awesome opportunity by incorporating Visual Basic for Applications into all of the Office programs.

A lot of people may not speak highly of what they consider to be a monopoly, but others and myself are very grateful that Microsoft has given us this freedom.

Microsoft must spend millions of dollars just developing the technologies that I am speaking of.

They could have just as easily made all of the Office programs ?closed?. Instead they exposed all of the objects in them so that we could program them ourselves.

The battle between Internet Explorer and Netscape is now ludicrous. With the advent of COM and Distributed COM (DCOM) the horizon is now clear.

As I programmer I had to research for quite some time to decide what technologies that I would invest in and learn. I studied all of the available ones and found that Microsoft has, bar far, the best suite of languages and programming environments.

I am looking forward to what the future holds. We should all be grateful.

Regards,  
Troy L Jacobs  
Raw Infinity <<http://www.geocities.com/rawinfinity>>  
Phone: 503.752.2849  
[rawinfinity@yahoo.com](mailto:rawinfinity@yahoo.com)  
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[www.geocities.com/rawinfinity](http://www.geocities.com/rawinfinity) <<http://www.geocities.com/rawinfinity>>

**MTC-00001022**

From: Sam Cramer  
To: Microsoft ATR  
Date: 11/18/01 1:10am  
Subject: The proposed settlement is far too weak

The proposed settle of Microsoft vs. US is far too weak. As a software professional who has worked in the field for 20 years and as a keen observer of Microsoft's unfair tactics, I believe that the proposed settlement will do next to nothing to stop Microsoft's outrageous abuse of their monopoly status. At the very best, the proposed settlement is a slap on the wrist. To this concerned citizen, it looks like a sell-out.

Sincerely,  
Sam

**MTC-00001023**

From: Kevin A CLick  
To: Microsoft ATR  
Date: 11/18/01 1:43am  
Subject: Microsoft/DOJ settlement

To whom it may concern,

I am writing this in response to the latest lawsuit against Microsoft. The proposed settlement is apparently satisfactory to some states and individuals. Clearly, however it is unsatisfactory to many. I am disappointed that the business practices demonstrated and abused by Microsoft to gain their "lion's share" of the market have been penalized with what amounts to a slap on the wrist. I realize that in order to force a fair capitalist playing field, taking away the advantages gained by the clear violation of anti-trust laws would be difficult. I realize also that it would temporarily stagger a tech economy that is already struggling. But one of the main reasons that the tech economy is struggling is because of the illegitimate business practices of tech companies like Microsoft. The idea that Microsoft should be required to open up it's Windows OS source code to competitors and independent programmers is the best solution. This will not greatly impair the operation ! or profit scheme of the company. Microsoft's main profit comes from programs like their Office suite.

The ability for other companies and programmers to see their Operatin System source code would serve to level the unfair advantage that they have gained through the monopolistic practices that the legal action addresses. Please do not cave to the economic and political pressure and do right by the people in this country that you are sworn to serve the interests of. Thank you for your time.

Kevin Click  
Seattle, WA  
(206) 632-3524

"Say what you will about the sweet miracle of unquestioning faith, I consider the capacity for it terrifying and absolutely vile."

Kurt Vonnegut, Jr.  
 "Mother Night"  
 "Mother Night"

**MTC-00001024**

From: Patrick J. Burke  
 To: Microsoft ATR  
 Date: 11/18/01 3:09am  
 Subject: Please read

Fellow citizens of the Department of Justice,

Microsoft was found guilty and they should have been punished more severely. However, you people are now going to enforce the hand slap they probably bought and that's fine with me, but I hope you keep one thing clear: people, as a whole, are developing memories that go further and further back. You people will be remembered for how you handle this so I hope you've looked into the future of computing and seen how things like open standards and free software may influence things to come. And I hope your decisions are made with a mental picture of a future that barely remembers the great monopoly—or uses anything it created. How will that future look at those involved in today's amazing injustice? Make good decisions that reflect the severity of the crime Microsoft was proven to have committed. And think of the MS-less future, you know, the one your children and mine are being handed.

Deeply concerned,  
 Patrick J. Burke  
 Coral Springs, FL

**MTC-00001025**

From: Gary Young  
 To: Microsoft ATR  
 Date: 11/18/01 1:57am  
 Subject: Strong opposition to the proposed Microsoft settlement

If not for "political" and competitor's "survival" aspects regarding this case, Microsoft would be, and should be, severely punished. The agreed to "slap on the wrist" punishments are a joke and if Microsoft's competitors and (even) business allies would speak freely there would be double the evidence and vocal disdain against Microsoft. Microsoft's continued failure to acknowledge their past behavior should have an affect on the punishment. If there is anything I would NOT worry about, it is that severely punishing Microsoft would harm others. Even in the short term, most of even the strongest proposed remedies would be better for almost everyone. In the long run, we all gain and we would then have a precedent that shows you can't get away with illegal and unethical business practices. The proposed agreement is a big win for business thugs everywhere.

Gary Young  
 Aliso Viejo, California  
 gyoung@home.com

**MTC-00001026**

From: Henry D. Kasson  
 To: Microsoft ATR  
 Date: 11/18/01 3:12am  
 Subject: Antitrust Settlement

I wish our government would get off this case. Where would we be in the personal computer world without Microsoft! Microsoft

is a world class leading developer. Don't tie their hands—let them roll.

Thanks for setting up this address so I and others can send you our thoughts.

**MTC-00001027**

From: Troy Sullivan  
 To: Microsoft ATR  
 Date: 11/18/01 3:20am  
 Subject: microsoft ruling

To whom it may concern:

As a tax payer and believer in fair trade, I am furious by the jello backbone our justice system has displayed. Finally there was something that was going to be done to help consumers and the DOJ caved in. How much did Bill Gates donate to the Republican party?

Small and start up companies do not have a chance because of the heroin like addiction that Micro\$oft has on the market. I am not opposed to buying micro\$oft products if they are superior; however, most of the time they are not. The are known bugs in the operating system and products which causes consumers the have to buy the newest ones to fix the garbage that they bought in the first place.

My only hope left is that the courts will not accept this ruling, and the Europeans will be stronger than our own justice system.

Sincerely,  
 Troy Sullivan  
 A concerned tax payer

**MTC-00001028**

From: John P. Mundt  
 To: Microsoft ATR  
 Date: 12/6/01 2:20pm  
 Subject: Anti-trust settlement

Very briefly, we are a Macintosh school district under ever-increasing pressure to change to the WinTel machines used in the "real world." The anti-trust settlement, where WinTel machines appear in schools only exacerbates the pressure since it increases their market share, fosters the use of their software, and makes their monopoly even better. Why not force them to pay for and place Macintosh or Linux machines in the schools?

John  
 "You can lead a boy to college, but you cannot make him think."  
 Elbert Hubbard  
 John P. Mundt Assoc. Dir., Computer Services  
 Adlai E. Stevenson High School  
 847.634.4000x1217  
 One Stevenson Drive FAX 847.634.7309  
 Lincolnshire, IL 60091  
 jmundt@district125.k12.il.us

**MTC-00001029**

From: Ken Prevost  
 To: Microsoft ATR  
 Date: 11/18/01 8:03am  
 Subject: Microsoft Settlement

The very least that I would find acceptable would be a "Chinese Wall" between the operating system division and the rest of the company. Microsoft has historically used the operating system to advantage their other product lines—often to the detriment or destruction of competitors. As a programmer for 30 years, I experienced their proprietary

and changing APIs since DOS 2.1. Without government intervention this will continue.

**MTC-00001030**

From: Geoeva@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/18/01 7:44am  
 Subject: have we become stupid

Gentlemen I ask again "have we become sooooo stupid" Have we forgotten what it takes to be a great nation of achievers. From time to time you hear or read completely stupid coments. Like three weeks ago I was reading our Today's News. On the front page the front page Was a picture of an American ground forces soldier. With full details on all the equipment that he carries while in combat with arrows showing where each of these article are on their bodies. I read this in total disbelief over how little we care for our military forces safety that are putting their lives on the line for us to maintain the (what we call) the right to freedom.

I built a company from my garage to a 255man operation based on an idea. I can't even imagine how angered I would have been if some jerk would have come to me and said, "You are way too successful and have achieved way too much" therefore we are going to force you to give up your monopoly because we have a group of stupid people over hear that need your business to slow down. Somebody forgot the working for three days without sleep, and working through Christmas, and worrying where the next dollar was coming from to be able to not get bad credit, etc., etc. Why have we as a nation become so stupid? In case anybody hasn't noticed. The superlatives (achievers) are the ones that create wealth and prosperity for our country, feed them don't stifle their efforts.

"An angry American"  
 Geo.

**MTC-00001031**

From: eevans1  
 To: Microsoft ATR  
 Date: 11/18/01 6:33am  
 Subject: Microsoft

It's about time this so called "case" against Microsoft be dropped, stopped or considered irrelevant. They did nothing more than offer THEIR customers a good way to use the internet. The people who did the most complaining have long since gone their own ways anyway. You keep monkeying with software and well end up paying more for it, just like most of the other things the government has "helped" us with.

E. R. Evans

**MTC-00001032**

From: rcr Rodgers@att.net@inetgw  
 To: Microsoft ATR  
 Date: 11/18/01 4:51am  
 Subject: As a user of alternative operating systems such as BeOS,

As a user of alternative operating systems such as BeOS, OpenBSD, and Linux, and also as a former employee of a company (Be Incorporated) hurt by Microsoft's monopoly, I feel that the settlement doesn't do any justice. Microsoft essentially gets a slap on the wrist and told to play fair. Meanwhile, Microsoft has managed to slip out three new versions of Windows doing the exact same thing they've been doing since the antitrust

suit started, and aren't going to recompensate its competitors for its practices. Microsoft wins again.

In addition, Microsoft has just started shipping it's X-Box video game system, which is backed by Microsoft's monopoly. Microsoft has purchased several significant video game companies in an effort to become the powerhouse in the video game industry, and likely will significantly hurt its competitors which mainly utilize independant software development companies to produce games. Result: Microsoft will likely obtain a large market share, possibly even another monopoly. Microsoft wins again.

Not to sound completely biased against Microsoft, but their tactics need to be halted. The Department of Justice holds the only opportunity to correct Microsoft's behavior, and allowing it to operate as a single company will not do that.

**MTC-00001033**

From: Don Wires  
To: Microsoft ATR  
Date: 11/18/01 8:41am  
Subject: give it up

now that clinton and his corrupt cabinet are gone, please drop the case. microsoft was punished enough by reno. their "crime" was being profitable. naughty people make too much money. come on! whatever you make you should be able to keep. leave microsoft alone and go after drug dealers who launder money or better yet go after the bankers who help them.

thanks

**MTC-00001034**

From: Colynn Kerr (Shaw)  
To: Microsoft ATR  
Date: 11/18/01 8:24am  
Subject: Consumer Comment on Proposed Microsoft Settlement

As a consumer who has chosen the Mac OS, an operating system that competes with Windows, I would like to register my concern that the proposed settlement does little to discourage Microsoft from returning to its old anti-competitive ways.

Microsoft has shown by its actions in the past that it has little regard for court agreements, knowing full well that it can use the slowness of the judicial process to further extend its monopoly influence. Microsoft's pattern of behavior is likely to continue and the settlement is unlikely to prevent a recurrence. The three-person team charged with monitoring Microsoft's actions MUST be given a stronger mandate to stop problems quickly. If Microsoft uses the proposed process to stall as it has done in the past, the market will be further damaged. This settlement will remove Microsoft's restraint because there is no threat of swift preventative court action. The proposal must have more "teeth" to stop anti-competitive behaviors quickly.

Under these court measures, Microsoft will likely continue to enter new markets and create its own proprietary standards using its dominant market position to crush competing products. As it has done repeatedly, it will continue to bundle its own versions of competing products into

Windows, starving competitors out of the market. It took a lot of courage for competitors to come fourth during this long drawn out trial and there may not be the will to come fourth again if it only is to result in such a watered down settlement. This may be the last, best chance to curb Microsoft's habits.

To strengthen the court settlement I suggest:

1) creating a checklist of identified Microsoft anti-competitive actions and beside each item insuring a swift court action to be taken;

2) creating a streamlined process that remains in situ to act quickly to stop anti-competitive behaviors as they arise;

3) keeping in place a series of strong punitive measures that will be levied against Microsoft quickly and remain in force until Microsoft stops its anti-competitive behaviors;

4) require Microsoft to pay the costs for each and every investigation of its actions;

5) creating an Ombudsman position to field all competitors and consumer concerns, feeding the results of such investigations to the tribunal and requiring further investigation by them;

6) creating an office with funded staff for each member of the tribunal to give them all the tools they need;

7) requiring an immediate stop to Microsoft's efforts to extend its market influence into new markets for a set period of time, to allow those markets to flourish before Microsoft can enter them;

8) requiring Microsoft to charge fair market value for each and every bundled product, in addition to the cost of its other products;

9) requiring Microsoft to offer competing products or opportunities to choose competing products, with each Microsoft bundled product;

10) requiring full disclosure and prominent display to consumers of each and every Microsoft anti-competitive action.

In summary, the settlement must more strongly protect the market.

Colynn Kerr colynn.kerr@cadvision.com

**MTC-00001035**

From: Simon.Holledge@  
Operajaponica.org@inetgw  
To: Microsoft ATR  
Date: 11/18/01 8:23am  
Subject: Microsoft Settlement  
Edinburgh 18 November 2001

Dear Sirs,

The settlement with Microsoft announced on Novmeber 2 is inadequate and will allow the company to continue unfair business practices. I believe that it would be in both the national and international interest to split the company into two or three parts.

Thank you.

Sincerely,

Simon Holledge Simon Holledge Opera japonica <http://www.Operajaponica.org> The Ancient East Asia Website <http://www.AncientEastAsia.org> The Elisabeth Schumann Website <http://www.ElisabethSchumann.org> Flat 3 (2nd floor left), 5 Wemyss Place Edinburgh EH3 6DH Phone 0131 467 4861 Mobile 078 1383 5826 Email

Simon.Holledge@Operajaponica.org Email  
Simon.Holledge@Operajaponica.org

**MTC-00001036**

From: James Russell  
To: Microsoft ATR  
Date: 11/18/01 8:29am  
Subject: WebTv ownership!

October of 2000 I purchased a webtv system from Montgomery Wards as I could not afford a regular computer.I am used to the idea that when I buy something,I own it.No one at the store told me that Microsoft still owns the insides of the unit,which means that I paid \$200.00 for an empty metal box.

I didnt find out about this until I tried to find a low cost ISP.Thats when I found out that even if I change ISP's.I still have to pay Microsoft \$9.95 per month to use their equipment.Also they charge the highest internet rate of all the ISP,s,\$24.95 per month.I watched many commercials about this product before deceiding to buy one,I should say those 1/2hr infomercials,and nothing was said about this.

I think that Microsoft is guilty of consumer fraud,and this should be addressed also before you let them off the hook.

Sincerely,

James M. Russell

**MTC-00001037**

From: Rune Q. Nordhagen  
To: Microsoft ATR  
Date: 11/18/01 9:06am  
Subject: United States v. Microsoft

Corporation

Dear Ms. Hesse:

I appreciate the opportunity to express my opinion. In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft.

I have no direct financial interest in Microsoft nor any of its competitors. In my opinion, the government should interfere with successful companies as little as possible. We should applaud America's successful companies and allow them to innovate and to grow. This will in turn help our economy grow and thus create economic growth and better lives for all of us.

Sincerely,

Rune Q. Nordhagen  
9284 E. Mohawk Lane  
Scottsdale, AZ 85255  
mobile +1-602-790-6808  
[rune.nordhagen@dcbranch.com](mailto:rune.nordhagen@dcbranch.com)

**MTC-00001038**

From: Don McClarty  
To: Microsoft ATR  
Date: 11/18/01 9:02am

I believe it is time to leave Microsoft alone and find some thing to do that would help the country instead of destroying it like has been done in the past.

**MTC-00001039**

From: Oren Ben-Kiki  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/18/01 9:02am  
Subject: Microsofft Settlement

I'm not a USA citizen. This means I can't write "my congressman" when it comes to issues like the Microsoft trial. However I'm very much dependent on the results of this trial. I take the liberty of writing to you in the hope that foreign citizens have an equal standing—or at least some standing—at the current state of affairs.

I've been working as a paid computer professional ever since 1983. I've seen and used many operating system and companies come and go. And I don't like the trend which has been set by Microsoft's operating systems. There are many cases where there is a "natural synergy" between two services, but this synergy is still a bad thing. It happens every time there is "infrastructure" vs. "application". Infrastructure being a "natural monopoly", this allows the infrastructure company a monopolistic lock on the related application market.

In phone communication this is the actual wiring of houses vs. the actual end-point equipment (phones, office switchboards). Imagine only being able to buy an AT&T phone.

In cable TV it is the wiring vs. the set-top boxes and channels. I heard that France has managed to avoid the usual unhealthy synergy there. The cable company there serves a similar role to that of a phone company. It must distribute anyone's content (for a fee, of course), just like a phone company is bound to allow anyone to make a phone call with any content. This allowed a healthy competition in content creation, where everywhere else one is bound to a single channels provider together with the physical cable.

In computers, the "infrastructure" and "application" may seem less well-defined (but see below). The principle still stands, however. An unhealthy synergy between hardware and operating system was the hallmark of the monopolistic IBM era. Today decoupling them is taken for granted, allowing a healthy competitive market place—for hardware. The relationship between an "operating system" and "the applications" is the same as in all the above cases. There is a technical synergy, that's correct. But as in all the above cases, taking the easy way of mixing them together ends in an inefficient market place and inferior, over priced products.

The solution is the same, in principle, for all the above cases. A company may choose to be in the infrastructure business. Its products must be well-documented and open for use by anyone. This means anyone could duplicate the infrastructure (usually at a large cost) and hence profit margins are low—but the market is large. A company may also choose to be in the applications business. Its products may be closed, proprietary, and next to impossible to duplicate. Hence margins are high, but the market is smaller. An infrastructure company must focus on stability and standards. An application company must focus on innovation and tailored solutions. It is impossible for a company to be both. It is simply too lucrative to corrupt the infrastructure (the low margin operation) for a specific application (the high margin operation). This naturally discriminates against other application

companies. Publishing the infrastructure details doesn't help, either. The simple fact is that one company is able to change the infrastructure to fit its applications while all others must fit their applications to fit someone else's infrastructure.

In short, the only viable solution to the problem is to break Microsoft into two separate companies. One which makes "infrastructure", and one which makes "applications". Note that infrastructure isn't necessarily "operating system". Microsoft has invested a lot of effort in destroying the original, clean definition of what "operating system" means as opposed to "an application". For the purpose of the separation, "software infrastructure" is "any piece of software which monopolizes the use of resources in a computer or a network". These may be hardware resources or software resources (such as network addresses).

The monopolistic software infrastructure company must publish the full interface to its products. Any such company should fall under similar legislative restrictions to those of utility companies—the electric company, the phone company etc. The application software company would be free of such chains.

Any other solution won't address the core issues. Forcing Microsoft to publish all infrastructure details—including file formats, network protocols, and APIs—is better than nothing, but is a band aid solution where a surgeon scalpel is called for.

Note that this solution is not against Microsoft's own interests. One argument against a split was that the combined worth of the two companies would be greater than the worth of the current Microsoft (as in the AT&T case)—and what sort of a "punishment" is that? This argument proves that the current mixture of infrastructure and application is harming Microsoft's share holders as well as its customers. The fact it may very well be profitable to split the company is proof that the only reason not to is the resulting loss of power by the few people leading Microsoft today. In fact these people have broken the law in the process of obtaining and wielding this power. Therefore splitting the company makes perfect sense. It would exactly "punish" the power-seeking few (by taking away their power), while benefiting (financially) everyone else.

Thank you for your time,  
Oren Ben-Kiki  
oren@ben-kiki.org

#### MTC-00001040

From: joe  
To: Microsoft ATR  
Date: 11/18/01 9:14am  
Subject: Comments  
Joseph Bondi  
bondjoey@msn.com

Hello: I believe the agreement is correct not to split Microsoft into two companies, the settlement is O.K., but one area that should be looked into the price of their new operating system XP everyone is selling it at the same price \$99 for the upgrade and \$199 for XP PRO, I thought it is illegal to price fix? Lets get some completion. Thank you

#### MTC-00001041

From: Rick Tomaschuk

To: Microsoft ATR  
Date: 11/18/01 9:13am  
Subject: More Lollygagging

Its too bad the USDOJ does'nt prosecute its own white collar criminals the way foreign criminals are dealt with. Why not police your own criminals and set an example for the rest of the world.

Microsoft has devastated the lives of countless honest hard working Americans/ Canadians through its illegal practices. Wake up!

Rick Tomaschuk  
Principal—Driving Force Technologies Ltd.  
Driving Force Technologies Ltd.  
15-6400 Millcreek Drive, Unit 404  
Mississauga, ON  
L5N 3E7  
Tel: 905-813-3036  
Novell/Caldera Partner  
Email: admin@dftl.com  
Web: http://www.dftl.com  
Richard Tomaschuk—Principal

#### MTC-00001042

From: Antwan L. Payne  
To: Microsoft ATR  
Date: 11/18/01 9:09am  
Subject: Leave microsoft alone

With all due respect to the US govt. and the Supreme Court Justices, Microsoft has made things easier for the average computer buyer. For example I just bought a brand new computer (I am an experienced user), a Compaq Presario and I have found that the way Microsoft bundles it's software makes it easy for the novice computer user to send e-mail, surf the web, and listen to mp3's. If Apple wants more customers then they should work on their software rather than the outside casings. If Microsoft did not standardize the PC then imagine how hard it would be to buy a computer game, or a word-processor that will only work on one type of OS that few have, instead people can buy games, and other software and know it will work on their computer. So in my humble opinion I think that there are other things going on in the world than computer software. Microsoft, I admit has a monopoly, but it is a helpful monopoly.

Concerned Computer User,  
Antwan L Payne  
antwanpayne@home.com

#### MTC-00001043

From: Charles T. Nardino  
To: Microsoft ATR  
Date: 11/18/01 9:07am  
Subject: Settlement

The proposed Microsoft settlement is a travesty. Millions of taxpayer dollars have been spent on this case, proving Microsoft to be one of the most ruthless, underhanded operations this country has ever known. Is it really possible that all the Justice Department can do now is to say to Microsoft: "Because you have behaved so abominably in the past, we are going to ask you to please be nicer in the future, OK Microsoft, please, please, please?" Justice Jackson's remedies were infinitely more fitting and just.

As a consumer of computer products who has been hurt by Microsoft's policies repeatedly in the past, I am offended. As an IT consultant, I am shocked. As a US citizen,

I am disgusted to see that my government agencies can do no more than bow to the will of a monopolist.

Charles T. Nardino  
465 West 23rd St.  
New York, NY 10011  
Charles T. Nardino  
cnardino@bellatlantic.net

**MTC-00001044**

From: Richard B. Kelly  
To: Microsoft ATR  
Date: 11/18/01 9:56am  
Subject: Settlement of the Microsoft antitrust case

To the United States Department of Justice,  
Antitrust Division  
Pennsylvania Avenue  
Washington, DC

Comments Supporting Settlement of the Microsoft Antitrust Case

I am a semi-retired attorney who still is able to practice because of the capabilities of using the computer to communicate with long-term clients. It seems a bizarre concept that millions of people like me would not be able to continue to buy "turn key" information systems as they are developed because some competitor believes its ability to compete is reduced. As I understand it the "bundled" software products:

1. are not being priced at prices that are unaffordable to anyone who can afford the hardware, and so price gouging is not a realistic issue from the point of view of the user;

2. most of us users have neither the knowledge nor the inclination to buy a bunch of separate products and integrate them ourselves; and

3. a combination of new features in software will accelerate their integration and use, providing huge benefits including increased productivity for me and everyone else. Thus I strongly support the settlement.

Richard B. Kelly, Attorney-at-Law  
1 Riverside Drive  
Lake Placid, New York 12946-1832  
ribkelly@capital.net

**MTC-00001045**

From: Current User  
To: Microsoft ATR  
Date: 11/18/01 9:28am  
Subject: Attn: State Attorneys

Hello, I currently am a customer of microsoft (indirectly), and I must express to you my great displeasure with the trivial recommended penalties against this foul-smelling behemoth. Please do not openly accept these wrist-slap intensity sanctions against the company, as they are influential enough as it is to suppress any attempt at succession in their industry.

I thank you greatly for your attention to my concern on this matter, and please, choose principal over quick money, the markets will wait, microsoft IS NOT worth it—we are.

Remember: "...I make a million dollars every two hours..."—Bill Gates, gloating.  
Consumer

**MTC-00001046**

From: Ken Hoag  
To: Microsoft ATR  
Date: 11/18/01 9:23am  
Subject: Microsoft

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I ask you to settle the case as soon as possible with zero restrictions on Microsoft. This company is one of America's shining lights and the government has/had no cause to interfere with its progress. If competitors cannot compete with Microsoft's innovations then they should fall by the wayside and winners like Microsoft should be allowed to bloom.

Ken Hoag  
Phoenix Arizona

**MTC-00001047**

From: St(00E9)phane Moureau  
To: Microsoft ATR  
Date: 11/18/01 10:27am  
Subject: Microsoft Advantages

Dear Madam,  
Dear Sir,

First forgive my bad english and thank you for giving us a chance to comment.

I hope you'll not forgot the advantages that Microsoft has already taken from such unfair practices in such competitive markets during all those years.

All the money MS has accumulated while they were imposing their products without any ethic.

All the companies MS has been able to buy with that money.

All the MS rivals, and some were producing better products, technology breakthrough, that have gone to bankruptcy because they were unable to compete with such a giant able to spend money on huge advertisement campaigns, huge teams of developers to 'copy' similar products. You must review history, it's always the same process that MS is following.

A "new technology/standard" appears, MS quickly follow the trend and release a version, full of problems, bugs, and some tiny extensions, making both (their and original one) incompatible, and by benefiting from their market dominance, illegally acquired, and delayed communication to external developers, imposing MS copy of that technology: html, javascript, C#/J# <- java, M\$ Server/asp <- php/mysql, Windows <- Mac OS, XP <- OSX,...

Even a MS high-level manager was surprised to sell a product with so many bugs, I don't remember the exact sentence but that's the idea, that appeared in the press about a quickly released Windows version. Why people are using those bad MS version then? Just because most are simple users, which are not computer specialists, and they use what they receive "as-is" and a great percentage are using Windows and all the features that MS is imposing internally. And also because distributors were obliged to do so.

How many users are aware of what's going on behind the scene? How many users are able to switch to another, often better, technology? Even some professionals are unable because MS has intentionally made those changes almost impossible. Quickly those who are aware, computer technicians, etc... are too obliged to follow because most users are using MS "incompatible" versions.

Those last years press is full of events showing how aggressive, unfair, illegal practices MS has used intentionally at all possible levels, some even by illegally spying on its customers. Even if strong rules against MS might lead to short-term negative consequences (job loses, etc), on the long run all the industry and the consumers will benefit from a fair competition. But not forgetting all the advantages that MS has unfairly acquired during all those years is essential, perhaps mandatory!

Mr Bill Gates seems pleased by the current agreements probably for that reason.

They will not truly affect MS, the "powerful monster" is alive and running and it will not be too much affected by them. All that accumulated money allows now MS to buy any competitors (e.g. hotmail), to artificially support competitors to avoid antitrust accusations (e.g. Apple), to make huge investments to reproduce internally any new standard, to diversify its activities (e.g. Xbox) and repeat the same unfair suffocating tactics.

All the advantages obtained in such fast markets are essential and can make a huge difference between live and death for a concurrent company. A lot of people in Europe are hoping that the judgment will really mark the end for such unfair practices but also, and mainly, that it will redistribute/compensate the advantages MS has taken during all those years from other competitors.

Ineffective judgments and inadequate rules would be badly perceived by people from other countries in those troubled times that USA encounters now. USA is taken as a model for a lot of people, its attitude must be irreproachable. But I'm confident that fair and really effective solutions will be found, providing that email address to send our comments is a good proof.

Thank you for your time.

Sincerely,  
Stephane Moureau  
Place Victor Martin, 1  
7321 Bernissart  
BELGIUM

**MTC-00001048**

From: Marc Fishman  
To: Microsoft ATR  
Date: 11/18/01 10:23am  
Subject: settlement doesn't rescind profits

Regarding the DOJ settlement with Microsoft. After reviewing the terms of the settlement I'm left scratching my head and wondering why Microsoft is permitted to keep the fruits of their illegal actions. In exploiting their monopoly position, Microsoft profited heavily while competitors were damaged and lost sales. In America, when someone profits from illegal activities it's customary to seize those illegal profits. I would suggest determining the extent of Microsoft's profits from their illegal actions and levying of an equivalent fine and additional punitive damages. The money should be distributed to the competitors directly injured by Microsoft's actions to help them recover and develop competing products.

Marc Fishman  
mfishman@OuttaSiteResources.com

**MTC-00001049**

From: LELAND C DAVIS, Jr.  
 To: Microsoft ATR  
 Date: 11/18/01 10:05am  
 Subject: My Thoughts

For nearly 3 years the Microsoft matter has been before you, Microsoft, and the general public. My home state is Maine so I couldn't be further from local influence and live in the United States. The contribution Microsoft has made to our society as well as to all locations on the face of this earth is immeasurable. How did this accomplishment occur, HARD WORK!! This business was started from "scratch" and I admire greatly their accomplishments. Were they over zealous? I don't think so. In my little hometown in Maine we had a local orchardist who worked very diligently and built one of the largest apple businesses on the east coast. Was there jealousy and criticism of their operation? YES! This past year they went out of business because of foreign competition after being handed down three generations. What attitude prevailed?? "What a shame", jobs lost and thus consumer spending down and the local economy hurt badly. The economy on the face of this earth has been improved by Microsoft and I hope this thought will be prevalent in the decisions to be made.

Thank you, Leland C. Davis, Jr.  
 LELAND "LEE" DAVIS, Jr.

**MTC-00001050**

From: Eric  
 To: Microsoft ATR  
 Date: 11/18/01 10:06am  
 Subject: Microsoft settlement against

Since the settlement you have made with Microsoft I have learned that big business is bigger than big government. No ware in your settlement do I see you addressing the things that the average user of the software wanted. If I select non Microsoft software I do not want to be asked if that is what I want more than once and you have left that option open to them. You are not making them unbundle there software and I believe that was the start of the whole thing. All I can see is that this is a sellout to Microsoft and is only good for Microsoft.

Eric Laise  
 405 Live oak st  
 Bowie TX 76230  
 elaise@earthlink.net

**MTC-00001051**

From: Trevor Doerksen  
 To: Microsoft ATR  
 Date: 11/18/01 11:05am  
 Subject: Moving the big ship

Microsoft is a fantastic company with some great product. However, not all of its products are superior to its competitors and often demonstrate an ability to develop exactly what the market doesn't need, (e.g. Insecure server software, mediums in which viruses are able to flourish, and code that can affect the performance of 3rd part software within their browser or OS).

Even though they are a huge company they seem able to move this big ship with pinpoint accuracy when it comes to eliminating competition through its approach to international standards and 3rd party software. Although not examples of these

practices were discussed at the trial, and some new "dirty practices" have been witnessed, I think this is one of the most important things about MS technology and its approach to others.

As a monopoly, MS should have to clearly define to the rest of the market where it is going, when, and how it might impact those companies working with and in MS eyes against them to install and view software on its OS. A recent example of eliminating its plug-in architecture for its browser demonstrates the ability that a simple move can eliminate competition even further.

From a punitive point of view, I believe in a break up. From a solutions-focused point of view, I believe in full disclosure of its strategy, code, future directions, and all business meetings minutes be made public so that the public, media, government, etc. is able to keep their eyes on a company that demonstrates its continuing power with dominance over the market.

It won't be long until there is only one company selling word processing software, media players, and browsers in the world. This can only be good if we don't believe in a free market. Opening up source code and other company information for the market to openly compete is necessary. Like drug patents a time advantage can be put forward to the company that demonstrate research and development (not just buying or in most cases stealing ideas, information, and strategies) a very short term exclusive (the technology world moves fast) right to gain an in on the market.

Thanks,  
 Trevor Doerksen  
 University of Calgary

**MTC-00001052**

From: sidesoft  
 To: Microsoft ATR  
 Date: 11/18/01 10:51am  
 Subject: DOJ,  
 DOJ,

This case is killing our economy. Milton Friedman the Nobel winning economist stated this would happen when the lawsuit started. His projections have indeed come true. Look at the NASDAQ and specifically Microsoft's competitors. Tell the State AG's that the DOJ will drop the lawsuit altogether unless they settle immediately. We are on the brink of a recovery and badly need a settlement. For investors, the working class, retirees, our school systems that are short of monies, on and on... This ECONOMY, created by this lawsuit, has created major economic losses. Please get this behind us!

Warren McKenna  
 Kalona, IA

**MTC-00001053**

From: zippy theclown  
 To: Microsoft ATR  
 Date: 11/18/01 10:50am  
 Subject: microsoft's non-justice.....  
 dear sirs,

as a consumer of computer products, i must say that you really BLEW IT when it came to settling the microsoft case. without microsoft opening their code to other software makers, they will never lose their monopoly—point in fact—when they

changed their MSN website and browsers other than IE wouldn't connect and it turned out they had abandoned world-standards for XHTML code to use their own.....yeah, that really proves the whole point, doesn't it. they do what they want and when everyone else's prices are moving down, microsoft is leveraging their prices higher with a subscription basis—pay us now, pay us later, and if you don't have WinXP, we'll drop support for everything else so your software eventually won't work and you'll have to buy WinXP and pay even more since you didn't jump on the wagon at the start—what kind of business practice is that—charge two different prices for the same product depending on when you buy it.....sheer monopoly and you didn't solve a thing with your case—no wonder 9 other states balked at the final agreement—they obviously had some IT experts advising them while you probably only had a bunch of fool lawyers who don't know crap..... time will tell how big your mistake was and then it will be too late.

sincerely, ken hood

**MTC-00001054**

From: Steven Hummel  
 To: Microsoft ATR  
 Date: 11/18/01 11:13am  
 Subject: Microsoft Settlement—Too Many Loopholes

Let me keep it simple. Microsoft was able to subvert Netscape's free access to the software market through a single loophole in the consent decree. We now find ourselves in the disturbing situation where the current settlement contains many loopholes. If we really believe Microsoft will not use these loopholes to maintain its current monopolies and to continue its monopoly advance into the Internet, we're all in for a big surprise. Let's not allow history to repeat itself. Now is the time to get it right. Closing the loopholes will be a good initial step towards arriving at a settlement that will pave the way for an open software market.

Thanks,  
 Steve Hummel  
 Arlington MA USA

**MTC-00001055**

From: Fenton Jones  
 To: Microsoft ATR  
 Date: 11/18/01 11:13am  
 Subject: Microsoft Settlement (not)

Government lawyers "carefully weighed" those proposals but ultimately chose other sanctions against Microsoft that they believed would result in the "most effective and certain relief in the most timely manner."

This is sad. It is practically admitting that our government cannot discipline a company if they have enough money and lawyers. I believe it is also short-sighted. Without real and effective remedy, the same case will be back again in a few years.

In a 68-page court filing Thursday, the Justice Department formally defended its choices in the landmark settlement it negotiated between Microsoft and nine states. The government assured the judge the settlement, if approved by the court, would "eliminate Microsoft's illegal practices, prevent recurrence of the same or similar

practices and restore the competitive threat" the company faces from rivals.

This is what they thought the last time they compromised with Microsoft. And here we are again. Imagine what the monopoly will look like the next time.

Those of us who try to work in the computer realm are struggling constantly against the Microsoft monopoly. Those outside of it simply do not understand that the very nature of computer interconnectedness creates strong pressure for everyone to conform to the same standards. The only question is whether those standards will be universal ones, created by all parties, or those imposed by the biggest bully.

In the short run the public may think that the latter is an acceptable choice, but in the long run it is a disaster for everyone.

Fenton Jones

**MTC-00001056**

From: Charles Troje  
To: Microsoft ATR  
Date: 11/18/01 11:47am  
Subject: Prosecution of MS is wrong  
To Whom It Concerns,

Stop the rape of microsoft.

The government's job is to protect property rights, not violate them. Either you acknowledge that the owner of property has the right to dispose of it as he chooses (i.e., run his own business as he sees fit), without positively violating the rights of others (which Microsoft has never done), or you are a statist, socialist thug who thinks he has the right to control the lives of others, and force them at the point of a gun to do as you see fit.

Anti-trust law is immoral. End this injustice now, and leave those who create wealth, commerce, and industry free to create and innovate to the best of their ability without having to fear being punished for it.

Sincerely,  
Charles Troje  
Tampa, FL

**MTC-00001057**

From: Giacomo Zardetto  
To: Microsoft ATR  
Date: 11/18/01 11:38am  
Subject: Microsoft Settlement

Congratulations are in order to those involved, representing the government, for having settled the litigation against Microsoft. Creators of innovative products such as Microsoft need to be encouraged, in order to be motivated to "create". Of course the incentive to create and innovate provide "satisfaction" and "riches". It's easy to get confused and say: It's OK to innovate and get rich, just don't get too rich or to innovative, otherwise, we will attack you. If we don't create and innovate in the U.S.A., another country will do it for us. Do you honestly think that if Microsoft would have been created in Japan, China or Germany these governments would have interfered with their success?

Fact, the Clinton Administration spent more energy, time and money in chasing and prosecuting Microsoft that they did on chasing the terrorists that bombed our embassies, USS Cole, etc. Now does this make sense?

Thank you for putting a stop to the nonsense on suing Microsoft for it's success and desire to be the best.

Giacomo Zardetto  
zardetto@rockisland.com  
Orcas Island, WA

**MTC-00001058**

From: Ken  
To: Microsoft ATR  
Date: 11/18/01 11:27am  
Subject: Microsoft Settlement

Now that Microsoft has a monopoly, it overcharges for it's product. Keep this in mind when accessing the damages on Microsoft

Ken Moreau  
1701 S Warner Ave  
Bay City, MI 48706-5264  
klmoreau@tir.com

**MTC-00001060**

From: Jos(00E9) Luis L(00F3)pez de Victoria  
To: Microsoft ATR  
Date: 11/18/01 12:20pm  
Subject: On the allowance of monopoly.

If you allow it, however unfamiliar the ground of forbiddance, the Nation shall lose. Have you forgotten the breakup of AT&T? Was that wise? Of course it was. Pray tell, what keeps you now?

**MTC-00001061**

From: Rick Spung  
To: Microsoft ATR  
Date: 11/18/01 12:00pm  
Subject: Microsoft Antitrust Case

Dear Sirs;

I am hopeful that the Judicial Department will tighten up the proposed settlement with Microsoft, because it appears to be full of loopholes and exemptions. Microsoft was found to be a monopoly, and it was found to have harmed the U.S. consumers, by stifling competition, restricting the development of new products and handcuffing computer users who wanted choice in applications.

Microsoft's conduct during the antitrust trial also shows that it plays fast and loose with the truth. Microsoft executives lied repeatedly under oath while giving testimony. Microsoft falsified evidence, misrepresented statements by industry experts, threatened and intimidated competitors and orchestrated a bogus public relations campaign by submitting fake letters from "concerned citizens" to state attorneys general.

I believe that Microsoft has no credibility, and has no intention of working in the best interests of the consumer. Microsoft's pattern of conduct over the past two decades has been to obtain, by any means necessary, a dominant market share in a particular software product, and then to maintain, by any means necessary, that market share. If it means preventing innovation by competitors, so be it. If it means preventing consumers from having access to software by competitors, so be it.

I believe that, at a minimum, Microsoft should be required to release ALL programming code of ALL software programs determined by the Justice Department to be in monopoly status, within six months of their release.

According to U.S. drug industry patent law, companies who develop new drugs are allowed a fixed time period of legal monopoly status, in order to recoup their costs of research and development. After the expiration of the time period, the products are no longer protected and thus become public domain information, eligible for generic production. Similarly, Microsoft's products that currently are categorized as having a monopoly status should be subject to the same arrangement, with a much shorter time period, due to the faster track of software development. I believe that a protected time period of roughly 180 days is sufficient.

My understanding of the proposed settlement is that the Judicial Department will be depending on Microsoft to define many of the terms, as situations arise. This is total and utter folly, as Microsoft's past conduct has amply demonstrated. I guarantee you, if these issues are not resolved in a more airtight and consumer-friendly fashion, future litigation will result.

Thank you for your time.

Sincerely;  
Richard Spung

**MTC-00001062**

From: Siegfried Behrens  
To: Microsoft ATR  
Date: 11/18/01 11:58am  
Subject: Microsoft Settlement

While I agree that a settlement with Microsoft is in the best interest of the nation, some of the terms in the CIS are a bit too harsh for Microsoft. The government should remember that Microsoft is one of America's best business assets. We need companies like Microsoft to remain strong in our war against terrorism. Microsoft's security technology is helping American business and government in its greatest time of need.

This is the language that I thought was too harsh:

"Creating the opportunity for software developers and other computer industry participants 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."

I don't believe Microsoft should have to disclose this much information about how they work with Windows. This is their competitive advantage and they should be able to keep it, not have it stripped away by the government.

Thank you for considering my opinion.  
Siegfried Behrens  
4848 Chevy Chase Dr.  
Chevy Chase, MD 20815

**MTC-00001063**

From: RICHARD LANGLOIS  
To: Microsoft ATR  
Date: 11/18/01 12:50pm  
Subject: microsoft settlement

I'm glad this is over its ashame that people criticised microsoft because after all bill gates is a great inventor and it was jealousy that caused all of this he did nothing wrong god bless bill gates and america.

**RICHARD LANGLOIS****MTC-00001064**

From: Craig H Fry  
 To: Microsoft ATR  
 Date: 11/18/01 12:39pm  
 Subject: A potential resolution to the MS case

The feelings of myself and my colleagues is that the best way to resolve this is to force MS to break their OS and any future OS apart from the applications they install with the system. We should be able to purchase MS Windows without all the bells and whistles. It shouldn't simply be IE, or email, or messenger. It should extend even farther to Notepad, Paint, and Games. If I want the applications, I should be able to purchase the MS Plus! pack with all these applications. Or be able to purchase Symantec's, Network Associates, or any other company that would create an application package for the Windows system. By making MS reveal all the hooks and calls Windows has, it will level the playing field for industry and give new life to many many companies.

Thank you  
 Craig Fry  
 CEO  
 CyberEagle Technologies Inc.

**MTC-00001065**

From: Bruce Lewis  
 To: Microsoft ATR  
 Date: 11/18/01 12:24pm  
 Subject: Settlement  
 Gentlemen;

The recently announced settlement with Microsoft, Inc. in the case "US Vs Microsoft, Inc." under U.S. antitrust law is, for the most part, unacceptable.

It is my opinion that this settlement amounts to near approval of Microsoft's anti-competitive actions of the past. This settlement not only lets Microsoft off with a token "slap on the wrist" for its past misdeeds, including ignoring previous agreements with DoJ, it also leaves Microsoft wholly intact to pursue other avenues in its attempt to not just compete but completely destroy companies it views as potential "threats" to its hegemony.

A structural solution is the only one that would preclude future violations of anti-trust law by Microsoft. But this avenue appears to be anathema to the DoJ under President Bush. Only a structural solution can prevent Microsoft from uses its OS leverage with computer manufacturers in stifling competition. Yes, this might reduce the value of Microsoft stock. So what? Microsoft's stock value is as high as it is BECAUSE of its anti-competitive practices. A reduction in its stock price due to a structural solution to this case would be a just penalty to the company and its owners.

Please reconsider the current remedy as proposed. It has no teeth and given Microsoft's historical lack of compliance with DoJ settlements a structural separation of the OS, application and languages divisions is the only course of action that will preclude this type of recidivism on Microsoft's part.

Thank you for your consideration of my amicus curae.  
 Bruce Lewis

brucel@abraxaxis.com

**MTC-00001066**

From: NPT  
 To: Microsoft ATR  
 Date: 11/18/01 12:50pm  
 Subject: comments

Urge settlement of the case as quickly as possible. I am concerned about issues raised by Sun and others, and think minor modifications to the settlement could make this workable for all. As a user of Windows, I would like to be sure that I can run other software programs without XP stickiness. Overall, I believe the Microsoft case needs to be settled for the high technology industry as a whole to move forward. Nancy Parkes Turner, Olympia, WA

**MTC-00001067**

From: root@wt6.usdoj.gov@inetgw  
 To: Microsoft ATR,antitrust@ftc.gov@inetgw,Ralph@essen...  
 Date: 11/18/01 2:00pm  
 Subject: "How much do we have to pay you to screw Netscape?"  
 CC: letters@latimes.com@inetgw,letters@sjmercury.com@i...

Re: Justice Rejects Microsoft Penalty Critics... have said the settlement announced Nov. 2 is inadequate and charged that the company will be able to bypass many of the sanctions because of vague language.

The Microsoft Monopoly Menace will exploit any vague language in the settlement. You're dealing with the most hardcore there is. The federal government can't enforce those sanctions effectively because it has no software expertise. The chameleon nature of software allows the Menace to morph it's products into something that can slip through your fingers. It is against the will of We The People to pay us lip service with the settlement with lesser intentions to enforce it. This case is hugely symbolic. Harvard Business School Press is ready to publish a dozen pulp mills worth of books on the market hammerlocking strategies of "america's favorite entrepreneur" after you bless it with this failure to enforce the Sherman Acts, ensuring deception and hegemony as not only the strategy du jour but urgently required to maintain the confidence of financiers.

The game gets shoved right into the mafia realm. If you care about truth and justice you have to pretend you don't notice the Menace. You have to lie to your students, let them learn the truth out in the "real world". You have to lie to yourself. And lie to everyone else while you refuse to face the fire and deal with the problem that the Menace defines with crystal clarity. Gates practically shouted out: "How much do we have to pay you to screw Netscape? This is your lucky day" and you failed to rise to the challenge. This has been the federal government's opportunity to continue it's critical role in steering industry. Uncle Sam made aviation happen, and the radio, telephone, transistor, UNIX, and the internet. The government steers while imbecile corporations push like oxen. You could have created an open standard PC OS instead of passing IBM's monopoly torch to the Menace. It's a delusion to think the free market can steer itself—it just crashed through so-called "Windows".

You don't allow corporations to block sections of the public library for competitive purposes do you? Technical progress must flow unfettered just like your interests and ideas flow unfettered. Microsoft, Intel, Texas Instruments are all guilty of keeping great technologies out of the mainstream for stockholder benefit. This is flat insane. The armies of developers who had to adjust to those wildly inferior technologies represents a great cancer.

Monopolists commandeer the common sense of competition on the merits, and replace it with the hammerlocking of markets. There is an upper limit on the power allowed corporations before their abuse outweighs any benefits. Remember, corporations are the people's beasts of burden. When they start running off the row, they lose their reason for being, and must be retired. There are great efficiency benefits from placing the commodity OS into the public domain where it belongs. It takes government regulation out of the loop, raising it's standing with the people. You get respect when you adhere to principles. Conservatives might be accurately accused of create dysfunction within government in order to turn the people against it. This is extremely dangerous as the corporation fills in the void and wreaks havoc. The corporation is a vice like war or even tobacco and alcohol. It's success is measured directly by it's exploitation of customers and employees. The only sustainable way to implement the concept is to limit it's power so as to reap the benefit of economy of scale without letting it rape and pillage society. The great big back hole that is MS Windows will continue sucking in all software functionality until it's devoured the entire telecommunications and computing infrastructure. Yeah, like the profit motive steered the development of the telephone and transistor. Like hell. Progress requires sorting out what is appropriate and what's not. The Microsoft Monopoly Menace dictating the rules of the game is not appropriate. The federal government must define the rules of the game for the new century. Get with it.

We The People  
 Take Back Our Flag  
 From The Untied Corporations Of America

**MTC-00001068**

From: basketb@appleisp.net@inetgw  
 To: Microsoft ATR  
 Date: 11/18/01 1:43pm  
 Subject: Re: The Microsoft settlement and justice dept.

It seems clear to me that the current Justice department has an agenda for settling the monopoly abuse case that their Justice department predecessors have already proved in court rather than continue the case to it's more logical conclusion in front of an impartial judge. What is that agenda??? When 9 appellate court justices agree that Microsoft was guilty of antitrust violations then what should happen is for the case to follow a course to conclusion that does not give the appearance of impropriety. If the court was right that the remedy set forth by Judge Jackson should be set aside because of the "appearance of impropriety" by Judge Jackson, then let's apply that same standard

now and have this matter concluded in the "light of public view" where the common person will better be able to judge the motives and agenda of both the Justice department and Microsoft. Many people have already concluded that both the Justice departments actions and words are suspect. Anything less than a complete rebuff of this "settlement" and a return to court in the light of public view is a sad travesty of justice.

Steven E Stanley  
basketb@appleisp.net

**MTC-00001069**

From: Dave  
To: Microsoft ATR  
Date: 11/18/01 1:31pm  
Subject: gov. involvement

These are troubled times and in my opinion this suite has been wrong headed from the start. We have choices, good ones and the prices are and have been coming down. That is not what happens when the big guy is crushing the little one. Stop wasting owe money (read tax) and draining Microsoft's. We knead innovative guys right now and you guys have a few more importuned things to be doing. Trust the people and the market, we will reward or punish with much more clarity and justice than Washington can or will.

David O'Brien  
807 South View Terr.  
Pleasant Hill MO. 64080  
Dave@kcweb.net

**MTC-00001070**

From: Roger van Unen  
To: Microsoft ATR  
Date: 11/18/01 1:16pm  
Subject: Ruling...

Hi judge,

I have been following the Microsoft case from abroad and I must agree with the critics: the way justice works in the USA is not very clear. Guilty; split up; no split up and in fact a bonus being a con. It is true that Microsoft is what it is today due to his illegal behavior. The way your president became a president was distasteful for any democracy and especially for the biggest in the world.

There should be a fair sanction not only to prevent it from happening again but also for the fact that it happened and due to it people lost their jobs and perhaps even worse. No one can turn this back again, but these people finally got the law on their side during the first verdict and I think the law should not let them down.

Regards and a fair ruling,  
Roger  
tel: +31 318 646752  
fax: +31 318 646768  
e-mail: rvunen@info-s-pact.com

**MTC-00001071**

From: taikku@imsp211.netvigator.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 2:23pm  
Subject: Justice for sale?

When justice is put on sale, the robber barons (i.e. Microsoft in the case of IT industry) can always afford to make the highest bid. How can it be good for the US economy, or the global economy to that matter, when better technology or genuine

innovation (WordPerfect, Netscape etc. ad nauseam, not forgetting the uncountable startups that never happened or never will happen because going against the convicted but unhindered monopolist equates to a corporate infanticide) always loses to Microsoft's forcefully bundled (tied-in) versions??

The so-called settlement does nothing to correct Microsoft's past wrongdoings nor will it prevent any in the future. Judge Penfield Jackson was outraged for a very good reason, even though he only looked at Microsoft's business practises from a very narrow perspective, and his getting censured for speaking his mind was nothing short of tragicomic.

The Department of Justice should concentrate on delivering justice instead of being some sort of a business-political executive arm of the currently elected government. The September 11 terrorist attacks on America, despite being despicable acts, should have no bearing to the MS —anti-trust— case, all arguments should be based on law and all legal entities should be treated equally before it. I though such things would only happen in Banana Republics.

Laissez-faire is a great idea, but it will never work efficiently under monopolies.

Patrick

**MTC-00001072**

From: boomer@sylsoft.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 2:04pm

Subject: microsoft settlement ineffective  
thanks for your solicitation of comments. i have been in the business since 1985 and have witnessed the rise of microsoft. i would say that their market position was largely gained in a perfectly legal manner through outmarketing the competition.

BUT, i have also seen them throw their weight around, at least since windows 3.1 was released. at that time, windows 3.0 worked on top of microsoft's own ms-dos, as well as dr-dos, which i believe novell owned at that time. windows 3.1 still worked with ms-dos, but not with dr-dos, thus forcing novell to assume the expense of a quick revision and sending disks to all customers. given their subsequent behavior, i can't believe this was a simple coincidence. this pattern has repeated itself many times since in my observation and as determined by the district court & the circuit court of appeals.

while it would be nice for microsoft to recognize their transgressions, that is not necessary. but solid measures to prevent such conduct in the future are a necessity, and they will need to be tough as microsoft still doesn't understand what they did wrong, and it thus likely to continue as before. this settlement is weaker than the previous one about not bundling internet explorer, which they have now successfully broken without consequence to microsoft.

i can only hope that the remaining states and european union will do their job where the justice department has abdicated their responsibility. their claims about innovation are met with laughter even amongst their proponents. the longer they can continue to abuse their monopoly position, the longer that the american and world public will

continue to have buggy and insecure software foisted upon them. remember, the recent spate of viruses, worms and web attacks (eg nimda, code red etc.) all relied on the gaping security holes in microsoft products.

please understand that microsoft stifles competition and weakens the US software industry, not the reverse. strict sanctions or a breakup strengthen the US software industry overall!

thanks  
richard akerboom  
independent consultant

**MTC-00001073**

From: dwelsch@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/18/01 2:26pm  
Subject: Merry Christmas, Microsoft

I'm disgusted to see millions of our tax dollars, and even more valuable years worth of opportunity cost, squandered by the DOJ on this case. Why did you bother filing suit in the first place? Oh, that's right. You didn't, your predecessor did. If this isn't an entirely political decision, you couldn't prove it by me.

Dave Welsch  
dwelsch@qwest.net

**MTC-00001074**

From: Scott Kuban  
To: Microsoft ATR  
Date: 11/18/01 3:00pm  
Subject: Why are you letting Microsoft off so easy?

US DOJ

Why are you letting microsoft off so easy. Everyone and I mean EVERYONE knows that Microsoft is a Monopoly that pushes everyone else around. Consumers, Businesses, Competitors, and ultimately the Economy are going to suffer because you don't have the courage or integrity to do what is right. I have lost a little more faith in my government because of this weak attempt to "eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat".

It was made apparent in a recent interview that reporters have a better understanding of this case than the Attorney General (<http://www.usdoj.gov/ag/speeches/2001/1102newsconference.htm>), but surely someone in the Justice Department is competent enough to see that this charade, cloaked in legal jargon, is not in the best interests of the American People.

My only question is whom do I need to vote out of office to get the Justice Department revamped from the special interest puppet it is today? A US Citizen jaded by the politics involved in our "Justice" Dept.

Scott Kuban  
Chattanooga business owner

**MTC-00001075**

From: Robert Lee  
To: Microsoft ATR  
Date: 11/18/01 2:29pm  
Subject: SMB/CIFS

I am sure that you have heard this before during the review period, but here goes. It is critical that Microsoft document many of the protocols used in cross platform computing. A very important one is CIFS. This enables

non Microsoft platforms to share files seamlessly with Windows machines.

With the advent of Windows XP, this is a protocol that is being changed to shut off non Microsoft solutions, steering system implementers towards Microsoft solutions even if the Microsoft solution is not the desired solution of first choice. Please take this into account in your decision making.

Thank You  
Robert Lee

**MTC-00001076**

From: David Howe  
To: Microsoft ATR  
Date: 11/18/01 2:27pm  
Subject: I agree with the settlement proposal  
This email is to express my approval of the proposed settlement. It's entirely fair in my opinion. I've never been unhappy with my choices as a consumer and have always been pleased with Microsoft's products.

Windows XP is a great product and it would have been a tragedy to the consumer and the economy if there had been changes or delays. The remaining AG's are only looking out for themselves or the competitors of Microsoft. They don't represent the consumer in my opinion.

Thanks for your efforts in bringing this issue to a close. David Howe  
Get more from the Web. FREE MSN Explorer download : <http://explorer.msn.com>

**MTC-00001077**

From: stu tyson  
To: Microsoft ATR  
Date: 11/18/01 3:43pm  
Subject: microsoft  
its time to settle this and go on. I remember days before MSFT. when there was only a DOS operating system and nothing was compatible. All of the other Companies that are screaming about a monopoly had just as much right as MSFT to develop and sell products but they didn't even try.

**MTC-00001078**

From: Edward Romer  
To: Microsoft ATR  
Date: 11/18/01 3:27pm  
Subject: Tunney Act: Public Comment US v Microsoft

Dear Ms. Hesse

I am responding to your request for public comment under the Tunney Act in US v Microsoft.

I strongly urge you to settle the case against Microsoft with as few restrictions on Microsoft as possible. Microsoft and companies like them epitomize the innovation which makes the United States great. At all times, and particularly during the difficult one we now face we should be embracing the companies which have contributed so much to our country and economy and we should not hold them back by pursuing outdated regulatory concerns brought on by a group of less successful and disgruntled competitors. I am a private citizen with no affiliation with Microsoft or any of their competitors.

Thank you,  
Edward Romer  
132 Scribner Hill Rd.  
Wilton CT 06897  
203 762 1206

**MTC-00001079**

From: Gwem Maisenhelder  
To: Microsoft ATR  
Date: 11/18/01 3:26pm  
Subject: comments on antitrust settlement

To whom it may concern:  
Having used the microsoft operating system since I have owned a computer, I have nothing but contempt for the company and its products. By its own admission, Microsoft has built bugs into its bloated operating system to cause problems with the Netscape browser, which I prefer to use. I am constantly rebooting and having messages that I have to close programs to run the program I am trying to run even when NO other programs are supposed to be operating. That is part of the bloat—microsoft running things in the background that I do not want or need.

What the consumer should be offered is an operating system—clean and simple—with the consumer able to add whatever he or she wants and needs. To be blunt, I do not believe Microsoft will follow any of the court's directives. In fact, it has already demonstrated its supreme arrogance and contempt of authority throughout these proceedings. Microsoft has an exceedingly large amount of cash and is a powerful company—both of which should have a negative bearing on the court's view. . . I really hate to see Bill Gates and company get away with their egregious attempt to destroy other companies and monopolize their sector to such an extent that the consumer cannot make a choice.

Gwem Maisenhelder  
2830 Dunkirk Drive  
St. Louis, Mo 63119

**MTC-00001080**

From: vik@pluto.econz.co.nz@inetgw  
To: Microsoft ATR  
Date: 11/18/01 3:45pm  
Subject: Commentary on Microsoft's monopoly position

It is incredible to someone outside the US, that Microsoft have been able to routinely break the law to maximise profit. Existing sentencing is obviously not having the desired preventative effect.

There is even some spin put on the existence of a Microsoft monopoly. Of course they have a monopoly. Just try to buy an x86 laptop without paying for Windows. Can't be done.

Thank you for taking the step of making a feedback e-mail address available.

Regards,  
Vik Olliver  
New Zealand

**MTC-00001081**

From: Mark D. Gregory  
To: Microsoft ATR  
Date: 11/18/01 4:36pm  
Subject: It's about time

It's about time this case was settled. I've been a Microsoft customer for 20+ years. I've sold Microsoft products. I've sold products that competed with Microsoft products. I've worked at Microsoft. I've worked at competitors of Microsoft. I've programmed in Microsoft's environment as well as other OSs. I'm also a Microsoft stockholder. At no

time in all that time have I felt that Microsoft dealt with me in anything less than a professional and appropriate business manner. Have they been aggressive? Absolutely.

Have they violated any law in those dealings? I don't think so. Admittedly, a monopolist has different standards to live up to, but unless the monopoly is obtained illegally or until a company KNOWS that it falls under the monopoly statutes, that behavior is not illegal.

But, as I understand the laws on monopoly, the intent of those laws is to protect the consumer. Not competitors, not other companies, consumers. So, has Microsoft restrained competitors who would have brought better products to market? I don't think so. As an MS employee I used the Netscape browser for quite some time—it was a better product. Once IE became the better product, I started using it instead.

Could I have continued to use Netscape? Of course. I chose not to. How do I feel about having the browser imbedded? I'm extremely pleased. It's much easier to use that way, and it costs me less. I'm also not displeased to have Instant Messaging, music components or any of the other new things in Windows XP. If I wanted to use a competing product, I've got internet access built into my OS so finding the competing product is very easy and fast. Did Microsoft charge me too much? Not at all—if anything, they've driven the cost of quality software down, and then have NOT driven it back up. I'm convinced that this suit was prompted by Microsoft's rivals, who have proven themselves unable to compete on the merits if their products and therefore chose to use the courts to try to tilt the field in their direction—and manipulated the government into doing it for them.

So, you got the court to declare them a monopoly. They probably are, though I still am not totally convinced that the market definition for their marketplace was correctly set. In any case, I've read the proposed settlement and I believe it's fair to all parties involved. Microsoft is to be kept from business practices that are considered predatory from a monopolist. They're required to reveal their APIs (I've always thought they did—I've never needed one I couldn't find, or for that matter one that was there but hidden). They have the right to upgrade their products—after all, how do you improve a product if you can't add features? Even a monopolist needs to have that right.

I think that the court should enter into this agreement with no reservations and I also think that the court should impose the same settlement on the states that have refused to settle.

Respectfully  
Mark D. Gregory  
2324 SE 5th Way  
Meridian, ID 83642

**MTC-00001082**

From: Richard Vance  
To: Microsoft ATR  
Date: 11/18/01 4:34pm  
Subject: Is MS so strong that you can't even slap their wrists?

Dear DOJ,  
I knew that Ashcroft was an old style Confederate States of America guy. And I

knew he is a gun nut. And I knew he is a religious zealot. But I didn't know that he would go soft on law enforcement because the accused party gives large dollars to political campaigns.

I do not see a single thing in the proposed settlement that will prevent MS from pursuing its old habits. Not even a slap on the wrists. Its more like you waved your finger at their nose and begged them not to do that so openly.

A seriously dismayed computer engineer.  
Richard Vance  
421 Curtis Drive  
Huntsville, AL 35803

ps. So the courts threw out the "breakup". Big deal. You can still force them to separate their OS and applications into two profit centers. The OS must have free public access to certified APIs to the OS.

They must also produce a "no bells and whistles" OS as an alternate. I don't want IE, Outlook, and all the other crap they dump on me when I just want a Windows based OS. And it must be "STABLE" so folks will use it. You are all weak kneed wimps.

#### MTC-00001083

From: Charles S Oakes  
To: Microsoft ATR  
Date: 11/18/01 3:47pm  
Subject: embarrassing settlement  
count my vote AGAINST the DOJ's "slap on the wrist" settlement with Microsoft. Your e-mail address was provided at: <http://www.luskinreport.com/> along with Mr. Luskin's own pro-settlement message which I suspect is self-serving in spite of his claims to the contrary. Mr. Luskin's argues that "...we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors." This begs the question of why Standard Oil broken up? It also assumes that Microsoft is an innovator which it certainly is not, e.g. spreadsheet programs and web browsers both evolved from a freeware packages, MS was a late comer to the GUI and mouse, PowerPoint was formerly a successful product of an independent company, and MS Word started as a primarily Mac product because it initially couldnt compete with programs such as WordPerfect and WordStar on PCs (wonders what proprietary knowledge of the underlying OS can do) and then MS threatened Apple with discontinuing MS Office if Apple didnt do things the MS way.

Microsoft's products are frequently not superior and a competitive and open market would pass judgement; however, the tying of an OS with accessory software products combined with Microsoft's strong-arm marketing tactics on hardware distributors has allowed them to circumvent consumer based marketing controls. DOJ's proposed settlement will send MS merrily on their way to continue doing what they've been doing for nearly a decade—buying smaller competitors or forcing them out of the market or into niche positions which will probably ultimately fail. Only a group of humans with incredibly impaired judgement or no

experience with a wide variety of computing OSs and software packages would argue that the 'choices' provided by Microsoft are generally superior. When you have no choice but theirs is a bad time to wake up and argue that you're suddenly paying more than you were previously to accomplish a task which was formerly cheaper and more efficient.

Dr. Charles S. Oakes  
1 Washington Drive  
Whitehouse Station, NJ 08889

#### MTC-00001084

From: RMJSMJ@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 3:54pm  
Subject: Microsoft settlement

Dear sirs,

I started programming a computer in 1959. At that time, there were no such things as an operating system. The computer barely had a compiler, and my first language was called SOAP (believe it or not). That was the first generation of computers.

The second generation was also introduced without an operating system. It did however had a piece of one called IOCS or the input/output control system. Very late in the life of the second generation computers, the IBM 1410 released a version of an operating system. It had a few more features that were also announced with the operating system announced with the IBM 360 computer.

The first true operating system was released with the IBM 360, and it took several years to make it truly work.

The reason I 'm giving you this little piece of history, is to illustrate the fact that any operating system evolves over time by adding features to support newer technology. Whole new features were added when computer systems first went on-line to support communications.

Therefore I believe that Microsoft did not do anything wrong by adding features to Windows to support the internet, if fact, I believe that it would have been wrong NOT to support the internet. We must allow Microsoft to expand Windows to allow it's users to take advantage of new technology. I believe that the verdict that Microsoft did anything wrong was a mistake and should be reversed.

Sincenly.  
Ronald M Jeanmougin  
rmjsmj@AOL.com

#### MTC-00001085

From: bettendorf  
To: Microsoft ATR  
Date: 11/18/01 5:06pm  
Subject: Comments re proposed settlement

I am both a corporate user and policy-maker regarding Microsoft products, and a personal consumer. I find deeply disturbing and negligent the proposed settlement the United States Department of Justice has made with regard to Microsoft's illegal, monopolistic behavior.

The proposed settlement does nothing regarding remedy for past illegal activities on Microsoft's part. Put baldly, in civil court, Microsoft, with in excess of US\$30 BILLION in cash and liquid assets, can well afford to excessively encumber any attempts at recovery by plaintiffs, perhaps to the point of

rendering such attempts moot by virtue of plaintiffs' more limited financial resources.

Microsoft has been convicted before of similar, anti-competitive behavior. The remedies reached in the past have done little or nothing to modify either its behavior or its basic attitude towards the legal rights of its competitors. Past behavior demonstrates a complete unwillingness on the part of Microsoft to endorse either the spirit, or the terms, of any remedy.

Microsoft's past behavior has eliminated numerous directly competitive and potentially competitive products. Their claimed justification for their actions, product innovation and market enhancement, is false. They have deliberately and illegally destroyed competing operating systems, applications, and utilities by manipulation of necessary technical interfaces to their products and by extorting distribution channels into denying access to the marketplace to such competing products.

Microsoft's industry domination has become a direct threat to the economic and technical health of our economy. It's current .NET initiative attempts, in the face of its conviction, to tie its operating system and integrated development environment to ALL electronic commerce. All such transactions would be directly monitored and their access controlled by centrally-located Microsoft servers. Even transactions having nothing to do with a Microsoft product or service would be forced to be completed on Microsoft-run computers in communication with Microsoft servers. A more insidious degree of control is difficult to imagine.

At the same time, Microsoft has demonstrated itself even just on technical merits to be completely unworthy of such control. Its Passport personal data storage mechanism, which it is increasingly FORCING its users to use in order to gain basic services with regard to its own products, has, despite Microsoft's assurances of security, already been compromised completely. Computer experts have demonstrated the ability to retrieve ALL of a Passport user's personal data: Name, address, full credit card information, and any other stored data, using a simple exploit that works over the Internet.

Of course, the Court must concern itself with circumstances germane to the case at hand and not necessarily with potential future problems. Nonetheless, Microsoft's current behavior belies its sincerity in entering into any settlement. It is not interested in acting within the limits of the law, and as such, the proposed settlement does not adequately resolve its current conviction.

#### MTC-00001087

From: Shirley Adams  
To: Microsoft ATR  
Date: 11/18/01 4:42pm  
Subject: 3 Year Wait

I am very concerned, as I am pretty much home bound by Emphasema 24/7. Not allowing Microsoft to carry on their innovations would seriously affect me.

Can not afford to travel (since 2.3%) will not even keep up with Rent, Eating In by myself & Medicare + Supplemental etc. Am already in RED before anything else.

Please see your way to close this action soon so you can concentrate on more pressing things such as the welfare of your Seniors. Thank you in advance for your HOME problems.

Shirley J. Adams  
7800 Mockingbird Ln.  
Lot 180  
N. Richland Hills, Tx. 76180-5508

**MTC-00001088**

From: gaines  
To: Microsoft ATR  
Date: 11/18/01 5:36pm  
Subject: STUNNED

I cannot believe that this is a true sense of justice. What part of monopoly is confusing? MS is a monopoly. Monopolies are bad.

**MTC-00001089**

From: Steve Smith  
To: Microsoft ATR  
Date: 11/18/01 5:16pm  
Subject: Settlement in Microsoft Antitrust Case

Quick opinion: Sucks.

There's an old story about a guy who bought "the world's smartest mule". When he got it home, the mule simply wouldn't do anything. He complained to the guy who sold him the mule, who came out to see what the problem was. "You said this mule could plow a field practically by himself". "He can." "But he won't. He won't do anything".

The seller picked up an ax handle, walked over to the mule and hit it square between the eyes, as hard as he could, and said "plow the north 40". The mule then docilely walked off to do the plowing. "He'll do anything you tell him. But first you've got to get his attention."

This settlement simply isn't going to get Microsoft's attention. They have engaged in long standing anticompetitive practices, according to the Findings of Fact and the Findings of Law. Indeed, the Microsoft corporate culture holds that Microsoft's way of doing anything is automatically The Right Way, and that no other software companies have any right to exist. This is going to be very difficult to change, if it's possible at all.

It does not address the fundamental problem that got Microsoft into this mess in the first place—abuse of its monopoly position in both operating system software and office desktop applications. Indeed, it is difficult to see \*any\* effective change in Microsoft's more obnoxious business practices:

\* Tying Windows licensing fees to \*total\* computer production instead of computers with Microsoft Windows installed. Whether you use it or not, you still pay for it.

\* "Hijacking" open standards by extending them in Microsoft-proprietary directions and ensuring that their software will work only with the extended versions.

\* Keeping competitors' software from interoperating by using rapidly shifting, proprietary data formats. The settlement briefly touches on

APIs and communications protocols; however, it does so only in the context of licensed software. This allows Microsoft to effectively outlaw open-source alternatives to its own programs. (Open source projects

can't pay licensing fees, and reverse engineering has been effectively outlawed by the DMCA.)

\* Spreading "fear, uncertainty, and doubt" about competing products.

\* And the one that started the fuss, adding new application-level functions into the OS, specifically to run the competition out of business.

Even the sections that prohibit "retaliation" do so only in terms of pricing. Nothing prevents Microsoft from, say, refusing to provide technical support for any computer set up for "dual boot". The settlement's definition of "pricing" is also slippery; it specifically allows kickbacks (sect. 3, last paragraph of subsection A.) Another problem is that the settlement specifies no specific penalties for noncompliance. What will happen if Microsoft completely ignores the settlement? Nothing that I can see, except that it will run two more years (??!) Yeah, "such other relief as the Court may deem appropriate." Given that there are absolutely no penalties for the original violations (except for this powder-puff settlement and a bit of bad publicity), I can confidently state that there won't be any penalties.

What would be a penalty?

\* Corporate officers thrown in jail for contempt.

\* Fines significant for a company with more than \$10 billion in cash reserves.

\* Public release of "proprietary" interface code and data formats.

\* Blocking releases, or withdrawal of products.

During the 2000 election, I heard the confidant prediction from a number of quarters, both pro and anti Microsoft, that, if Bush were elected, the Microsoft case would be thrown out. Looks like they were right. As an aside, one hopeful sign is that the settlement is being published in WordPerfect format. Perhaps the Department of Justice is rethinking the U. S. Government's status as a Microsoft-only shop?

Steve Smith sgs@aginc.net  
Agincourt Computing <http://www.aginc.net>

**MTC-00001090**

From: Manfred Gebhard  
To: Microsoft ATR  
Date: 11/18/01 5:12pm  
Subject: Requested Microsoft Settlement Comments

US Department of Justice: Government interference is wrong most of the time. This was not an antitrust case and it was only heard because of the incompetent democratic administration. That fat pig of a judge assigned to the case was totally biased and should have been removed very early. You have done great damage to Microsoft, the shareholders and to the economy. Shame on you!!

M.Gebhard  
Bradenton, FL  
CC:George Lister

**MTC-00001091**

From: DPreston@colind.net@inetgw  
To: Microsoft ATR  
Date: 11/18/01 5:09pm

Subject: Microsoft Settlement

I for one am totally disappointed in the settlement reached by the Justice Department with Microsoft. After finding and reaffirming that Microsoft HAD indeed engaged in monopolistic practices, now, years later the Justice Department suddenly decides that Microsoft can be trusted to "play fair" by agreement alone? Like it agreed back in the mid 90's when it agreed to play fair?

You want to make the playing field level for all 3rd party software developers and the applications developers at Microsoft? Want to help so more of them don't go out of business or lose market share to Microsoft? Then split Microsoft into 2 companies. An operating system company and an application system company. THEN appoint your panel or committee to make sure neither company passes or requests "technical services" from the other sister company that wouldn't be publicly made to other 3rd party developers. The market would realize a sudden influx of new or improved competing software products with Microsofts applications if everyone has equal access to the hidden code or "hooks" that Microsofts Application Developers now have. . . Microsoft wouldn't have to release a single line of their "secret code" if they didn't want to—so long as the information they released to their respective sister company was the same information released to the 3rd party companies.

Dick Preston  
Senior Network Analyst  
Columbus Industries, Inc.

**MTC-00001092**

From: Ren(00E9) Hamel  
To: Microsoft ATR  
Date: 11/18/01 6:06pm  
Subject: Mon avis public.

Non, je suis contre l'entente. Elle ne sert pas l'intirat public.

**MTC-00001093**

From: zippy the pinhead ami  
To: Microsoft ATR  
Date: 11/18/01 6:04pm  
Subject: MS/DoJ settlement

Yet Another Demonstration to The World that the U.S. of A. has The Best Government money can buy.

**MTC-00001094**

From: StudeRod@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 6:01pm  
Subject: (no subject)

you did the right thing let mircosoft do what they like most make good things work.  
thanks  
David Walker.

**MTC-00001095**

From: Christopher Bergeron  
To: Microsoft ATR  
Date: 11/18/01 6:59pm  
Subject: The USA can't sell out to Microsoft...!

To whom it concerns:

I'm a network administrator in Atlanta, GA. Microsoft has been bastardizing my industry in ways too numerous to mention. From changing industry standards (and forcing thier adoption with thier monopoly of

the Desktop PC) to forcing companies out of business by integrating features into their [undeniably dominant] operating system.

I am starkly opposed to the current proposed Microsoft remedies. I have been plagued with bug-ridden software from Microsoft and I can not escape thier grasp of my industry. If I had an option, I would certainly excise it. Please weigh the potential damage that will result if such a meaningless remedy is handed to Microsoft and Bill Gates. I can't help but think back to the Blackrock empire of old; and how my government avoided corruption and did the right thing and paved the way for REAL American progress.

Please don't allow Microsoft or Bill Gates to line the pockets of my representatives, and please see to it that an appropriate remedy gets forced upon Microsoft. They have been found GUILTY by US LAW, and I demand an appropriate punishment. Please don't sell our country out.

Sincerely,  
Christopher M. Bergeron

**MTC-00001096**

From: Travelperks1  
To: Microsoft ATR  
Date: 11/18/01 6:50pm  
Subject: Microsoft Settlement

It is my belief that the government has held back the Technology Industry and the economy with its pursuit of this case. The suit should be closed and the Justice Department should get out of the way of innovation. The economy, the country, and the consumer will all be better off.

Charles R. Chambers, Sr.

**MTC-00001097**

From: wa@sm13.texas.rr.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 6:48pm  
Subject: Comment on MS settlement...

I'm a twenty-year veteran of the software industry. I've watched time and again as MS picked off it's competitors by hook or \*crook\*, screwing the consumer every step of the way. Nothing about this settlement will redress the past, or change the future. What a waste of time and taxpayer dollars.

Disgusted in Austin

**MTC-00001098**

From: Tom Marsh  
To: Microsoft ATR  
Date: 11/18/01 6:17pm  
Subject: Public Comment regarding Microsoft Settlement

To the Department of Justice:

As an IS professional who is intimately familiar with Microsoft's anti-competitive practices I must strenuously object to the settlement recently agreed to by Microsoft and the DoJ. My first objection is that the settlement does not address the most flagrantly illegal and unethical actions that Microsoft has taken: their secret agreements with original equipment manufacturers (OEM). Under these secret agreements, companies are forbidden to sell computers configured to run both Microsoft Windows and a competing operating system (such as Red Hat Linux or IBM OS/2). The penalty for breaking the agreement, or even acknowledging the existence of such an

agreement, is the revocation of the OEM's right to sell Microsoft Windows. Since Windows represents about 92% of OEM business, this would put most PC manufacturers out of business. As such, none are willing to challenge the agreements. The only benefactor of these agreements is Microsoft; All other parties suffer.

The consumer suffers because if they don't have the knowledge to install a third party operating system they are de facto prohibited from using said third-party software since they can't buy a PC with the software pre-installed, and don't have the ability to install it themselves. The consumer also suffers from decreased innovation in the field of computers and software. The OEM suffers because it cannot offer a unique product in a competitive marketplace, under threat of shutdown by Microsoft. My second objection is to the actual remedies indicated in the settlement. Microsoft is a company with \$25 billion in cash on its balance sheets. It could lose money for the next decade and still pay all employees. A seven year consent decree for Microsoft is like a being acquitted to a regular person. After all, we've been down the road of "be good, please" with this defendant before.

When their business practices ran afoul of the last settlement, Microsoft simply chose to break the agreement it had previously made, rather than fail to conquer the browser market. It is my opinion that this settlement is not in the public interest. The public's interest is best served by having a rich menu of software delights to choose from, not a 3x5 card with one word written on it, "Windows".

**MTC-00001099**

From: KAdams8987@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 7:18pm  
Subject: Microsoft Settlement  
To: DOJ

From: K. H. Adams, Jr., Oak Grove,  
Scottsville, Va. 24590, (804) 286-4939  
Background: I am a retired employee of Verizon.

Comment: The proposed settlement with Microsoft is fully adequate. It is time for the DOJ to stop squandering its resources chasing Bill Gates, while terrorists roam free. I urge you to settle with Microsoft immediately, and get on with the war to make America secure.

Sincerely,  
K. H. Adams, Jr.

**MTC-00001100**

From: Dan Anderson  
To: Microsoft ATR  
Date: 11/18/01 7:30pm  
Subject: Microsoft trial...

Microsoft's file structures should be open for programmers to link to. Anything less would be ridiculous.

Dan Anderson

**MTC-00001101**

From: VanceMylroie@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 7:13pm  
Subject: PLEASE, It's time we all grow up!

Let's do something really important.

Go to war against those who wish us dead. Defeat and eliminate those who wish to cut

our throats. Yours, your spouses and those of your children. I mean, can you imagine...what if we attacked, instead, one of the greatest and most beneficial companies in history? Imagine doing that to Microsoft, a US corporation.

The days of the Democratic DOJ is now, thank God, behind us.

Vance W. Mylroie and Family  
Medina, WA.

**MTC-00001102**

From: Blomberg David  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/18/01 7:02pm  
Subject: Settlement offensive to US

Before you discard this message I am a US citizen currently living in Japan but upon hearing of the proposed settlement and its lack of penalties on MS I am offended. There are no provisions in this that would remotley curb MS antitrust tendencies or even start to allow competing OS's a viable ground to fight on. I urge the court to deny this settlement. MS has been declared an Antitrust and there needs to be real penalties pronounced not this make it all go away quietly type of settlement.

Thank You for your time  
David Blomberg  
System Engineer  
Nihon Libertec Co. LTD  
1-34-14 Hatagaya  
Shibuya-ku  
Tokyo  
Ph: (03)3481-8321  
Fax: (03)3481-8371

**MTC-00001103**

From: umbdae@nodots-daemon@inetgw  
To: Microsoft ATR  
Date: 11/18/01 8:08pm  
Subject: Proposed Microsoft antitrust settlement

To whom it may concern:

I must object in the strongest possible terms to the proposed settlement of the Microsoft antitrust lawsuit. The net effect of this settlement is a complete cave-in on the part of the government, AFTER winning a finding of fact in the trial court. I can see nothing in this agreement that benefits consumers or the public at large, but I can see that this settlement will allow Microsoft to continue its anti-competitive activities, but now under the approval of the U.S. government. The best outcome to this situation would be to split Microsoft into multiple companies, but I recognize that this is not a viable option in the current economic environment. Given these realities, the next best option would be to require Microsoft to publish:

- \* the entire Windows applications programming interface (API) in a manner that would allow others to reverse engineer clones of the Windows operating system.

- \* the complete file format of each Microsoft application, such as Word or Excel in a manner that would allow others to reverse engineer work alike applications.

- \* the complete specification of any Microsoft extensions to industry standards such as the Kerberos security interface. Microsoft must not be allowed to "embrace and extend" software into proprietary implementations.

For at least the next 10 years, Microsoft must be required to publicize the APIs and file formats for all its applications at least 60 days prior to their release to prevent Microsoft from creating "moving target" applications.

There is ample historic precedent for imposing these rather mild restrictions on Microsoft. Just as one example, AT&T was required to open its networks to other carriers and to create a standard plug interface to allow other manufacturers to sell telephones.

While I appreciate the governments large amount of work, the current settlement is not sufficient to protect the consumer or the national interest. Please go back and create a settlement that works for all of us.

Please feel free to contact me if you have any questions or comments.

Kurt Arthur  
arthurkr@swbell.net  
314.503.4959

#### MTC-00001104

From: Christopher Paris  
To: Microsoft ATR  
Date: 11/18/01 7:50pm  
Subject: I Do Not Understand DOJ Reluctance to Seek a Forward-Looking Remedy to Whom It May Concern:

An enormous amount of taxpayer money has been spent litigating US v. Microsoft. Surely when the Government embarked on this course, it was foreseeable that it would be necessary to exert effort on proving up required remedies. Why have you sacrificed the interests of the American consumer by relenting when the battle is almost won, and then ANNOUNCING your intention to do so before negotiations were complete?

I am a constant user of the Microsoft operating system, and I submit to you this point: yes our nation is afraid of retaliation, and yes the economy is suffering, but think of the TENS OF THOUSANDS OF LOST MAN-HOURS AND I.T. DOLLARS THAT GO DOWN THE RABBIT HOLE OF THE MS OS, which is purposefully designed to envelop more and more of digital economy, at the expense of all competition. (This is not a controversial statement; it was proven by your Department after great effort.)

How do these "global" costs factor into your decision that litigating damages is simply too burdensome? We will never know because we didn't get to hear the testimony. I implore you to back out of this insufficient settlement.

These opinions are my own, and do not reflect the positions of my employers, clients, or professional associations.

Sincerely,  
Christopher Paris  
1812 Windermere Drive  
Plano, Texas 75093  
214-673-5874  
TX Bar No. 24032930

#### MTC-00001105

From: Maronetj@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 8:15pm  
Subject: Microsoft Settlement

We support the government's decision not to break up Microsoft into separate pieces.

We strongly recommend that the individual settlements with competitors be handled as expeditiously as possible. The longer this action takes, the more harm it does to all who are involved in any way in computer services. Let's get these matters settled and move on as soon as possible for the good of all.

Antonio and Josephine Marone

#### MTC-00001106

From: Steve Larrison  
To: Microsoft ATR  
Date: 11/18/01 8:53pm  
Subject: Dear Ms. Hesse,

Dear Ms. Hesse,

Concerning the solicitation for public comments on the Microsoft antitrust suit settlement, as an independent citizen with no financial interest in Microsoft, I urge you to settle the case as soon as possible in the least restrictive way possible. Adam Smith came up with a system that works. Microsoft has clearly the spirit of capitalism to heart to create products that enjoy public support. Even as someone who prefers Unix/Linux Operating Systems to Windows, I recognize that Microsoft has been successful in giving the public what it wants. Any attempts to punish them for their success will continue to retard the tech. Industry at a point in time where the economy does not need any more artificial restraints. Please remove the uncertainty hanging over the technology sector, and allow the benefits of innovation and productivity improvement to continue to grow unabated.

Steve Larrison

#### MTC-00001107

From: Bar1215@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 8:33pm  
Subject: Microsoft settlement

If I understand the Microsoft antitrust case correctly, Microsoft was found guilty of breaking the law by using its monopoly position as the operating system on the computer to undercut Netscape and drive them basically out of business (i.e. they were bought by AOL). They achieved this by bundling their software/browser with the operating system and offering it for free where Netscape charged for theirs (i.e. to make themselves a viable company). Since Netscape didn't have an operating system of their own, this gave them NO chance to compete with Microsoft. Since the courts unanimously found Microsoft guilty of breaking the law on this issue—shouldn't Netscape shareholders have the right to sue Microsoft for financial losses as well as punitive damages? Who knows how Netscape would have done if Microsoft had been forced to only challenge them on their own turf. When a company (Microsoft) can toss in other goodies where they have total control to squash competition, then that does violate the Sherman antitrust act in my opinion and that company should be made to pay the appropriate penalty. In my opinion Microsoft has not. They got a slap on the wrist from a pro-business Justice Department and are already engaging in the same behaviour again with Microsoft XP. This was a case in which the courts found UNANIMOUSLY—TWICE—

that Microsoft was guilty. It is my opinion that this administration is so concerned about the economy and their inability to do something about correcting the downturn (especially after Sept. 11), that they would just as soon this case go away. In this economic uncertainty the federal government caved in on a case the courts had them winning. IT SETS AN EXTREMELY DANGEROUS PRECEDENT FOR THE FUTURE! It sends the signal that if your pockets are deep enough you can buy your way out of anything—INCLUDING BREAKING THE LAW and INCLUDING DRIVING COMPETITORS OUT OF BUSINESS. Is this the message this government wants to send? Because in my opinion this is the message this justice department did send in their settlement with Microsoft—AND THEY SHOULD BE ASHAMED!

#### MTC-00001108

From: kussow@smtp1.san.rr.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 8:32pm  
Subject: Allow non-MS Operating Systems to be preinstalled.

DOJ,

One of the key abuses of Microsoft's (MS) monopoly power is the way they leverage their operating system (OS) monopoly to keep hardware sellers from providing systems that have both a MS OS and other non-MS OSs preinstalled. Forcing MS to drop this practice would have many benefits.

1) Easier for users to experiment with new OSs.

2) More incentive for hardware developers to provide drivers for more OS's making the OS's easier to use and more reliable.

These two effects would allow other OSs to build a foothold amongst the non-expert computing public. This is the market that must be penetrated to compete with MS in the OS area. The only reason computer sellers such as Dell, Gateway, and others are not currently selling machines with multiple OSs is because of MS contract restrictions. The BeOS (now defunct) and Linux OSs would both benefit greatly from this policy.

Matt Kussow

#### MTC-00001109

From: MDiGrosso  
To: Microsoft ATR  
Date: 11/18/01 8:19pm  
Subject: My view

Leave Microsoft alone and go catch the frigging nuts of the world....If you would have pursued bin laden as hard as you did gates the WTC would still be here....In case you forgot this is America if you make something that NO one else makes ,better than anybody else could ,and sell it for a fair price.....you become very very rich and a target of all the sad sacks who are mad because they did not think of it first...IT would be a real sob if Microsoft moved to asia and all that cheap labor and exported to USA...

You guys are lucky Bill Gates is a true American...Most companys would have moved...every country in world would give them every break in world to get them there.

**MTC-00001110**

From: William P Todsen  
 To: Microsoft ATR  
 Date: 11/18/01 9:30pm  
 Subject: Microsoft  
 I support the Proposed Antitrust Settlement.

**MTC-00001111**

From: Bob  
 To: Microsoft ATR  
 Date: 11/18/01 9:42pm  
 Subject: Microsoft Case

I have been employed in the software development field for over 25 years, spending the past 10 years writing software for the various Windows operating systems, using mainly Microsoft tools. I am currently Beta testing the Microsoft VS.NET development tools.

I recently spec'ed a new PC. I had the choice of either an Intel or AMD processor, motherboard from 5 top-tier suppliers, memory from 3 top-tier suppliers, a NIC from 5 top-tier suppliers, hard drives from 3 top-tier suppliers, video card from 3 top-tier suppliers, audio card from 2 top-tier suppliers, monitor from over 6 top-tier suppliers, and an overwhelming choice of CD-RWs, DVDs, keyboards and mice.

For the operating system, I had the choice of Microsoft and ..... nobody. I have followed the Microsoft trial in both the print and electronic media. Microsoft has been found guilty of violating the anti-trust laws. I fail to see how the proposed settlement will prevent Microsoft from continuing to violate the law. At the same time, I don't see ANY punishment for its illegal behavior. Hello? What incentive does Microsoft have to avoid becoming a repeat offender when there is no punishment for the crimes of which it has been convicted? So far, it appears that Microsoft calculated correctly that any punishment it might receive would simply be a minor cost of doing business to continue its illegal monopoly. Microsoft needs to be punished to such an extent that should Mr. Gates consider violating the law again, he will remember that the last time he did that, he lost a lot more than he ever gained, and quickly decide against that course of action.

Sincerely,  
 Robert Ainsley

**MTC-00001112**

From: Scot Kreienkamp  
 To: Microsoft ATR  
 Date: 11/18/01 9:26pm  
 Subject: response to the DOJ deal

Simply put, I do not think that this goes far enough in the remedies. The language in the agreement is vague and can be used to circumvent certain responsibilities the DOJ is trying to impose, which negates the whole agreement. And the penalties only last for 5 years? So in 5 years Microsoft can go right back to driving other companies out of business? How wonderful for Microsoft, terrible for the rest of the world. I hope when you see the millions of other comments from people in the tech industry you will consider them. I've been in the industry for 5 years and seen much of Microsoft's antics, and my working life is often miserable because of the stunts they pull on the public using their monopoly.

Scot Kreienkamp  
 skreien@wcnet.org

**MTC-00001113**

From: Frank Loebig  
 To: Microsoft ATR  
 Date: 11/18/01 10:19pm  
 Subject: MSFT ANTITRUST CASE

I am one of the millions of Americans using microsoft software on my computer. I have been told by the Department of Justice that I should not be happy with it because Microsoft is a Monopoly and created it.

They will be the White Knights riding to my rescue. Well, here is the way I see it.

1. The entire case was brought to trial because the Microsoft competition saw that better products could be produced by Microsoft at less cost, or free. It would mean that companies like Sun Microsystems would be threatened by competition and they would lose their monopoly for their product.

2. For the first time, Silicon Valley, who ignored the politicians and political contributions, make huge contributions to politicians to get the suit brought by the Justice Department and paid off Attorney Generals, through contributions of course. Microsoft was a little late getting into this game and lost the race.

3. The public was certainly hurt financially by what Microsoft did; the stock that is. Almost every mutual fund had MSFT stock as a pretty good percentage of their portfolio. The Justice Department suit not only brought down the MSFT stock but also burst the bubble of the this sector of the market, dragging down the rest of the market with it. It cost me and millions of investors, pension funds, etc., billions or trillions of dollars which may never be recovered.

So, who was hurt by a small group of companies, who couldn't compete in the marketplace, and decided to get the government to squash the competition? Millions of small investors, that's who!

Settle this thing and let the free market in America determine determine who should survive or go under. When the PUBLIC demands that the Justice Department take action against a Monopoly, that's when a case should be brought. For example, 99% of Americans will tell you that Cable Companies are a TRUE Monopoly, they are gouging the public, making you buy channels you don't want and somehow, the Justice Department can't seem to get the picture. I think that once again, the cable companies got to the politicians first, and in this case, made sure NO suit would be brought by Justice Department.

Renata B.

Hesse, you have no courage if you don't suggest and insist that something be done about the Cable Monopoly.

Thank you,  
 Frank A. Loebig  
 falmhl@gte.net

**MTC-00001114**

From: Ronnie Jensen  
 To: Microsoft ATR  
 Date: 11/18/01 10:07pm  
 Subject: Microsoft settlement

The proposed settlement between Microsoft and the government has no teeth.

(1) Microsoft is a monopoly..this is a proven fact held up in court and on appeals.

(2) Not knowing the law, what is the boundries of a monopoly..Can they keep their monopoly based on the law, where the law protects them, or is the court's intention to promote competition.

(3) The findings of the court should have no loopholes (as I have read in the settlement agreement)

(4) If an OEM is responsible for installing and supporting a Microsoft product then they shall have the right to adjust what they want the customer to see. Which means it is not up to them to supply Microsoft icons on the screen. However if Microsoft sells their product to an end-user they can do want they want. The difference is that by having an OEM reseller install and support the product, Microsoft is almost entirely void of anti-class action suits, whereas the reseller is not.

(5) All Microsoft products should be sold at the same price, whether to an OEM'er or to the general public.

This would take away all secret deals and clout. It would raise the price of their software, however it would be fair for all, which is what a monopoly should be concerned about.

(6) Since the federal government and a number of states have "won" the case and found Microsoft to be guilty, they should bar any Microsoft products from being installed for 5 years. This would give all other vendors an opportunity for market share. This is what Microsoft has done..as in the settlement with Caldera for DR-DOS.

(7) On the X-box..Microsoft has said they are selling the product below cost..Is there not a law against "dumping" in the United States..They are using their "Monopoly Money" to drive more companies out of business by this dumping. I could go on and on and on..but please do not let this company be above the laws. we must be tough.

Thanks,  
 Ronnie Jensen

**MTC-00001115**

From: Brian Hamlin  
 To: Microsoft ATR  
 Date: 11/18/01 9:59pm  
 Subject: NO to Settlement, Inadequate

The current settlement is inadequate to stem the illegal, monopolistic practices of Microsoft. It is too little, but not too late to take the high road and face up to this company as is your duty.

sincerely  
 Brian M Hamlin  
 US Citizen, consumer

**MTC-00001116**

From: Rudy Stefenel  
 To: Microsoft ATR  
 Date: 11/18/01 10:07pm  
 Subject: Microsoft hearing and a fair penility phase.

Hello,

I have been using Microsoft products for over twenty years so I am especially interested in the outcome of the case between the US Justice Department and Microsoft. This is especially interesting because Bill Gates is a prince of a person who donated literally over a billion dollars to education.

Also, I know President Bush is partial to big business, and I know that he hopes that this case does not have much impact on Microsoft. I knew from the beginning that this case would be a great test to see how fair the US Justice Department will be with these kind of pressures.

I had a lot of confidence in U.S. District Judge Colleen Kollar-Kotelly when I first heard that she was taking the case. I even wrote to her to tell her that. I lost confidence when she announced part of the government's decision early in the penalty part of the case. She announced that the government would not break up Microsoft. Even if that is part of the outcome, how it could be fair to the Prosecution by giving the Microsoft Lawyers the advantage of knowing that they don't have to worry about this possibility early on in the case?

It is my opinion that the US Justice Department is too afraid to take a fair stand with Microsoft because doing so might hurt the economy. Also I think that the US Justice Department is frightened of Microsoft because Microsoft has enormous financial resources and hires top of the line lawyers. If Bill Gates is not happy with the settlement, he will find a way to drag the case on indefinitely. He already got one Judge fired from this case.

In fact, U.S. District Judge Colleen Kollar-Kotelly is at risk if Microsoft is not happy with the outcome. I read in the news that she owned lots of stock in Microsoft's competitors and that she did not sell all this stock right away when she was handed this case. I read that she sold it a little at a time. She still owned a significant amount of this stock well into the case. If Bill Gates is infuriated at her judgment, then his lawyers can demand a new hearing because U.S. District Judge Colleen Kollar-Kotelly owned stock in competitors of Microsoft who stand to gain if the Judgment is hard on Microsoft.

I am disappointed in the Bush administration, and the US Justice Department, for not taking a position with U.S. District Judge Colleen Kollar-Kotelly and demanding that she diverse herself of all this stock immediately upon taking on this case.

Even though Microsoft's success is important for our economy, it is important that the US Justice Department do not cave into Microsoft. The integrity of the Justice Department and the Bush administration is at stake.

The settlement must address the fact that Microsoft bundles application software programs with Windows and this is unfair to competition. Users are forced to buy Microsoft's application software programs because they are included with Windows. Microsoft will either price these application into the cost of Windows or this becomes as a means of putting Microsoft's competition out of business, deliberate or not. When the competition is gone, Microsoft is free to raise the price of Windows.

It seems that U.S. District Judge Colleen Kollar-Kotelly is not concerned about the bundling aspect of this or she would have stopped or delayed the sale of Windows XP. More likely, she did not have the courage to stop Windows XP. This worries me terribly.

Also, I am not sure that U.S. District Judge Colleen Kollar-Kotelly will demand that Microsoft give enough details about writing software application programs so that Microsoft's competitors can write full effective programs to run under Windows. Microsoft is likely to have secret ways of linking Microsoft applications like Microsoft Office into Windows. Microsoft software will run better under Windows because Microsoft will keep secrets. Microsoft will probably get around this by saying that giving out this information would be a security risk.

At this point, either U.S. District Judge Colleen Kollar-Kotelly must grow courage to issue a fair judgment against Microsoft fast or she should be taken off this case. Even if she achieves the guts to do the right thing, it might backfire on her because Microsoft knows that she did not diverse herself of all the stock in Microsoft's competitors right away. It may be that our only hope of getting a fair judgment against Microsoft is by the determination and courage of the few states who are not happy with the proposed settlement with Microsoft.

Think about this: Microsoft has offered to pay the all the legal expenses to date to the states holding out if they will give in. Making an offer like this should be against the law. It is like bribery. What is U.S. District Judge Colleen Kollar-Kotelly doing about this? Is anyone in the US Justice Department going to do anything about it?

The US Justice Department has already determined that Microsoft is guilty. What is going on now is the penalty phase of the case. We need a US Justice Department with the conviction and guts to give a fair penalty, even if it hurts our economy and even if it brings on a wrath of more legal fighting back from Microsoft.

If U.S. District Judge Colleen Kollar-Kotelly does not have the guts, then we should get someone who does. Is the only hope for courage a few hold out states now?

Rudy Stefanel  
San Jose, CA  
Votes in all elections!

#### MTC-00001117

From: Plaidp@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/18/01 10:51pm  
Subject: Antitrust Document

This document is totally full of holes that Bill Gates could drive a truck through. Microsoft has never been punished for delivering promises that it never met, destroying other company's products and wasting the planets resources by delivering software that requires constant repair (if indeed it is repairable).

Nothing about this judgement will change that. Microsoft employs very sharp and very cunning people with almost no ethics. There is nothing that even resembles a slap on the wrist.

I don't have the time to spend rewriting it for you, I'm wasting my time trying to fix outlook express so that it will read newsgroups properly because Qwest sold out to Microsoft and now I have to use their reader instead of the Netscape one that actually worked properly. Read some of the books on Bill—especially "Hard drive"—and

you'll know you want to rewrite this. In some ways he's worse than a terrorist—he looks legit. His aunt taught him to be like this. You've got to punish this company and stop them from giving us crappy products and smothering the competition.

Chris Pollard—A computer engineer for 31 years

#### MTC-00001118

From: Ian Joyner  
To: Microsoft ATR  
Date: 11/18/01 10:27pm  
Subject: Microsoft Settlement

As a non-U.S. citizen, I and many others find that the settlement between the U.S. Government and Microsoft is extremely weak kneed. I have followed this case since 1998. The settlement sends a message to the rest of the world that the U.S. is unable to protect fair business practices where it is seemingly against the interests of U.S. politics or economy. The settlement is however, against the interests of the public.

The settlement only tells Microsoft to modify its future behaviour. That is no punishment or compensation for the acts it has already committed against other companies. In other words, although Microsoft has been found guilty of such conduct under the Sherman Act, it is a win for Microsoft.

Microsoft bleats that it is defending the right to innovate. However, it has successfully defended the right to crush the innovation of others, without which many Microsoft products would not now exist, either by take over or by stealing the ideas and programming code off others. The U.S. DOJ must review this case and impose stiffer penalties, even the break up into two or more companies, if the U.S. is to be trusted in the international community.

As a software professional, I would like to see balance and fairness restored in this industry, and am very concerned about this latest turn in this trial.

Ian Joyner  
Sydney  
Australia

#### MTC-00001119

From: Charles Graham  
To: Microsoft ATR  
Date: 11/18/01 10:40pm  
Subject: Comments regarding Microsoft

Dear Justice Department,

As a member of the software industry since graduation with a BSCIS and BSBA from Ohio State University in 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 and Netscape is a Microsoft business partner. Microsoft came

up with their own browser, a fairly simple piece of software, rather than buy Netscape licenses for its 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 was angry at 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?

Sincerely,  
Charles Graham  
Salem Automation Inc.  
4500 Indiana Ave, Suite 20  
Winston-Salem, NC 27106  
cwgraham@sai-net.com  
Phone 336-661-0890x106  
CC:MSFIN@Microsoft.com@inetgw

#### MTC-00001120

From: Andrew Ling  
To: Microsoft ATR  
Date: 11/18/01 11:53pm  
Subject: Case Settlement

To Whom It May Concern:

Hello. My name is Andrew Ling and as a member of the I.T industry, a former employee at Microsoft and as a concerned citizen, I wish to voice my opinion on the recent settlement reached in the case of DOJ v. Microsoft Corp.

I have been using Microsoft products for well over ten years now. I have become so familiar with their products and technologies that I have achieved Microsoft's highest level of certification, the MCSE. Needless to say, I have a thorough understanding of many of Microsoft's products and in fact I myself use them everyday. As far as computer software

goes, Microsoft can hardly be equaled amongst many types of software and operating systems technology let alone bested. In my opinion Microsoft's newest OS, WindowsXP, is the best operating system I have ever used, or ever even conceived of using; and this leads me to my point. Nobody else can touch Microsoft's products because nobody has been allowed to compete with them for at least the past 10 years. Microsoft has crushed their competition any way they could in order to come out on top.

As I said in the opening of this email, I am a former employee at Microsoft. I was in fact a contractor, not a Microsoft employee; I worked for Compuware Corporation on contract with, and on location at Microsoft, here in Charlotte, NC as a telephone support engineer. Although I was a contractor I was still allowed to attend most meetings, and during some of these meetings Microsoft's true colors would shine through. Granted, I heard nothing of true substance or anything blatantly illegal or wrong, but one absolutely gets a feel for what they are all about, and what they are about is putting every single one of their competitors out of business. I had long suspected that was the mood of Microsoft from hearing "leaked" information off the internet or seeing hidden-camera videos of some of Microsoft's meetings and strategy planning sessions. I suspected that before going to work there, but actually working there made it a fact.

In defense of Microsoft I will say this:

\*They are an extremely generous employer to their employees

\*The workforce is tremendously diverse and,

\*They put a lot of pride and hard work into the products they make and the services they offer.

These good things I say about Microsoft do not matter however; they were found guilty of breaking the law and I fully agree with that ruling. As I said before, I always knew Microsoft was "evil" ever before I worked there, but now this is apparent to the rest of the country. If you read anything in this email read this; the settlement is tremendously weak. Microsoft will continue to dominate with such a slap on the wrist and nothing will have changed. And I fully believe that this is why not all of the states involved in this case agreed to the current settlement. It is way too weak. The noose needs to tighten around Microsoft a lot more. When this happens we will truly begin to see the "true" essence of innovation and more importantly, competition.

These are just my opinions.

I wish to remain anonymous

I wish this letter to be held in confidence

\*for the record I left Microsoft amicably at the end of my contract

Sincerely,

Andrew Ling—MCSE, A+

\* Mailto:AndrewLing@adelphia.net

\* Phone: (704) 562-8137 Primary

\* Phone: (704) 875-3732 Home

#### MTC-00001121

From: Mickey Aberman  
To: Microsoft ATR  
Date: 11/18/01 11:19pm  
Subject: Settlement appears very bad

I have been keeping up with the case and reading extensively. I started out doubtful about the legal merits of the government's case, but I followed the trial almost daily and agreed with the judge's findings. I have read the terms of the proposed final judgment. Microsoft engaged in section 1 violations of a nature that might have put executives of a less-powerful and self-righteous company in jail. The government proved illegal conduct, to the satisfaction of the appellate court. There have been blatant attempts to use the monopoly in Windows to create monopolies in other products. I believe Microsoft has succeeded with Word and Outlook—formerly two products that have been bundled in "Office." As a small-business owner, I can't avoid doing business with Microsoft without suffering a lot of aggravation and expense. It starts with being dependent on Windows and the far lesser compatibility of non-Microsoft browsers, word-processors, email programs, and now imaging software. This is not a result of innovating. Its leverage of market power. The proposed settlement has got to have Microsoft executives cheering. There are few specific requirements (and therefore interpretation and proof problems) and there are no teeth. At best, the government wins the opportunity to start over. The government's capitulation smells of influence and politics.

It is probably too late to do anything to tighten up, but please try.

Mickey Aberman  
Charlotte, NC

Note: Although I am an attorney, I have no clients that are competitors of Microsoft; I am speaking for myself as a product user.

#### MTC-00001122

From: Daiana Baldanzi  
To: Microsoft ATR  
Date: 11/19/01 12:17am  
Subject: Dear Ms. Hesse,  
Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. At any time, and especially during these difficult times, we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

Louis Dorsey  
San Pedro Ca

#### MTC-00001123

From: JDHuling@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 12:44am  
Subject: Microsoft Settlement

This litigation was ill-advised from the beginning. It is very hard for me as a consumer to understand why the government would penalize a company who has made our lives easier, more efficient, and less

expensive because they have made the best mouse trap. Capitalism should reward ingenuity not punish it! Congratulations.

**MTC-00001124**

From: Zachary Niemann  
To: Microsoft ATR  
Date: 11/19/01 12:35am  
Subject: Microsoft settlement

To whom it may concern:  
I have been working with and teaching people how to use Microsoft products for several years now. In fact, I am an MCT—a Microsoft Certified Trainer—a distinction held by few individuals. During the time I have been in the computer industry, I have heard many points of view. But to quote George W. Bush, "Make No Mistake", there has never been any controversy over whether or not Microsoft is a monopoly. It has been manifestly evident to all intelligent parties. It is a common joke. What else can we do but joke about it? It is reality. I don't like the idea of "biting the hand that feeds me", but the best solution for this industry is nothing less than a full breakup of the company and the opening up of Windows source code. Don't worry, Bill Gates, Paul Allen, and whatever piece they still control will still be fine. They ARE the wealthiest men in the world. And there is a reason they are the wealthiest people in the world—they have a stranglehold on the industry. Break them up—life will go on. Gates will still be rich. The difference is that millions of people will finally have a CHOICE. Isn't that what America is all about? PLEASE, live up to your name—The Department of Justice. Give us \*justice\*. Please. Break Microsoft up.

We're waiting, we're hoping, we are the American people,  
Zachary Niemann, MCSE, MCT  
344 So 26 St #2  
Lincoln, NE 68510  
(402) 477-1164

**MTC-00001125**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ART,  
antitrust@ftc.gov@inetgw,Ralph@essen...  
Date: 11/19/01 12:34am  
Subject: Microsoft Hegemony: "Devil In The Details"

C C: letters@latimes.com@inetgw,  
letters@sjmercury.com@i...

Re: World Bank faces 'great challenges' the World Bank also renewed its push to help developing countries obtain financing while stressing the rule of law and sound economic policies am the cornerstone to sustained economic development. "Protestors accuse WTO's words to be particularly hollow, and I can vouch for them, for experience tells me that after your market cap surpasses roughly \$50 billion, the role of law no longer applies to you... congratulations."

**MTC-00001126**

From: David Balsamini  
To: Microsoft ATR  
Date: 11/19/01 12:39am  
Subject: msft case public comment

Dear Ms. Hesse,  
In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent

citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. At any time, and especially during these difficult times, we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

David Balsamini  
New Jersey

**MTC-00001127**

From: briand@zipcon.net@inetgw  
To: Microsoft ATR  
Date: 11/19/01 2:00am  
Subject: Microsoft/DOJ settlement

To whom it may concern,  
I believe it is crucial that Microsoft be required to fully document:

1. The Application Programming Interface to any current or future operating system. More importantly, there must be some way to prevent other Microsoft software, e.g. Word, Excel, etc.. from using undocumented API calls which give those programs an advantage.

2. Microsoft's true stranglehold is the use of proprietary datafile formats which make it exceedingly difficult for other vendors to write program which can interact with those formats. It is crucial that the file formats be documented and made publicly available. This still requires would be competitors to implement the functionality, a non-trivial task, but would allow competing programs to interact with Microsoft file formats.

The key to any settlement with Microsoft must include these items to make it possible for competing programs to evolve. All of the user applications will then compete on the basis of ease-of-use and stability and other important merits. The current situation, i.e. control of the file formats and API's, has in fact created an artificially limited resource. Microsoft must document this information for internal use. It is hardly a difficult or expensive task to make these things public knowledge.

This sort of standardization is usually done by industry groups. Microsoft's monopoly position has allowed them to completely ignore this process and prevents such standards from being implemented. Wherever standards exist and are publicly available, purchasers of materials covered by the standards benefit.

Sincerely,  
Brian Denheyer  
15629 NE 99th Way  
Redmond, WA 98052

**MTC-00001128**

From: CAROL J. TODD  
To: Microsoft ATR  
Date: 11/19/01 1:01am  
Subject: Settlement of the Case Against Microsoft

I hope you drop the whole thing. If Bill Gates is smart enough to create Microsoft and become a billionaire over it, more power to him! Isn't it America where whatever you

dare to believe, you can achieve? He pays BIG taxes to support you people who are suing him, and he's very generous in many humanitarian and conservation projects around the world. Ordinary people like Microsoft just the way it has always been, not split up and a big problem like AT&T. Please, not another disaster like that. So get over it and leave Microsoft alone!

Carol Todd  
Colorado Springs, CO

**MTC-00001129**

From: Charles Tubbs  
To: Microsoft ATR  
Date: 11/19/01 1:51am  
Subject: Microsoft's GUILT

It is my understanding that the appeals court upheld eight felony counts against Microsoft, yet the settlement doesn't require them to admit guilt of any kind. As far as the general public knows, they have only acted with "super integrity" (in Ballmer's words).

How can this settlement represent the interests of Justice?

**MTC-00001130**

From: Saul, Jim  
To: Microsoft ATR  
Date: 12/6/01 2:19pm  
Subject: pro—settlement

I think that the settlement is fair.  
Jim <mailto:jsaul@internet.com> Saul MIS  
Manager internet.com a division of INT  
Media Group, Inc phone 218 998 7787

**MTC-00001131**

From: Bill MacAllister  
To: Microsoft ATR  
Date: 12/6/01 1:21pm  
Subject: Please breakup Microsoft

Hello,  
I just wanted to a short indication of my view of the business practices of Microsoft and its effect on technology. For 5 years I worked at a software company that produced Internet email software. For years now Microsoft has made life very difficult for internet postmasters both by:

1. Producing software that flaunts the messaging standards, both Internet and OSI standards.

2. Producing email user agents and word processing software that are targets for even the novice hacker to attack random hosts.

The penetration of Microsoft email products into the market place has been dramatic. In large part this can be attributed to the delivery of Microsoft Mail as a "free" add-on to Microsoft Office. This is very similar to the problem that the court considered in looking at web browser embedded in the operating system.

In my opinion, any settlement that does not require Microsoft applications divisions to operate independently from the operating system developers is a waste of your effort and my tax dollars. It needs to be in the best interest of the Microsoft applications group to provide software on any or all

Bill  
Bill MacAllister  
Senior Programmer, Pride Industries  
10030 Foothills Blvd., Roseville CA 95747  
Phone: +1 916.788.2402 Fax: +1 916.788-2540

**MTC-00001132**

From: Stan Stewart  
 To: Microsoft ATR  
 Date: 12/6/01 2:21pm  
 Subject: Microsoft

In my mind, the settlement is fair.

We don't need to punish one of our great companies just because they have a good product that no one else can compete with.

I have Linux on my machine also (dual system). Windows is far superior in every way. When Linux puts together a competitive product I'm sure they'll attract a good following as Windows has been able to do. Redhat and the others need to work harder at improving their product. The same goes for Netscape.

I believe it is sufficient to monitor Microsoft and insure that they don't attempt predatory practices, but punishing them for success is not acceptable.

Stan Stewart  
 Fraser, Michigan

**MTC-00001133**

From: Laurent Domenech  
 To: Microsoft ATR  
 Date: 11/19/01 3:11am  
 Subject: my comments on the agreement

Hello,

It seems pretty unfair and biased. Whether or not we are going through a national crisis doesn't change the fact that Microsoft shouldn't be allowed to go on with their monopoly. Not only, this didn't help innovation but now it's our privacy that they're after with XP.

Thanks for listening,  
 Laurent

**MTC-00001134**

From: John Schroeder  
 To: Microsoft ATR  
 Date: 11/19/01 2:17am  
 Subject: Microsoft case

Renata Hesse

I would like to say that it is about time the Microsoft case is settled. I do not believe it should ever have begun in fact. As a senior citizen, now retired I believe Microsoft has done far more good than bad for the computer public. I had never touched a computer until I was in my fifty's and I have seen things much improved with the Microsoft products ever since. I have run Gateway and Dell computers. I have used Windows 95, 98, ME and soon will use Windows XP. I have run Explorer and Netscape, both at the same time on one computer with out a problem. I currently run three chat programs, AOL, ICQ and MSN with no problems. I am not a computer genius and I have not worked in the industry either.

I also have run several other competing products side by side on my computer. Quicken and MS Money, Microsoft media player and Real Jukebox. Various email programs, etc. I have been able to add or remove these programs without any major problems and was free to decide which I wanted to keep. I also was never forced to buy any Microsoft programs. Why have we been prolonging this outcome other than to benefit competitors? I guess if I had a product that could not compete it would be okay to

have the government to step in and slow the other guy down. Most anti trust parts of this case have disappeared due to time and circumstances anyway. My thought on this is if you don't like the company or the products don't buy it. There are other systems and programs available. This is a no brainer.

And if the government wants to worry about monopolies they can start with the oil companies before we have only 2-3 left and gas prices go sky high and never return. The options for the consumer are much worse in this case. If you do take on big oil give us another judge that has his mind already made up and sleeps in court. What a bozo.

Thanks for listening  
 John Schroeder  
 3806 177th Place SW  
 Lynnwood, WA 98037  
 Breakes@msn.com

**MTC-00001135**

From: Alan Zasi  
 To: Microsoft ATR  
 Date: 11/19/01 2:11am  
 Subject: Microsoft case

I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. Our economy is very weak, and unrestricting Microsoft will help stimulate growth.

Alan Zasi

**MTC-00001136**

From: Dirk van Swaay  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/19/01 5:15am  
 Subject: Microsoft Settlement

Hello,

How is it possible that the DOJ agreed to this settlement? I thought you guys were out to punish Microsoft, compensate the harmed competitors, partners, and customers, and then place effective blocks to the sort of behaviour that got them in trouble.

The current settlement does nothing to punish MS for what it has done, completely forgets about all the people who were harmed by their behaviour, and completely misses the mark in its attempt to curb Microsoft's anticompetitive behaviour.

It seems you are turning a blind eye to MS.

Yours upset,  
 Dirk van Swaay  
 Network Support  
 Bristol, UK

**MTC-00001137**

From: Mike Spangler  
 To: Microsoft ATR  
 Date: 11/19/01 4:59am  
 Subject: Settlement

I'm not impressed. We have process control software running on Microsoft Windows. We are operating a PSM regulated facility. Nothing in your settlement pries them open or leaves them accountable so that either Microsoft or other people can fix their security holes, or even dislodge their extra "features" when you don't want them. The option of forcing a stripped-down version of Windows should be re-examined, and implemented. Our control software does not need to be interrupted by the OS deciding to

ask us if we want to download the newest MP3 from MS.Net.

Mike S.  
 Process/Instrument Engineer  
 Moses Lake Industries  
 mspangler@mlindustries.com

**MTC-00001138**

From: Nico de Vries  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/19/01 4:34am  
 Subject: Its perfect.

Hello,

I think the proposed settlement is perfect. Implement it ASAP please.

Take care,  
 UCC Business Solutions B.V.  
 Nico de Vries  
 Technisch Directeur  
 Buizerdlaan 2  
 Postbus 1357  
 3430 BJ Nieuwegein  
 Telefoon030-6008600  
 Fax030-6008601  
 Nico.de.Vries@ucc.nl  
 http://www.ucc.nl  
 Have a nice day!

"Any e-mail messages from UCC are given in good faith but shall not be binding nor shall they be construed as constituting any obligation on the part of UCC"

**MTC-00001140**

From: blair davis  
 To: Microsoft ATR  
 Date: 11/19/01 6:03am  
 Subject: Microsoft red wrist....DOJ is a disgrace to America

This Microsoft settlement is an outrage. Slapping the wrist of MS after it was tried and convicted of serious antitrust violations is a joke and a disgrace.

It is anti American, immoral, and against the free enterprise system. It will kill competition, innovation, and thus many jobs. Why don't we save folks the hassle of choosing a tire and just go with one company and one tire ...Firestone's ATX.

blair davis  
 blairdavis@onebox.com—email  
 (713) 590-2349 x1135—voicemail/fax

**MTC-00001141**

From: Donn Edwards  
 To: Microsoft ATR  
 Date: 11/19/01 5:45am  
 Subject: The wheels of US justice are incomprehensible

Dear US DOJ

I am a programmer who has been following the various Microsoft lawsuits with interest over the years and I must say that your proposed settlement with Microsoft amounts to more of a capitulation than a settlement. If Microsoft is guilty of a crime, then surely it should be punished? If it has inflated prices over the years, then a refund would be a good place to start.

If it has broken the law by producing operating systems that harm other products, then surely Microsoft should be forced to issue a CD to all \*existing\* Windows users, starting with Windows 95, containing updates to those operating systems that will enforce compliance with the law? If MS is going to be forced to sell a cheaper version of Windows without all the other junk, then

this should apply to all versions of Windows 95 onwards, and not just Windows XP onwards.

Perhaps you could do it as part of the enforcement process: the first time that MS gets cheeky and violates the compliance issue, then Windows XP and Windows 2000 should be included in the list of operating systems that need to be changed to comply with the law. Next time they get cheeky, then add Windows ME, and then Windows 98 SE, and so on. Not only will this allow existing customers to benefit from the enforcement of the law, but it will increase Microsoft's costs, by having to go back to older versions of their code and change it.

The wording of the proposed agreement sounds all well and good in theory, but it was obviously written by people who have never struggled to get Microsoft to

- a) Admit there is a problem
- b) Work on fixing it
- c) Getting a fix that makes things better, not worse

Have you guys ever actually tried to report a problem and get it fixed? I doubt it! If so, then you would provide mechanisms whereby Microsoft's own reluctance to admit that they have done anything wrong would be addressed. Until you get that mindset to change, you are going to continue to look like fools in the eyes of the general public, both at home and abroad.

Best wishes,  
Donn Edwards <vmusic@global.co.za>  
21 Elbon Road, Blairgowrie, 2194, South Africa

#### MTC-00001142

From: Robert F. Tulloch  
To: Microsoft ATR  
Date: 11/19/01 5:44am  
Subject: Anti Trust

I cannot believe that you folks entered into this limp dick settlement against MS. Gates is the ultimate capitalist pig, trashing competition and foisting trash OS's on folks. MS continues to violate the spirit of competition as we speak. As an example their file backup system in ME & XP backs up Interbase database files (an open source competitor) every time there is a change. This has the effect of slowing a system using IB to the point it is useless and appears inferior to MS products. This was done purposely to make IB look bad. But you go ahead with your settlement. You have really acted in the interest of the citizenry.

Or is it that Bill Gates contributed big time the the republicans. Shame on you and the government. You failed. I will not comply.

#### MTC-00001143

From: Chris Norwood  
To: Microsoft ATR  
Date: 11/19/01 5:34am  
Subject: microsoft decision

To Whom It May Concern,  
I realise that as an Australian citizen my views on the Microsoft (MS) case are probably of little concern. However, I find the US court decision somewhat perplexing. Your court has seen evidence of Microsoft creating, maintaining and increasing a monopoly in not only the United States of America, but the whole world. The Windows

Operating System contains so much peripheral software that the vast majority of users will never consider using alternative software. Added to this is the difficulty in disassociating software such as Explorer, MS Messenger and MediaPlayer. Adding alternative software is beyond the average user as MS products keep on usurping installed software from competitors as the primary program. MS is a company that has bullied OEM's, bought out rivals (e.g. Corel) and stymied competition such as Netscape by giving its software away for free and claiming it is part of the Operating System and can't be disassociated (e.g. Explorer). The remedies you have proposed seem inadequate to quell fears that MS will continue to gain dominance in computing software markets etc. The original decision to force Microsoft to split into an operating system and general software companies seemed like a sensible decision based on MS executive's failure to comply with previous restraints on their marketing behaviour, in fact for most people in the computing world believe even this was inadequate. Even during the trial, MS executives were shown to be deceptive, in particular Bill Gates. Your failure to place sufficient restraints on this company will hopefully be rectified by the European Union courts and other foreign legislative authorities. As it stands, the Justice of the United States of America appears to be inversely proportional to one's wealth.

Yours Sincerely,  
Chris Norwood

#### MTC-00001144

From: Alan R. Houtzer  
To: Microsoft ATR  
Date: 11/19/01 7:54am  
Subject: Justice Stepped Aside for Microsoft

This settlement does nothing to solve the problem and nothing to punish the offender. It serves no purpose except for Microsoft. For them, it gets them out of this litigation free. With Windows XP, Microsoft now continues to destroy the industry, and to usurp additional industries, leaving only itself. Microsoft continues to see that it has nothing to fear from the U.S. Justice Department.

What kind of law even allows for a ?settlement1 anyway? Can I go out and kill someone and ?settle1 with the courts on the kind of punishment I want? The courts found that Microsoft broke the law. Punish them and disable this repeat offender which has no regard for law from doing it again.

#### MTC-00001145

From: Normande Babin  
To: Microsoft ATR  
Date: 11/19/01 7:11am  
Subject: . . .

It's not your problem if other companys can't compete with microsoft.

#### MTC-00001146

From: vilb  
To: Microsoft ATR  
Date: 11/19/01 6:41am  
Subject: Unacceptable

To Whom it may concern:  
AN UNACCEPTABLE—I have been in the computer business for 20 years and it is my opinion, that MS actions are with out a

doubt completely illegal and a serious threat to the future of humanity. The results of this will have future global impact, that is much greater than the terrible events of this September.—OUTRAGE.

#### MTC-00001147

From: Eelko de Vos  
To: Microsoft ATR  
Date: 11/19/01 6:39am  
Subject: Microsoft Case

Dear DoJ,

During the last couple of years I have been following the case against Microsoft closely. Lately, I've been baffled by the outcome. I would like to know the motivations you've used to withdraw from the previous course. I also learned that your president has shown leniency towards Microsoft and tried to stop the lawsuit from continuing: he has asked the DoJ for a settlement course instead of a conviction course. This shocked me.

I would like to ask you to pursue a conviction course that will lead to a split-up of the company in at least three different companies, as Microsoft is most definitely controlling the market in an unhealthy way. Their ethics are questionable, at the least, and their strategies and tactics are to be considered murderous for software development around the world.

Sincerely,  
Eelko de Vos, the Netherlands

#### MTC-00001148

From: Timothy Stevens  
To: Microsoft ATR  
Date: 11/19/01 8:12am  
Subject: Microsoft Action

Greetings,

I think all you have done is slap Mr. Bill Gates on the hand and said play nice. You are doing nothing to make sure this will not continue or happen again. Microsoft is a monopoly, that you have stated, now by law that is illegal. Every other monopoly, look at AT&T, was broken up and not only survived but thrived. Why will you not do this to Microsoft? If you do not then you are not enforcing the laws as you are supposed to do.

A very upset end user,  
Timothy Stevens  
Papillion, Nebraska

#### MTC-00001149

From: Michael Foy  
To: Microsoft ATR  
Date: 11/19/01 8:02am  
Subject: Very disappointed in the recent settlement with microsoft

As an individual living in England, I don't suppose my views about your recent microsoft settlement should count for very much, but I thought I'd at least have my say, after all, 'if you remain silent when evil is done, then you are supporting it.'

Microsoft is a monopoly, which uses its dominant position in the computer market to stifle innovation and rivals. Their use of passport system is an infringement of my rights to privacy, their OS XP is full of holes, allowing easy access by zombie programs, they buy up shares in rival companies to get leverage. They lie about their products, plagiarise other people's software and use their size to undercut any opposition.

It's like having ONE oil company, who will only sell petrol to certain manufacturers of cars. Please reconsider your verdict, and rather than split microsoft into two, just take away windows from them, allow them to work on applications, which will sell themselves, but make windows a 'FREE' operating system with open source, like linux.

Thank you.  
Michael Foy

**MTC-00001150**

From: Adam Roberts  
To: Microsoft ATR  
Date: 11/19/01 7:57am  
Subject: Netscape & Windows XP problem

I have come across a problem that in Windows XP that STOPS Netscape from installing. I reported this as a bug when I received Windows XP Professional RC2 but it wasn't fixed. Do the following: i.e. Have a directory called win98 that contains the setup files for Windows 98. i.e.—c:/masters/win98. Then have the netscape setup program in parent directory. i.e.—c:/masters/cc32e47.exe run cc32e47.exe and when it gets to 100% it reports that it can't install Windows 98 and then fails. If you rename the win98 directory to something else then it works okay.

Adam Roberts  
adam@videocontrols.co.uk  
+44(0)7762127353

**MTC-00001151**

From: Lawry, Ted  
To: Microsoft ATR  
Date: 11/19/01 8:22am  
Subject: MS Settlement

With scum like you, who needs criminals? This e-mail is the property of Enron Corp. and/or its relevant affiliate and may contain confidential and privileged material for the sole use of the intended recipient (s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender or reply to Enron Corp. at enron.messaging.administration@enron.com and delete all copies of the message. This e-mail (and any attachments hereto) are not intended to be an offer (or an acceptance) and do not create or evidence a binding and enforceable contract between Enron Corp. (or any of its affiliates) and the intended recipient or any other party, and may not be relied on by anyone as the basis of a contract by estoppel or otherwise.

Thank you.

**MTC-00001152**

From: ACarran  
To: Microsoft ATR  
Date: 11/19/01 8:19am  
Subject: An Essay on Microsoft

Microsoft is a virus. It is the 'caulerpa taxifolia' of the sea of software, transforming a vibrant diversity into a mediocre sameness. It has no predators, and its hosts have no resistance. It has infected over 95% of the silicon-based life on the planet. The antibodies have mutated, and become totally ineffective. The thousands of macro viruses, Melissa, iloveyou, and the tens of thousands

of other viruses are merely secondary infections.

**MTC-00001153**

From: robmorton  
To: Microsoft ATR  
Date: 11/19/01 8:15am  
Subject: MS dependencies

My name is Robert Morton. I am a Senior Computer Support Specialist. I was happy when the US Justice Department decided that Microsoft needed to be pursued as a monopoly. It is clear to anyone that they are a monopoly and use this power to go into other markets. They essentially killed Netscape, and are now focusing on instant messaging. If you happen to use a computer that is not dependant on their operating system, they will hold your company hostage with Office.

MS has shown time and time again that they do not care about the law. Any minor action you take against them will be ignored. Once that happens the entire process will have to start all over again. How many times will the US allow MS to lie in court, submit false evidence, etc. before something is done? Please reconsider the solution. The US has spent a lot of money creating a solid case. The proposed solution will not even slow MS down from repeating their past transgressions.

There are only two solutions that could work. One, break the company up. Since that probably will not fly in the current process, there is one other possibility. Have MS open up the file formats for their applications. This would allow other companies to write compatible versions of all their applications. The file format would have to remain open and changes approved before they can be released. This one change would allow WordPerfect or AppleWorks to legitimately compete with MS Office. Also if MS does not feel there is a market for a product, someone else could fill the gap. For example, MS Project is not made for other platforms any longer. If the file format was open, someone could write an application for UNIX or Mac that would be able to read, edit and save MS Project files. At least this would weaken the company's strangle hold on other platforms.

A concerned citizen,  
Robert Morton  
10503 Lime Tree Way  
Beltsville, MD 20705

**MTC-00001154**

From: Bill Albright  
To: Microsoft ATR  
Date: 11/19/01 8:28am  
Subject: Microsoft

Computer users are the most unloyal consumers there ever can be. their success is from building the best software available. Rather than punish success why not look at those companies that truly stifle the consumer choice? Yes the computer users has choices but none of them are any good. Stop the un American attack on Microsoft.

Bill Albright

**MTC-00001155**

From: Richard Lee  
To: Microsoft ATR  
Date: 11/19/01 8:35am  
Subject: settlement

What a bunch of lawyer BULLS\*\*T! Microsoft has a strangle hold on the entire computer market, and anyone who denies that is not living in the real world. I can not go out and buy a new computer today without THE operating system that Microsoft has chosen for me! Please include a stripped down version of Windows in the settlement! This would be a step in the right direction. If nothing else stop Microsoft from strong arming the computer manufactures into loading the OS they choose onto new computers, please leave the choice in the public's hands! It sucks that I cannot choose the OS I want! Thanks for listening. . .

Richard Lee  
Help Desk Technician  
The Hotchkiss School  
Lakeville, ct. 06039  
Ph. 860-435-3855  
Phone (860) 435-3855  
rlee@hotchkiss.org

**MTC-00001156**

From: Walter Padgett  
To: Microsoft ATR  
Date: 11/19/01 8:34am  
Subject: Microsoft

Good Morning,  
I've tried to follow this case as close as my schedule would allow. My brief summary of all of it is as follows:

1. Bill Gates has a history of not following the law in the past, so what will make him change now?
2. Technology changes too fast for this type of settlement to be effective five years out.
3. Bill Gates uses other companies technology and then settles out of court.

I am a supporter of the American way but Bill Gates tramples all over the smaller Americans. I understand that everyone has the chance to make something of themselves but it is more difficult when someone steals your code. I believe the settlement should include some type of provision protecting the small guy when he sues to reclaim his code or program. It's a formidable task to fund a legal defense that can combat Microsoft's team of lawyers.

I believe the laws of the land should be changed to allow technology lawsuits to proceed fairly quickly through the courts. The reasoning for this is that technology changes everyday and by the time the case is settled, companies have a chance to change their program to avoid future lawsuits and release a new version during the current lawsuit. This basically makes it harder for the small guy who might be a victor to continue writing and selling his program.

Thanks for your time,  
Walter "Wally" Padgett

**MTC-00001157**

From: Clarence (038) Joann  
To: Microsoft ATR  
Date: 11/19/01 8:29am  
Subject: Drop the case

This case would never have been brought if MS had given enough money to Dem party. It's time to let go, for the good of all. I am not a shareholder and never have been, but do own other Tec stocks.

Clarence & Joann Huygens  
4195 390th St

Hospers, Iowa 51238

**MTC-00001158**

From: Jim  
To: Microsoft ATR  
Date: 11/19/01 8:29 am  
Subject: Microsoft settlement

I respectfully submit these comments and observations. I am a technologist who has been in this industry since 1985. I currently work of a brand building corporation that uses both Windows and Macintosh systems. In a prior career I worked for Ameritech (now SBC) for 30 years, five of which were in the IT organization.

It appears that Microsoft has again accomplished its objectives and will continue now on its campaign of total dominance of anything it chooses. I fail to understand why you, our Justice representatives, would once again offer a simple slap on the wrist to a company that has ignored a similar punishment in the past. Clearly, this approach has not and will not work. You have given Microsoft has so many ways to interpret this agreement that it is a total waste of paper. Were they not convicted of being an illegal monopoly? Did they not destroy competition in as many ruthless and illegal ways as they desired? Are you, with this agreement, increasing competition? Is this agreement good for our future? I believe, along with many others, that the answer to all these questions is a resounding NO.

I strongly encourage the Justice department to reconsider its position and to enjoin the remaining 9 states to vigorously bring this case to justice. A justice that will encourage competition and send a clear message to Microsoft and any others who operate outside the law. The Justice department should stop Microsoft's aggressive and illegal behavior once and for all. It is harmful to our future IT economy to allow this evil doer to continue in his illegal pursuits.

Respectfully submitted,  
James R. Felbab  
Technologist,  
Hanson, Dodge Design  
jfelbab@hanson-dodge.com

**MTC-00001159**

From: Steve Ober  
To: Microsoft ATR  
Date: 12/6/01 2:22pm  
Subject: collect and give where needed—not punishment

Dear Staff,

Gates is getting off by offering little to nothing. Operating Systems like Bill's need to allow other systems and programs like Linux to run together otherwise the same monopoly is there.

I work in mental health research and people who receive mental health services are in great need of computers. This will not only help them but the whole community will be benefited by creating tax payers and lower the great benefit dollar that is paid out to may who could work if they received proper training and employment assistance. The ticket to work program is spreading out and many people with brain disorders will have the opportunity to work and not suffer the benefit cliff.

With all the time and money that public funds were used in the legal battle why rush

into an agreement before spending the time to get a return for the public for the illegal business practices Microsoft has engaged in? Please don't overlook people with disabilities when opportunities like these surface.

We need computers and software to train people to become taxpayers. If not now when?

With all the money being shift to children's education, which is the way it should be, it is leaving people with work histories like children out in the cold. Don't just punish Gates; rather use some of this ill-gotten gain to help people who truly need the help. Remember those whom you know with brain disorders and how hard they try to work with their limitations. I am one and work around many and advocate by research and trying to get a grant to address well documented unmet informational needs that consumers, loved ones, service providers and the public are telling us they need.

Steve Oberlin  
305 Cross Street  
Akron, Ohio 44311

**MTC-00001160**

From: Stan McClellan  
To: Microsoft ATR  
Date: 12/6/01 2:22pm  
Subject: Microsoft "settlement"

it stinks. i'm embarrassed that the DOJ thinks this arrangement will benefit anyone other than Microsoft. Microsoft is the worst kind of monopolist. they have viciously predatory practices. they don't foster innovation, they dismember any company whose innovation is potentially threatening to their corporate goals. they threaten "partners" with unpleasant ramifications in order to maintain "product integrity". they bilk consumers with constant "upgrades" which don't maintain backward compatibility ("planned obsolescence"), thereby enforcing "churn" in software subscriptions, license fees, and the like.

Stan McClellan, Ph.D  
s.mcclellan@ieee.org

**MTC-00001161**

From: Daniel M. Dreifus  
To: Microsoft ATR  
Date: 11/19/01 8:46 am  
Subject: Microsoft antitrust settlement

I was very disappointed to see the DOJ vs. Microsoft case proposed for settlement without meaningful reformation. I believe it has become nearly impossible for new companies to truly innovate by introducing products that would complete with Microsoft. Wasn't the purpose of the original action to create an environment where competition could be fostered without the domination of the technological field by a single player? I am concerned that Microsoft will own and control all aspects of the Internet. I do not trust their benevolence to manage it for the public good. While it should not be the role of government to do so, as Americans we trust the free enterprise system of competition to offer reasonable alternatives to consumers.

I just don't understand—monopoly power was demonstrated as a finding of fact, then no credible action was taken to counter its

continued dominance. It is my opinion that Judge Jackson, even with the years of experience on the bench, and scholarly restraint, found it impossible to contain himself after witnessing the patently false and outrageous claims put forth by the defendant. I am certain the press was constantly pressuring him for comment.

I do not believe he entered the trial with prejudice, but that his opinion was formed during presentation of the evidence. Please consider meaningful reform in the Microsoft case. I do not believe they have excelled through innovation, but through bullying competitors into oblivion with threat and intimidation.

Commercial Resource Management  
Daniel M. Dreifus  
Toll free: 888 716-0672  
Fax: 805 584-8348  
e-mail: crm3@ix.netcom.com

**MTC-00001162**

From: Charles, Robert F  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 8:48 am  
Subject: Microsoft Settlement.

To Whom It May Concern:

Thank you for this opportunity to express my views and opinions on the Microsoft Anti-Trust matter.

First of all, it has been, and always will be, my belief that the Anti-trust laws were designed to protect the Consumers—not the Competitors. It is my understanding that this action was taken by Competitors in voice of the Consumers. As a consumer of Microsoft products, I neither felt threatened nor victimized by Microsoft's methods of Marketing of its Internet Browser, Windows or other Software Products. Instead, I felt I was getting a Quality product at a reasonable cost.

Secondly, I applaud the diligence of the DOJ for protecting consumers such as me. As aggressive as Microsoft is in the Market Place, your actions should make all consumers feel that their rights are kept first and foremost in the highest regard by your branch of Government.

Thirdly, I do not feel Microsoft's actions warrant any punitive retribution any stronger than what is proposed. I do wish the remaining nine states drop their law suits and "cease and desist" further action as we know that they are Competitor Friendly states with ulterior motives in mind.

Thank you, and with kindest regards I am very truly yours,

Robert F. Charles  
Robert F. Charles  
Global Automotive Americas North  
RF Project Reliability Engineer  
tyco Electronics /AMP Incorporated  
\*(336) 727-5847 \*(336) 727-5195  
\*rfcharles@tycoelectronics.com  
\*Mail Stop 079-40  
PO Box 55  
3800 Reidsville Road  
Winston-Salem, NC 27102-0055

**MTC-00001163**

From: jelmer  
To: Microsoft ATR  
Date: 11/19/01 9:16 am  
Subject: This settlement is a joke

They are still doing it. Bundling msn messenger and the windows media player with XP Sending out emails to novel's customers telling them their product has an expiry date Using sun's java pet store unjustly as a benchmark The list goes on and on Companies like real networks, aol, sun stand to lose billions, and with settlements like this well why stop?

Even more important the freedom of choice of the consumer in taken away. Sure you can download netscape instead of internet explorer. But fact is most users will take what they've got, After a long day of work they don't want to bother with installing another browser if this one works just as well. Bundle it with windows and at least 40% will start using it right away. When that is in place they add some proprietary technology to it , like active X or some nifty eyecandy that makes your screen fade away when you leave the page. Deviating from the standard just enough to make it impossible to make it annoying for the casual user to browse with netscape. (make msn network inaccessible for netscape browsers is another good way to achieve this) Put a stop to Microsoft misusing its position in the market, split up the company or let them sell a bare bones operating system. There is NO OTHER option. Even opensourcing windows would be a joke, as no one can create a 100% compatible windows. Annoying the casual user again and thus they will not use it

Hope you reconsider the agreement  
Sincerely,  
jelmer

**MTC-00001164**

From: Richard Copits  
To: Microsoft ATR  
Date: 11/19/01 9:08 am  
Subject: Microsoft Settlement comments....

Once again, the Government has proven that it doesn't care about the consumer. Just once it would have been nice to have seen the Government actually have some balls and stand up for the rights of the average consumer and citizen rather than be a suck-up to business. I guess money ranks above ethics once again with the sellout and buckling under to Microsoft. I would have thought that this administration was more ethical and principled than it's proving to be. I guess that Clinton set the precedent in making the Justice Department just a rubber-stamp bunch of butt-kissers. It's a shame there are no real Americans left there any more.... There are a bunch of us that are ashamed that you all are handling this case. You are so out of touch with the citizens of the country and what they feel and think that it's pitiful....

Dick Copits  
Shopping Cart Solutions  
www.smart-choices.org  
Totally FREE Shopping Carts  
for Paypal and More!!

**MTC-00001165**

From: Syjoan@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 9:03 am  
Subject: microsoft settlement

Since the consumer has not been directly affected by any microsoft actions, it is our

opinion that this situation should be settled quickly without causing any further damage to microsoft and our economy. There are many more extremely important issues that our government should be dealing with in this time of crisis.

Joan & Seymour Spears

**MTC-00001166**

From: George Burke  
To: Microsoft ATR  
Date: 11/19/01 8:50 am  
Subject: microsoft settlement

Please stop the litigation against microsoft. Being a successful business in the USA requires a company to overcome its competition by any means. Microsoft has followed the rules and is being sued because of it. I do not understand why the US government feels that it must destroy a legitimate business simply because it is successful. Is the government trying to make businesses leave the USA and provide jobs for people in other contries? If that is true, it is becoming very successful.

The abuse of the judicial system by the justice department must be stopped and the case against Microsoft must be dropped.

George Burke gaburke@att.net

**MTC-00001167**

From: susan maloney  
To: Microsoft ATR  
Date: 11/19/01 9:51 am  
Subject: my thoughts on DOJ vs MS

Are you using linux or unix operating system to trying to figure out the penalty against microsoft...i bet you're using a microsoft os....are you using star office for linux as your word processor or microsoft word?... probably ms word....are you using netscape or internet explorer to send e-mail regarding microsoft will you attempt to screw them?...probably internet explorer. I just wanted to point out that Linux, star office and netscape are all free software that you can get from the internet. Microsoft Windows is something that you need to pay for microsoft internet explorer is in the windows program but again you paid for it...(and the price wasn't low by the way), microsoft word is something that you paid for too.

I don't understand why everyone is going against microsoft when you had to pay for their products and everyone else gives their stuff away for free. Microsoft may bundle things together but shouldn't the fact that one had to pay for microsoft products be a deterrent to help the other companies keep up with microsoft. Most people don't know how to use computers, so they would rather pay microsoft to put everything together for them than put it together themselves....they don't know how to set up an Operating system, they don't know how to install software like staroffice or netscape...or they are just to lazy to learn how to do it. Red Hat Linux operating system has a graphical user interface (gui) that looks just like windows, i don't see anyone going after red hat linux. The reason you're going after microsoft is because microsoft is bigger than, and run better than the government. microsoft influences the world with it's software, you make it seem like MS is run by the mafia or something with all these illegal practices.

The fact is some people got mad that Bill Gates is richer and more powerful than they were and they are trying to knock him down a few pegs. I think microsoft is doing the general non-computer using public a favor by intergrating all of these products together. As an example of what i mean...today, go out and get a computer with linux installed....get yourself a copy of star office from the internet....install netscape and see how terrible it is now that it's made by AOL(time/warner)(which i can't believe that you allowed that company to get so big...when are you going to go after them). After you get so mad that you can't get anything to work properly, you'll thank God that microsoft put everything together for you so you didn't have to.

PS. Anyone who recieves this can forward it to whom ever they please. I tried to send it to Bill Gates also, but I expect it will fail. If it gets to someone who has the ability to forward it to Bill, please do so. Thank you.

PPS. I teach computers. If it wasn't for Microsoft, I wouldn't have a roof over my family's head, food on the table, or a car in the driveway, or a job to go to. No one has yet to sign up for a linux class but my microsoft classes always seem to have someone in the seats. Thank you Bill and thank you microsoft...Keep up the good work.

PPPS. This email is not biased for microsoft because i teach their classes either. I make low wages for the computer and teaching fields. I just really enjoy what I am doing.

CC:billgates@microsoft.com  
@inetgw,bgates@microsoft.co.

**MTC-00001168**

From: Warren Hack  
To: Microsoft ATR  
Date: 11/19/01 9:44am  
Subject: Comments on Proposed Settlement

I work for a contractor on a NASA budgetted mission, specifically the Hubble Space Telescope project, as a Sr. Software Systems Engineer. I do not have any commercial stake in PC software, but rather develop software for scientific use on a variety of computer platforms, including PCs. I also have professional experience selling and servicing PCs. Therefore, as a professional in the software industry, the proposed settlement with Microsoft would firmly entrench the monopolistic policies of Microsoft as the norm for the industry. This settlement does nothing to address the true problems that Microsoft was found guilty of in court: that they use Windows as a platform to dominate the PC with their software in lieu of anyone's software. There are no sanctions in this settlement to keep them from buying out one promising company working on some software, 'bundling it' with Windows and overwhelming all the desktops with their version when other companies are making better versions. This practice formed the basis for the suit against Microsoft in the first place, as that was how Microsoft's Internet Explorer came to be so ubiquitous despite it being inferior to Netscape. They have also done the same with screen savers (remember After Dark, the once standard for screen savers), media players (how much longer will RealPlayer last thanks to you?),

backup software (remember Colorado Systems), and many other programs that Windows has 'bundled' with the OS. Thanks to you no other software companies will have much of a chance of success. As new applications develop outside of Microsoft, they will simply do as they have always done: buy whichever company they can developing that type of application (regardless of the software's actual quality), 'bundle it' with Windows and swamp every desktop with their version before the other companies can even establish their software in the marketplace.

None of those programs, I do repeat NONE of them, affect the core functionality of the operating system; they only serve to pad Microsoft's bank accounts at the expense of others through the use of monopolistic practices as defined in the court of law. The proposed settlement went out of its way to leave these practices in-tact, and therefore, preserve the very basis of their monopolistic trade. After getting such a resounding conviction, I wouldn't be surprised to hear your budget's have been supplemented by Microsoft given the settlement you proposed. That opinion reflects the perception this settlement gives to the public, and especially to those of us who work professionally with PCs and software development. I only hope that your department will review this settlement with the attorney general's that are holding out and seek a stronger settlement with them.

Warren Hack  
3411 Abbie Place  
Baltimore, MD 21244

Disclaimer: The opinions expressed are mine alone and should not be taken as a statement of my employer's opinions.

**MTC-00001169**

From: Mark Wizner  
To: Microsoft ATR  
Date: 11/19/01 9:32am  
Subject: States

I hope the remaining states can extract a little justice.

**MTC-00001170**

From: Page, Gary R.  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 9:58am  
Subject: Microsoft

Thank you for the forum to allow the public to submit their opinion concerning Microsoft.

I am a computer programmer and have used Personal Computers since their inception. I started with MS-DOS 1.0 and have progressed through every release. One more than one occasion, I purchased products (e.g. DR-DOS, Rbase) which were subsequently driven out of business by Microsoft's predatory practices. An excellent book on this subject is "Barbarians Led by Bill Gates" by Melissa Edstrom.

The fundamental aspect of this case is the definition of an Operating System. Microsoft has declared that any feature which can be integrated into the Operating Systems IS part of the Operating System. This is incorrect. The Operating System is simply the software required to allow application programs to "communicate" with the physical hardware.

This perspective is applied in the Linux/Unix worlds with the Operating System defined uniquely as a "kernel". "Windows" is an application which directly interfaces to the hardware. Because of the intimate relationship between Microsoft applications and underlying "Operating System", other applications vendors can not possibly compete. No competition equates to mediocre products. This is proven.

Please reconsider these remedies and allow the Justice Department to force Microsoft to create and maintain a generic operating system. This is good for business and the people who use computers.

Thanks,  
Gary R. Page  
Dallas, TX  
CC: Carol (E-mail), Randy (E-mail)

**MTC-00001171**

From: Clay  
To: Microsoft ATR  
Date: 11/19/01 9:58am  
Subject: settlement comments

Regarding the Microsoft settlement: Not enough was done to ensure a proper settlement. Microsoft will continue to devour companies it thinks are coming up with something too competitive. Microsoft only thinks of itself and should be punished for its harsh business practices. The company should have been broken up or made to pay extremely severe fines. As it stands now, only the consumer will be punished.

Clay Carson  
ccar@alltel.net

**MTC-00001172**

From: Glenn Anderson  
To: Microsoft ATR  
Date: 11/19/01 9:53am  
Subject: Microsoft vs. Justice Opinion

Dear Justice Department Representative:  
I just found this Email address on my latest edition of Wired News and thought it was an opportunity too good to ignore. If the opinions of a Microsoft consumer have any weight whatsoever (which is historically untrue) then let my thoughts add to the tired scales of justice.

Having watched your comedic battle against Microsoft for the last few years, I can agree with Mr. Gates that the strain on the taxpayer and the waste of manpower are ridiculous. That is by design, of course. Knowing that there was no other way to win, Microsoft has won the war of attrition vs. the resources of the U.S. Government. Not even the entire country of Afghanistan could do that.

I use Microsoft products every day. I work with them. I play with them. However, I remember a day when FoxPro was the best database (they were devoured by Microsoft) and WordPerfect was an efficient and effective word processor (they were kicked out by the Microsoft clone, Word). Those softwares were the best because they were made by companies that had to create quality software in order to compete. There were dozens of productivity software makers out there. If one of them was prone to nasty macro viruses or crashed every hour or so, you could easily switch to another one. Now? To get software from other vendors requires

a Mac—but, of course, Microsoft will take care of all of their tools as well.

The remedies proposed by the settlement are weak. In fact, behavioral remedies will be as hard to enforce as this entire farce has been to execute. Microsoft will still continue to push its competitors out of the market—not by offering a better product—but by their established and growing strangle-hold on the software industry.

The only solution would have been to split up the giant and let it compete with itself. Two (or more) extremely powerful software companies—bloated but at least with a competitor on equal terms—would at least have less time and resources to smother innovation and might even create something of their own for once.

I'm sure you've read quite enough of these now (in fact, I doubt you've even gotten this far) so I will finish. Once upon a time, I believed my government could protect me from tyrants, thieves, and tragedy. It seems that isn't true... and every time I see MSnbc, MS windows, and MS passport I will remember that Microsoft is now my big brother who will tell me what to think, what to do, and to keep all my secrets (and I didn't even elect them). We all suffer for your failure.

Sincerely,  
Glenn Anderson

**MTC-00001173**

From: Mitchell Smith  
To: Microsoft ATR  
Date: 11/19/01 10:05am  
Subject: Disappointing Settlement

Dear Sirs:

While it's true that neither party ever gets everything they want in a settlement, you've proven that once again, if you have enough money you don't have to be responsible for your actions in America. Why didn't you insist on changes to XP? Why only 5 years of monitoring? Microsoft has proven time and again that it will not abide by court judgments, let alone settlements. What makes you think this time is any different?

You should have pushed along to trial, and Justice should have asked Congress to create a law providing for a "corporate death-penalty" where anti-trust violations are concerned. Capitalism represents the core of our economic strength, and you've allowed one of the greatest cheaters of capitalism to get off the hook with a slap on the hand. When a corporation engages in anti-competitive practices, it commits the most serious crime (short of physical injury or murder) possible to our system. Such evildoers must be tried and punished at all cost.

You ought to be ashamed of yourselves. Microsoft can now continue to hold customers hostage, thanks to you.

Mitchell Smith  
Irvine, CA

**MTC-00001174**

From: Dave Dahl  
To: Microsoft ATR  
Date: 11/19/01 10:05am  
Subject: DOJ missed the bigger monopoly case against MS

Bigger than the browser antitrust issue, please look into why Microsoft owns 98% of

the word processing market. This was far more devastating to consumers than the browser issue. In a textbook monopoly move, Microsoft systematically removed WordPerfect and other hopefuls as choice we might have for word processors. Around 1995-96, WordPerfect dominated with it's \$495 product. People loved it and tech support was free. Then, Microsoft released Word for Windows at \$99, a price point they knew would destroy WordPerfect. Consumers cheered as \$99 became the new price for a word processor. Microsoft's could low ball Word because revenue from Microsoft's OS division paid the bills. Their plan worked and WordPerfect all but died. One might say that's competition, but here's the problem. Fast forward to 2001 and Microsoft no longer offers Word for \$99. With competition eliminated, Word now sells for \$339!!!! Do we get added value for the extra price? No, they eliminated the competition so they can charge anything. Free tech support like before? Ha, get out your credit card. We all pay their price because they removed our choice. The monopoly worked. Bigger problem is, MS Word is not a good program, and we're all forced to use it.

PLEASE DOJ. You must stop this activity so software authors can innovate in the future.

Thank you,  
Dave Dahl

**MTC-00001175**

From: Nello Lucchesi  
To: Microsoft ATR  
Date: 11/19/01 10:01am  
Subject: Microsoft Settlement Too Lenient

Dear Sir or Madam:

I was very disturbed to read about the extremely mild remedies that the Department of Justice has offered to settle the Microsoft anti-trust case.

The courts have found that Microsoft has a monopoly on operating system software and that Microsoft has used that monopoly unfairly to enrich itself in other markets. Extending its monopoly powers into other markets has chilled the competitive environment and damaged consumers by depriving them of the products and price-competition in these markets.

Please consider other, more severe, remedies for Microsoft's antitrust violations including breaking up the company into a separate organization for the operating system. Thank you for your time and attention.

—nello

Nello Lucchesi, President  
The October Group, Ltd.  
449 Park Avenue, Glencoe, IL 60022-1527  
847.835.1765 (Voice)  
nello@OctoberGroup.com

**MTC-00001176**

From: John J Tollefsen  
To: Microsoft ATR  
Date: 11/19/01 9:58am  
Subject: MICROSOFT SETTLEMENT

Reneta Hesse  
Trial Attorney  
Antitrust Division  
RE MICROSOFT SETTLEMENT  
As a former CEO of a .dot.com, a long-term businessperson in the Seattle area, and

a practicing attorney concentrating in business litigation, I have a different perspective than that of the Justice Department (at least as I see in the press). The major issue and the critical need in the software industry is the survival of independent software development. To defend their actions, Microsoft has raised the 'straw men' right to innovate and right to improve their products for the benefit of consumers. Consider the example Bill Gate uses in his press conferences: General Motors is not told that it cannot add headlights to their automobiles are they? This is actually a very good example of the problem. The answer is 'No, when headlights were invented, General Motors had the right to include them in automobiles.' The problem arises because Microsoft not only wants to include the headlights in their automobile, it wants to be the exclusive manufacturer of them (?It's a matter of quality control, you know?). From what I can understand from the settlement, it misses the point. The key issue is not how much the market knows about Microsoft software and source code, the issue is whether Microsoft has the right to own all new innovations. Thus, it should have the right to integrate a browser, but as a monopolist, it must purchase from more than one outside supplier. It also cannot be allowed to use its market power to decide that only one supplier of browsers (e.g.) can exist.

As a small time developer of software, I see Microsoft as a monopolist and Netscape that was equally ruthless company both of whom attempted to monopolize the browser market. If Microsoft had not stopped Netscape, it would now own (as a monopolist) the browser market. The right solution would have stopped both Netscape and Microsoft from driving alternative (some very good) browsers from the market.

In short, I see the settlement as benefiting a few large companies who are near monopolies themselves and doing little or nothing to protect small developers from the immense market and political power of these companies.

John Jacob Tollefsen  
Lynnwood, WA  
john@tollefsenlaw.com

**MTC-00001177**

From: Bruce Rogovin  
To: Microsoft ATR  
Date: 11/19/01 10:12am  
Subject: Microsoft

Dear Sir:

I read large parts of the findings of fact that were released many months ago by the previous judge in the case. Therefore, it was with total shock and dismay that I read the proposed settlement of the case last week. Once again, the justice department is giving Microsoft a slap on the wrist for their totally corrupt and harmful procedures in the business place.

I suggest that any justice department official be required to watch the sleazy testimony of Bill Gates before they are allowed to have any say in the settlement. A re-reading of the findings of fact would also be helpful. Microsoft is bound and determined to use any tactics, legal or

otherwise to control every aspect of the market. Where is the competition we have been taught in school that was the backbone of this nation? There is none if Microsoft is allowed to keep up their illegal actions.

How about some teeth in your proposal??  
Dr. Bruce Rogovin

**MTC-00001178**

From: Dave Dahl  
To: Microsoft ATR  
Date: 11/19/01 10:10am  
Subject: Microsoft economies of scale = Higher Prices ????

Forget the browser issue, Microsoft continues to steal from us all...

While PC hardware prices have fallen steadily, Windows OS and upgrade prices have risen. The proportions are completely out of whack. WindowsME lists for \$209 and you can buy basic PC hardware for not much more. Remember back when Win3.1 was \$119 and 79? Why the higher price now? The enormous volume of PCs sold would indicate Microsoft could now charge less to everyone. Shouldn't the public benefit from economies of scale? No need to. There's no competition, so they charge more then call it innovation.

So when are they going to help consumers and drop their absurdly high pricing, and place reasonable charges on support? Where are the economies that come with high volume sales? When there's competition? There isn't any because they eliminated it. Microsoft simply continues to hold the huge userbase hostage.

Please DOJ. It is time to stop them.

Dave Dahl  
Salt Lake City, Utah

**MTC-00001179**

From: Olszewski, James  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 10:07am  
Subject: Microsoft Case—James F. Olszewski  
II

I am writing to this email address as I was informed that the DOJ was seeking opinions on the case.

I have been a Computer Technician and Network Administrator for several years. I have worked with Microsoft products for many years, as well as numerous other-vendor products. I have also kept a close eye on this case, as I have witnessed Microsoft's anti-competitive and predatory behavior over several years time.

My opinion of the settlement is that it is incomplete. It does not even come close to making Microsoft 'atone' for the businesses or careers it has destroyed nor for the misperceptions it has inflicted upon the public with its media practices. Many of its customers have absolutely no idea what kind of damage this company has done and this is by design. Also, those companies that decide to stand up against Microsoft's unreasonable requirements for licensing are not protected from retaliation.

Microsoft has also, in my opinion, treated the Federal Government with disdain and has used the same 'sheer weight of power' tactics it uses with any company that does not fit in with its business model. Besides being legally questionable, this insults all US citizens and hints at future behavioral

problems when that 'weight' grows even larger. Microsoft is NOT above the United States and MAY NOT choose when and where to obey the law.

In my opinion, fees and damages should be levied in proportion to the net worth of the company and the business it has stolen. It should be immediately accountable for its actions when dealing with competitors and customers. It should be expected to meet product quality standards, without being allowed to solely create those standards.

In short, it should be treated as any other company and one that has been tried and convicted of aggressive and anti-competitive practices. In any other case, an individual or company that has repeatedly thumbed its nose at authority and has consistently worked loopholes to take advantage of the 'letter of the law' as opposed to the 'spirit of the law' would have been punished and made an example of.

Why should Microsoft be any different?

James F Olszewski II  
204 Monroe Street  
Traverse City, MI 49684

**MTC-00001180**

From: dodgson@mail.owc.net@inetgw  
To: Microsoft ATR  
Date: 11/19/01 10:06am  
Subject: MS "Settlement"

This has got to be, without a doubt, the single worst settlement ever made. It's obvious to myself and everyone else who actually understands the "tech industry" that the Department of Justice has no idea whatsoever of how to handle businesses that abuse the system so blatantly as Microsoft has. They have put up with Microsoft dragging their heels for years and, just as there was some hope of actually getting somewhere, they completely and utterly fold. Granted, breakup of the company is far from the best idea, but there are literally dozens of other solutions which, as far as the public has been notified, were not even considered. At the VERY least the government ought to have forced TOTAL licensing of ALL Windows code to whoever wants it for a fixed, REASONABLE price. The "remedies" that the DOJ/M\$ team have come up with are a travesty and will in no way impair Microsoft's illegal, immoral actions in the slightest nor will they "stimulate the economy". In fact, the only thing they will do is hurt the consumer and impair their "choices" in software and hardware resources for now and years to come. I can only hope that the court will see reason and reject the "settlement" outright. I'm ashamed, as an American, to have this "Justice" department representing me.

**MTC-00001181**

From: Gordon Setter  
To: Microsoft ATR  
Date: 11/19/01 10:21am  
Subject: Don't let them get away with it...

Let me begin by noting that I do not work for any of Microsoft's competitors, nor do I have any significant investments in those competitors. However, spending thirty years in the computer business guarantees one broad exposure to Microsoft products and practices, so I am well aware of that

company's behavior and their on-balance negative contribution to the computer and technology industries.

1. Microsoft does not innovate in technology, despite Gates's public pleas to let them innovate. Microsoft instead stifles innovation, through the most innovative application of anti-competitive behavior in history. The Internet Explorer browser is just the latest example of the well-proven Microsoft strategy: spend just enough on development to make the product barely acceptable to allow the business and marketing forces to overwhelm competitive products, and then slash the development budget and stop innovation. Word, Excel, PowerPoint and numerous other products have been through the same process. Unfortunately the innovative competitors squashed by Microsoft's illegal activities in those areas are no longer around to defend themselves, while computer users are forced to use products which last had serious innovation applied more than five years ago. The masses accept this like sheep; they're not aware of how good computer products could be had Microsoft not stopped innovation. Of course the worst offender is the Windows operating system. Major releases of Windows have had only two purposes: to fix devastating bugs that major corporate customers were complaining loudest about, and to carry the water for the destruction of competitive applications such as the browser. No student of computer science would give Microsoft even partial credit for innovation in operating systems beyond those two functions.

2. Microsoft destroys the innovation of others. For example, read the book "Startup" by Jerrold Kaplan for just one example of Microsoft's behavior in destroying companies whose technology threatens their monopoly or their plans for expansion of that monopoly. The well-known and often-repeated process goes something like this: innovative startup company creates new technology; Microsoft meets with company under the guise of strategic alliance; if Microsoft can learn enough to steal the technology, it does so and uses its Windows monopoly to prevent the startup from coming to market; if it can't steal the technology, it finds all the companies in the space and conducts a dutch auction, buying the company which will sell itself for the lowest price, using the threat of buying a competitor to get companies to lower their price; Microsoft assimilates the purchased company and uses its monopoly power to put all the other competitors out of business, then slashes the development budget for the acquired product and moves to the next victim.

3. Microsoft is a terrible corporate citizen. Consider simply their success in getting Judge Jackson to despise their behavior during the trial, resulting in aberrant judicial behavior, exactly what Microsoft wanted. This is a company whose business arrogance and flagrant law-breaking must be stopped. No legal settlement will have any impact whatsoever on Microsoft's behavior. Please study the history of the suit brought by Palm Computer against Microsoft a few years ago. You will note that Microsoft clearly infringed

Pal's trademark in calling their new handheld systems Palm computers. Palm sued, and Microsoft settled saying they would no longer use the term "Palm computer". The DAY AFTER the settlement, full page ads appeared in the Wall Street Journal, New York Times, and USA Today boasting of Microsoft's "Palm-sized computer", yes with the "P" capitalized. You can be assured that Microsoft is already preparing the fuck-you ad to follow the proposed settlement of the federal anti-trust suit.

4. The proposed settlement will have NO impact on Microsoft which is beneficial to consumers. Microsoft will only be emboldened by the fact that the government spent so much time and money and achieved nothing. Concluding the proposed settlement with Microsoft will allow you to look back in five or ten years and realize that Microsoft has gained and abused even more monopoly power, and that software innovation has effectively stopped.

PLEASE BREAK UP THIS COMPANY IN A WAY THAT DOES NOT ALLOW THEM TO LEVERAGE THEIR MONOPOLY TO DESTROY INNOVATION AND INNOVATIVE COMPANIES!!!!

**MTC-00001182**

From: Paul D. Motzenbecker, Jr.  
To: Microsoft ATR  
Date: 11/19/01 10:14am  
Subject: Microsoft Antitrust Case

To whom it may concern:

I strongly object to the proposed Microsoft antitrust settlement. Mr. Gates et al have shown themselves to be contemptuous of the laws and a previous consent order that you worked out. Now that another one is in the offing. Judge Jackson got it right with his breakup order. You should be seeking nothing less. Microsoft want the freedom to innovate as long as they are the only ones with such freedom.

Peace,  
Paul D. Motzenbecker, Jr.  
6710 Baltimore Avenue  
University Park, Maryland 20782-1109  
301-927-5593

**MTC-00001183**

From: Avery E. Dee  
To: Microsoft ATR  
Date: 11/19/01 10:27am  
Subject: Settlement

Gentlemen:

As a personal computer/internet professional, I am appalled at the terms of this settlement. It does virtually nothing to stop Microsoft's ruthless practices to own the internet and the personal computer industry.

The technology gaps provided in your settlement are big enough to drive a truck through, and be assured Microsoft will do just that in their quest to dominate all forms of electronic business. This settlement is giving away the store, and should not stand.

Avery E. Dee  
President and Founder  
Silicon Valley Bus Co.

**MTC-00001184**

From: Philip Caplan  
To: Microsoft ATR  
Date: 11/19/01 10:26am

Subject: Microsoft and the Anti-Trust case

As a customer of Microsoft's, I believe that the settlement as proposed is too lenient on Microsoft.

They have shown previously that "a promise to be better-behaved in the future" is a non-punishment, as they are quite capable of evading or avoiding such a promise.

I think a very large fine (several billion dollars) would have been a more appropriate penalty.

PHILIP CAPLAN

**MTC-00001185**

From: Jerry Daniel  
To: Microsoft ATR  
Date: 11/19/01 10:24am  
Subject: anti-trust

I don't feel that this settlement addresses the issue that brought Microsoft to this point; bundling software with its OS. How can companies compete with this practice? I feel that the OS should be a completely separate entity entirely. Also this settlement seems to make Microsoft responsible for policing itself which they have not made an attempt at so far. I'm sure that Microsoft's executives are laughing that they have won and can do whatever they want from now on. I think that the justice department failed to do its job in this case.

Jerry Daniel  
Computer Services Specialist III  
Department of Romance Languages  
University of Georgia  
706-542-0475  
706-542-3287 fax  
ejdaniel@uga.edu  
www.rom.uga.edu

**MTC-00001187**

From: Frank, William M.  
To: Microsoft ATR  
Date: 11/19/01 10:33am  
Subject: Microsoft and Illegal Bundling

Microsoft to this day has license agreements with Dell, Gateway, Micron and others that forces one to buy a copy of Microsoft Office when one buys a PC.

Go to [www.dell.com](http://www.dell.com), go configure any PC, and it will come with Microsoft Works, or more often Microsoft Office.

This adds to the cost of a PC for any user, and discourages adoption of Word Perfect or Star Office or other competitors.

It is not free, the cost is hidden.  
William Frank  
Network Specialist  
University of Texas—Houston  
(713) 500-9537

**MTC-00001188**

From: James Reynolds  
To: Microsoft ATR  
Date: 11/19/01 10:33am  
Subject: Breakup Microsoft.

Breakup Microsoft. They are guilty. Give them a punishment that actually punishes them. Breakup Microsoft.

Thanks:  
James Reynolds  
<http://www.cc.utah.edu/~jer29950>  
james.e.reynolds@m.cc.utah.edu  
james@mail.mlmc.utah.edu

**MTC-00001189**

From: Arthur F. Hogberg  
To: Microsoft ATR  
Date: 11/19/01 10:30am  
Subject: Microsoft's monopolistic practices.

I do not want Microsoft blocking my choice of software. Please break this company up. Or at least prevent them from monopolizing the market.

**MTC-00001190**

From: Fred Kinder  
To: Microsoft ATR  
Date: 11/19/01 10:35am  
Subject: Microsoft Antitrust Settlement

If this is the best settlement you can come up with, why on earth did you even bother to initiate the antitrust action in the first place. From what I can see in the proposed settlement, there are virtually no competitive restrictions placed on Microsoft and certainly the proposed settlement contains no punitive action whatsoever.

Come on folks, Microsoft was found guilty and does not even have to pay court costs?

The settlement offer provides nothing to delay, let alone inhibit, the anti-competitive tactics that Microsoft has employed (and enjoyed) in the past. You have allowed yourselves to become so wrapped up in obscure technical details such as middleware, that you have completely lost sight of the objective of a settlement in a case where the defendant has been found guilty—that is, the objective of any settlement should have provided (1) some form of punishment for the guilty party and (2) a mechanism to assure all competitors and consumers that the transgressions of the guilty party will not be allowed to be repeated. The settlement offer provides nothing substantial relative to either of these objectives.

It seems to me that this entire process has been a massive waste of time and taxpayer money.

Just my opinion.  
Fred Kinder  
2814 Panorama Drive  
Carrollton, TX 75007  
(972) 245-4341

**MTC-00001191**

From: Andrew F. Herrmann  
To: Microsoft ATR  
Date: 11/19/01 10:36am  
Subject: Microsoft Settlement

Dear DOJ—

The settlement you have proposed with Microsoft is unacceptable. Given that Microsoft owns 95% of the desktop operating systems worldwide, you can be assured they have a monopoly. Their next biggest rival, Apple Computer has less than a 5% market share. Even our own courts have determined that Microsoft is a monopoly. So, the question remains, did Microsoft use its monopoly power to hinder competitiveness?

Undoubtedly, the answer is yes. MS when taking on much smaller rival Netscape in the browser arena, decided, the easiest way to kill that company was to give Internet Explorer away for free. With their large bank account and multiple income making products, they readily destroyed Netscape, who's only income was from Navigator. Netscape as a browser only exists today

because AOL bought it. How can one not think this was an abuse of power? Secondly, with such sway over the personal computer desktop, Microsoft was also able to make a "deal" with Apple Computer saying at its base "if you don't make IE your standard browser, we will stop making MS Office for your platform." Is this business as usual in the United States? I think not. Finally, the bundling that Microsoft continues to aspire to, including Windows Media Player and the new Windows Movie Player are but another attempt by MS to set itself up as the provider of choice, by offering the American people no choice. I believe that the people of the US deserve a pro-active DOJ that will not allow the continuing dominance of a company that continues to abuse its monopolistic position.

Our own court system has determined and affirmed that Microsoft is a monopoly. I urge you to require harsh measures upon Microsoft, including the possibility of a breakup of the company. It would be an injustice if the Executive Branch of the United States Government, overstepped its bounds and proceeded with the settlement as proposed. Let the court's ruling stand, and let's give innovation back to the people who CAN and DO innovate, not the company in Redmond that stifles it for its own protection. —

Andrew Herrmann  
Tech. Coordinator, College of Arts & Sciences. Saint Louis University  
herrmaaf@slu.edu  
314.977.3635

"Only two things are infinite, the universe and human stupidity, and I'm not sure about the former."

-Albert Einstein

**MTC-00001192**

From: David Sopchak  
To: Microsoft ATR  
Date: 11/19/01 10:35am  
Subject: Don't let Microsoft off lightly  
Sirs,

I implore you to not settle the case against Microsoft in the manner that has been publicized. Microsoft has already been found guilty of abusing its monopoly power— please dictate a suitable punishment to fit the crime, and one, given Microsoft's poor track record, that does not allow Microsoft to police itself. They have proven incapable of such behavior in the past.

Microsoft has shown, time and time again, that it is not interested in following the rulings of courts. It still bullies and threatens real and perceived competitors. Its products are hardly innovative. What Microsoft does best is see when another company creates real innovation, and either buys the company (if that company is small), blatantly creates a rip off of that innovation, or undercuts the innovative company by offering its own product in that market segment that is either free or so low cost that it drives the competitor out of that segment. Ultimately, consumers are the real losers in this scenario.

Standard Oil was broken up for some of the reasons mentioned above. As an American taxpayer and computer end user, I ask that you help computer industry innovation flourish by creating an environment where might does not make right.

Sincerely,  
David Sopchak—  
David Sopchak, Ph.D.  
Senior Development Scientist  
Dais-Analytic Corporation  
11552 Properous Drive  
Odessa, Florida 33556  
727 375 8484 x206  
fax 413 604 9171

**MTC-00001193**

From: Wesley Horner  
To: Microsoft ATR  
Date: 11/19/01 10:43am  
Subject: meh on the settlement

Tell me the millions in tax dollars spent on this case won't be wasted by settling with another consent decree. I see the settlement as being even worse than what happened last time we settled with Microsoft. This settlement is loaded with holes and doesn't seem to do much to address Microsoft's past behavior and it certainly doesn't prevent them from doing things to smash the competition in the future. I don't want to be forced to use Passport to be on the internet!.

Wes —

wesman@resnet.uoregon.edu

My old sig was about Vaxen and VMS but I can't even figure out the name of the company that owns them anymore.

**MTC-00001194**

From: Gary Rehorka  
To: Microsoft ATR  
Date: 11/19/01 10:41am  
Subject: Proposed Microsoft settlement

I am writing to express my concern over what I feel is a major shortcoming in the proposed settlement. Microsoft has been found to have engaged in illegal monopolistic activities. The proposed settlement seems only to deal with potential future acts by Microsoft and attempts to place controls on that behavior. Nothing in the settlement seeks to correct the harm Microsoft's illegal acts has caused. Microsoft escapes all punishment for having broken the law. It is my position that without some form of punishment the proposed settlement will always be fatally flawed. Microsoft has acted to stifle competition in the past. Microsoft's illegal activities have forever changed the competitive landscape in the area of software development, both in regards to operation systems and consumer software. Microsoft has used its monopoly position to force out smaller competitors and to disincline the development of competing software products. It should be forced that correct that wrong by fostering competition in the future. I believe that a large fine, commensurate with the revenue Microsoft derived from its illegal activities, should be levied on Microsoft.

I propose that the fine levied on Microsoft should be used to correct the market changes the company's illegal activities have caused. The fine should be used to establish a fund that would provide monies to independent software developers to develop competing or complimentary software to that which Microsoft supplies. I would add the provision that the resulting code be made freely available to all interested parties using the method pioneered by the open software movement by having the software published

using the GNU Public License. This will insure that the money illegally gained by Microsoft is used to reestablish a healthy competitive software industry.

Only by working to undo the harm done by Microsoft's illegal monopolistic behavior can the proposed settlement be seen as being in the interest of the American public. Simply attempting to restrain future illegal acts by Microsoft fails to address its past wrongs and leave Microsoft in a stronger position directly gained via illegal means.

Thank you for your consideration,

Gary Rehorka —

Gary Rehorka email: rehorka@cs.umass.edu  
P.O. Box 601 phone: (413) 259-1295  
Shutesbury MA 01072

**MTC-00001195**

From: Al Agrella  
To: Microsoft ATR  
Date: 11/19/01 10:40am  
Subject: Microsoft Deal

What a deal for Microsoft! Since when is it ok for a monopoly to exist under current laws without a regulatory board? This is a bad deal for consumers and it's clear the justice department has sold out. Microsoft has bought the market and the US Justice Department was the seller.

**MTC-00001196**

From: Wendy Hedgpeth  
To: Microsoft ATR  
Date: 11/19/01 10:37am  
Subject: Microsoft Settlement

Reviewing the current Microsoft settlement information. I believe the terms are fair and still allow Microsoft the freedom to be innovative.

<http://www.usdoj.gov/atr/cases/f9400/9495.htm>

**MTC-00001197**

From: Aaron Braunstein  
To: Microsoft ATR  
Date: 11/19/01 10:48am  
Subject: Proposed settlement: You've got to be kidding

It is with shock, amazement and no small amount of disappointment that I've read the terms associated with the proposed settlement in the Microsoft anti-trust actions.

I cannot believe that after the years of research and litigation involved in this effort that the Department of Justice is wholly ignorant of what Microsoft has done and what they are likely to do in the future if such an anemic set of 'guidelines' and 'restrictions' are imposed. My composing and presenting a lengthy argument to you via eMail is likely not to have any kind of impact (if it is even read) so I will not waste my time.

In summary, please take this eMail as an emphatic vote against the current settlement and for a much stronger solution. After 20 years in the industry—the last 12 of which have been in the Silicon Valley, I can hardly imagine a greater danger to innovation and customer choice than Microsoft being 'forced' to operate under these guidelines—except perhaps an unfettered Microsoft. Please understand that you have the burden of an incredible responsibility on your shoulders and tens of millions of people are depending on you. Please don't fail us.

Aaron Braunstein  
<aaron@cymoril.com>

**MTC-00001198**

From: tft@eudoramail.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 10:45am  
Subject: Microsoft case

Hi,

I think the government should'n be that lenient with this company that for years is been a predator. tft

**MTC-00001199**

From: Rodney Smith  
To: Microsoft ATR  
Date: 11/19/01 10:44am  
Subject: Microsoft—Anti Trust (Appendage)

Dear DOJ,

This eMail serves as an appendage of an original eMail sent 11/16/01 (which is included after the following text).

The previous message neglected to mention the browser issue. During the court proceedings under Judge Thomas Penfield Jackson, William Gates (as I have read in technology news) states he didn't know what a browser is. I take his statement to mean that there is no clear definition of a browser simply because his own software package can be found specifying the need for a browser. Further, tying in of his browser to the Windows OS is not as clear an issue as Microsoft has pressed. My experience with Windows and the accompanying browser lead me to understand that:

- 1) The browser technically has nothing to do with the OS.
- 2) The Internet has nothing to do with the OS.
- 3) Internet access and a browser are two separate things.

To explain the above declarations in simple terms. The browser that was originally created as a method of viewing information stored and accessed from the internet was later extended to the OS as a means of maintaining consistency of appearance and usage between the OS and the internet. To simplify further, the code used for the browser and the code used for connecting/accessing the internet are two distinct components. Competing browser products as it relates to the internet are defrauded on the basis of underlying code that uses the Windows OS (now the primary use) browser to display internet information. Again, to simplify further, it is the internet access code that is the object of tying or commingling. It is this component that should be the focus of litigation.

To clarify why I chose to de-emphasize the technical merits of the browser with the OS (Windows) is that confusion arises from Microsoft's argument about the importance/difficulties of the browser. The browser as it stands today is important to Microsoft only as it relates to the importance that made the GUI (Graphical User Interface) a successful technology. However, my PERSONAL opinion is that this is contrived to a large degree. I PERSONALLY don't like the CONVENTION (browser as it relates to the OS) which is all it offers, in MY OPINION.

Original Message

First I would like to say that this legal proceeding must be handled with great care.

It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable outcome. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various techniques matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advanced EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has "the inside track" and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantageous situation of technical literacy behind "A" target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was not selected as a remedy for the Anti-trust case and a "fair sharing of technology is used", then I would also suggest that Microsoft be restricted from bundling "value added applets". Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no bearing on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. A prominently exposed method to "use" or "try" a competitor's product should be available.

This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is "a part of Windows" and what is offered as an alternative. These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,  
A Concerned Citizen

**MTC-00001200**

From: john gabriele  
To: Microsoft ATR  
Date: 11/19/01 10:52am  
Subject: the case against MS

Please, \*please\* stop microsoft from using its monopoly position in the market to crush free market forces. They have destroyed many businesses that they otherwise could not compete with and will continue to do so until stopped by larger forces than themselves.

John M. Gabriele

**MTC-00001201**

From: Brian T. Paquin  
To: Microsoft ATR  
Date: 11/19/01 10:49am  
Subject: Another victory for Microsoft

To whom it may concern,  
I would like to say how displeased I was when I read the "penalties" that were imposed on Microsoft. Companies like IBM and ATT learned the hard way... monopolies are NOT in america's best interest.

But I guess times have changed, and laws can be bent! How Microsoft can have a SAY in what they will accept for penalties is outrageous. Found GUILTY, they must accept the ruling passed by a judge or jury.

I may not be seeing things correctly, from a legal point of view, but this is how the average american sees it!!

Justice has NOT been served.

Brian T. Paquin  
Yale University  
Department of Pathology  
310 Cedar Street, BML 161  
New Haven, CT 06520  
(203) 785-6500  
brian.paquin@yale.edu

**MTC-00001202**

From: David L. Van Brunt  
To: Microsoft ATR  
Date: 11/19/01 10:49am  
Subject: Abuse of Monopoly has reached the consumer level

A few years ago, I purchased a database product from Microsoft. On the box and in its advertising, it explicitly stated "designed for the Power Macintosh". I spent over \$400 on this piece of software. It was so badly bug-ridden as to be unusable for my purposes, so I called the Microsoft Help Line.

I was transferred many times until I reached a person who was experienced with that product. They told me that what I wanted to do was not operational in the software version that I owned (though the box clearly said it should be), that they knew it was a bug in the code, and that the software I bought was not really designed for Power Macintosh but was instead a hastily made port of their Windows product.

Further, they said that the bug was going to be fixed in the Windows product (free updates for users of their OS), but that there would be no further updates of the Mac product (since it was not really "designed for Power Macintosh" as they claimed). They also said no, I could \*not\* have a refund because the box was opened. When I complained that I deserved a refund because they had both misrepresented themselves and sold me a defective product, the Microsoft representative \*actually laughed at me\*, and said, "Yeah, well.... Who you gonna go to? The competition??" This sort of arrogant customer abuse comes with the confidence of impunity. They had already violated earlier "remedies" for their earlier abuses, and did not hesitate to trample the consumer who didn't comply with their will (their OS or no OS).

Good for consumers? Ha! the only remedy good for consumers would be to break up this company to allow competition among the real innovators in the marketplace.

Warm regards,  
David L. Van Brunt, Ph.D.  
Assistant Professor  
University of TN Health Sciences Center  
<<http://www.utmem.edu/prevmed/>>

**MTC-00001203**

From: Theo M  
To: Microsoft ATR  
Date: 11/19/01 10:49am  
Subject: Comment on the proposed settlement

I am extremely disappointed at the proposed settlement with Microsoft, following the Appellate court decision of 7-0 on the most important parts of the case, and the subsequent denial of review of this decision by the Supreme Court, in effect signaling you all how to proceed with a strong DOJ case, which would allow you to turn Microsoft into a company that competes based on merit, rather than by twisting the arms of everyone it considers a threat to its illegal monopoly.

To forfeit that strong position with the proposed settlement, and allowing Microsoft to be arbiter of its future, and of how to handle itself with regard to its policies towards competitors, and bundling of its products, is a travesty of justice.

How did we go from a proposed breakup in two of the company to this situation of giving it all it wants with a "behavior adjusting" settlement? Have we learned nothing from the past? Isn't experience with "consent decrees" that Microsoft has totally disregarded in the past, that we are where we are today? What are the guarantees that we won't have to deal with Microsoft with a new lawsuit in the future, and why should we, the taxpayers, foot the bill of monitoring this outlaw corporation? How have you dealt with ALL the violations of the Sherman Act it was found guilty of? Is this what Justice is in this country—watching Bill Gates lie repeatedly during his deposition, and no one at all taking issue with it—then allowing him to keep his pie and eat it too? The proposed breakup of the company is the only long term viable solution, which would allow for increased competition, the absence of monopoly abuses, and will not cost taxpayers

any more tax dollars. How could you put aside the chilling testimonies of witnesses to Microsoft's abusive and lawless monopoly maintenance practices? How dare you?

You have created an environment where corporate predators are rewarded, and entrepreneurs are considered fodder for monopoly abusers. You have abrogated your responsibilities to protecting the laws of competition in this country, and of properly punishing those who blatantly, and repeatedly abuse them.

Sincerely,  
Theo Maschas

**MTC-00001204**

From: John Covele  
To: Microsoft ATR  
Date: 11/19/01 10:56am  
Subject: getting away with anything

Microsoft has proven it is stronger than the U.S. government, and can do anything it wants. As a convicted illegal monopolist, Microsoft receives only a slap on the wrist.

I've been working in the computer industry since the days before Microsoft was a monopoly. Back then, there was lots of healthy competition. Slowly but surely, Microsoft used illegal tactics to squeeze the life out of all the other companies. Today, the computer industry is at the mercy of an 800 lb gorilla. There is no way for new companies to come out with new products.

The root of the problem is that Microsoft has a monopoly on BOTH the OS and leading office applications. They can afford to "dump" on the market with money-losing products in either area, just long enough to starve out the competition. Today, they are choking the life out of Palm primarily because people mistakenly believe they need to be compatible with Word and Excel, therefore they choose Pocket PC devices. Today, they are targeting the video game market and they can afford to dump the hardware and lose money on every sale, because they have the huge bankroll of an illegal monopolist.

Just look at the net profit of Microsoft. It is an obscenely high percentage of sales. No other company in the industry has such high profit margins. Consumers are being screwed.

The only way to restore healthy competition is to make Microsoft compete fairly: the OS and Applications businesses need to be separated. The current settlement agreement is about as effective as the last one. Too little, too late...

John Covele

**MTC-00001205**

From: Jim Hartneady  
To: Microsoft ATR  
Date: 11/19/01 10:52am  
Subject: MicroSoft Settlement

These are my comments regarding your settlement. I offer them as a user in a business environment :

\* You have provided no punishment, therefore, no reason for MS to change its behavior. You have only introduced inconvenience which MS will ignore as it has in the past. The EU will be harsher on them than this settlement.

\* There is no compensation for the companies that were injured or eliminated by MS tying their product to the OS.

\* The oversight panel has no authority to stop/correct improper behavior.

\* Even among very strong MS supporters there is a feeling that DOJ let them down and that MS will continue to provide mediocre products to the Government, private industry and home use. Non MS supporters are much less kind, both to MS and to DOJ. When there is no competition there is no reason to get better than marginally adequate. As a continuing monopoly this settlement means we get no relief. It only would have improved if the operating system was split away from the other products in a separate company. The OS would continue to be what ever it wants but the MS applications would have had to compete on merit.

Sorry you couldn't do better.  
Jim Hartneady

**MTC-00001206**

From: Anthony.Burokas  
@millscorp.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 11:05am  
Subject: Much harsher Microsoft punishment required.

I am extremely dissatisfied with the DOJ decisions on the Microsoft anti-trust case. Not only has clear evidence been shown that Microsoft has illegally manipulated the market, but even during the case, Microsoft has continued to push their domination plans forward by great leaps and bounds. I do my best to avoid their software as much as possible, but it is actually quite impossible. What that is the case-you know that there are serious anti-trust issues.

Case in point: Microsoft's new "Passport" which forces everyone, even users of free software and unrelated services, to enter their personal information into this privately held database of Microsoft. What will it be used for? I have no control over it. Yet Microsoft forces us to join and gives us no other option.

They are starting to take over the gateways... and the toll of my privacy is too expensive. Would you rather let Microsoft have more power than the government? Because, if it is a government of the people, they have already won. Unless the DOJ acts strongly and swiftly to break Microsoft apart into completely separate, and competing groups, you are acknowledging that they are the matrix, and we have no one who can stop them. Anthony

Anthony Burokas  
3455 Brookview Road  
Phladelphia PA 19154

**MTC-00001207**

From: Besedick, Stephen  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 11:02am  
Subject: Microsoft Penalty Phase  
To Whom it May Concern,

My name is Stephen Besedick, and I am a Technology Coordinator at an elementary school in Orlando, Florida. My job centers around finding and integrating technology solutions for the faculty and students at my school. It is not hard to see (especially with the movement in our school district to establish a PC standard), that the "blind" adoption of the Microsoft OS (Windows) as

well as its corresponding applications solutions is "forcing" people to accept technology solutions that may not necessarily match how they want to work, or give them opportunities to see if other, more viable solutions exist. The rush to use Microsoft as a "standard" eliminates the option of "choice," . . . and choice is what drives a competitive market. If schools, businesses, and individuals do not have a choice in how they want to complete their work, they they all become slaves to the system that they endorse. Microsoft certainly has a right to operate and innovate to satisfy their customer base, but they do not have the right to bury (at this stage of the market) legitimate attempts to offer competitive products in the areas that Microsoft does business. It is a well known that Microsoft has simply swallowed competitive technologies, and then turned around and offered them under their name, in order to keep their cash box full. If this situation was accepted as the norm in every other business or consumer category, we would only be driving ONE brand of car, eating ONE brand of food, and buying all of our other goods and services from ONE branded store. I do not think that this is an American vision. Microsoft has gotten too big to think rationally about how its business practices affect society . . . they are driven simply by cash and control. If we aren't careful, our technology infrastructure will be influenced by just one company, and everyone will just have to like it! It is the Federal Government's duty to make sure that the technology section of our economy has a level playing field . . . a field where EVERYONE plays by the same rules, and that the winners and ultimate moneymakers are those which offer the best product at the best price.

**MTC-00001209**

From: timoth  
To: Microsoft ATR  
Date: 11/19/01 11:21am  
Subject: Inadequate Settlement

This settlement is completely against the public interest. It does not address the key problems with the Microsoft monopoly. When a company that has 90% of the market can use layers in combination with relatively unlimited money and as see by this settlement doesn't have to answer to anyone including the government we, the average american citizen pay dearly.

In other industries when you buy a product that is shipped defective, you can return it. Then go somewhere else to buy an alternative product. This form of captialism keeps the industry in line. Every version of Windows I have owned has crashed, damaged my files, caused me to lose many hours of work. Every version of Windows I have used has been defective. In fact I know of no single person who hasn't lost many hours of work because of defects in Windows.

If you are to run Windows you have to agree to the End User License Agreement, which rids you of any legal rights to seek compensation for damages caused by Microsoft products.

That in itself wouldn't be a problem if there were competing products to choose from, because any business that acted in this

way would be washed out of the industry because people wouldn't stand for it and would buy competing products. For example say you bought a refrigerator that randomly turned off (crashed) and spoiled your food, and one that you had to agree to a legal agreement that said that you have no rights to go after the manufacture of the refrigerator to simply turn the refrigerator on. You wouldn't stand for that. You would never buy anything from that manufacturer ever again.

Now imagine that there was only one manufacturer of refrigerators that had inside monopoly deals with all the appliance stores (where can you find a PC computer that you can buy from a store that doesn't have windows). Or better yet, monopoly deals with the manufactures that build the outlets for electrical plugs, so there was a special plug that was pre-installed in all new homes that would only work with this one manufactures refrigerators. Would those people even know that they should have a right to a refrigerator that actually works correctly if there has never been a competitor in the industry. The status quo would be the wool over the eyes of the common everyday person.

As one who works in the computer industry it is as clear as day to me. And I pay for this problem every day. Here are some more examples,

1.) Say you have an idea for a new product. Like the web-browser was or say like video compression tools are now. Then you produce that product. You find that you cannot sell it. And the reason is simply that Microsoft will copy the idea then bundle it with Windows and sell it for free in combination with raising the costs of the operating system which you have no choice to buy. New examples of new products bundled with XP,

a.) Movie maker (movie editing, capturing, compression, etc).

b.) Media Player (playback of compressed media, watch and listen to online radio and tv, play dvds, etc).

c.) Windows Messenger (online communication).

d.) Digital photography tools.

e.) Msn (aol clone).

f.) and more

How are you supposed to produce a competitive product when Microsoft takes any idea that becomes profitable by someone else and then uses monopoly power to bundle it and sell it way under cost (in many cases for free).

2.) Look what is happening with the Xbox. They are selling it way under cost just to try and take over another industry. First they take advantage of Sega when Sega is hurting making a deal with Sega to use WinCE in the Dreamcast. Then Microsoft copies the hardware work that Sega put into the Dreamcast and uses the software knowledge gained in that previous deal to produce a clone product called the Xbox. Then Microsoft uses its deals with the PC game industry to get a lot of developers writing games for the Xbox. And finally they use huge amounts of monopoly money to sell the thing under cost. They have already pushed Sega out of the industry, soon they will do whatever they can to push out Sony and Nintendo.

In all they progress completely un-checked by any method. There is no innovation going on at Microsoft other than to take advantage of monopoly power.

RESTORE CAPITALISM AND  
COMPETITION IN THE PC COMPUTER  
INDUSTRY AND BREAK UP THIS  
MONOPOLY NOW! OR WE WILL ALL  
CONTINUE TO PAY, PERHAPS WITH  
MOST OF THE POPULATION  
UNKNOWNING.

Timothy Lottes  
4910 Forest Ave Apt 305  
Downers Grove, IL, 60515  
630-697-6747

**MTC-00001210**

From: Chuck Counselman  
To: Microsoft ATR  
Date: 11/19/01 11:12am  
Subject: Antitrust settlement feedback

I was very disappointed to hear that the DoJ had essentially caved in and given up on stopping Microsoft's anticompetitive practices. I am pleased that some of the states, including my own MA, are continuing to fight.

Charles C. Counselman III  
Professor, M.I.T.

**MTC-00001211**

From: Leonard Dudzinski  
To: Microsoft ATR  
Date: 11/19/01 11:06am  
Subject: A proposal to deal with Microsoft  
US Department of Justice,

Like many Americans, I suppose, I have been pondering the Microsoft case currently being tried by the US Department of Justice, and thinking about what solution I would favor. I have an idea for how the DOJ could deal with Microsoft that I have not heard discussed as one of the options, and I am grateful that the US Department of Justice has opened this forum to share ideas on the case. I strongly believe that the ruling is correct that Microsoft's monopoly was gained illegally and hurts consumers. Microsoft has clearly demonstrated the willingness to wield its monopoly power to benefit itself at the expense of others. Microsoft's monopoly power must be ended. I also strongly believe that, especially during these these times of war, it is not in the US governments best interest to be reliant on one computing platform for its function and national security. Recent events have demonstrated that one computing platform can be devastated by hackers or viruses, while others are immune. My proposed remedy is this: rule that the Federal Government must support multiple computer platforms, operating systems, and software suites in the interest of national security and in support of the free market.

While the US DOJ does not have the power to dictate the market in a free market economy, it does have the power to affect how the Federal government responds to it. A DOJ ruling that it is not in the governments best interest to be dependant upon one supplier for most of its computing resources, and that the government must foster competition in the computer marketplace where possible, would be fair, effective, and within its powers. To that end, the President

should issue an executive order that the US Federal Government will support multiple computer platforms, operating systems, and productivity software suites, and no single computer platform, operating system, or suite of software will hold greater than a 50% market share within the federal government (The Federal market share percentage could be debated). This ruling would create an immediate demand for Microsoft's competition within the Federal Government, and with all those who deal computationally with the Federal Government, which, I would think, is a large part of the computer market as a whole. Thus, this ruling would have the effect of destroying Microsoft's power to monopolize the market while preserving the company and its products. This ruling would have the additional effect of driving the computer industry towards standards to improve interoperability between platforms, operating systems, and standard software suites, which benefits all consumers. Microsoft would then be forced to play fair with its competitors products and standards.

I welcome comments on the idea.

Respectfully,  
Leonard A. Dudzinski  
Concerned US Citizen  
Leonard A. Dudzinski  
270 Windward Dr  
Elyria, OH 44035  
e-mail: Leonard3@Mac.com  
LDudzinski@Excite.com

**MTC-00001212**

From: Barry  
To: Microsoft ATR  
Date: 11/19/01 11:23am  
Subject: microsoft settlement

I strongly object to the proposed Microsoft settlement. Their crimes are far too serious for such trifling punishment. And their history proves that they will not abide by any agreement that requires voluntary cooperation on their part.

Barry McAllister  
DNA Visual Business Solutions  
833 W. Jackson Blvd.  
Third Floor  
Chicago, IL 60607  
v: 312.654.8383 x23  
f: 312.654.8388  
www.visitdna.com

**MTC-00001213**

From: King, Cory  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 11:22am  
Subject: Microsoft Settlement,

I think the settlement looks fair to everyone concerned. I think it will allow Microsoft to be a viable and competitive company. I think they will continue to have ability to create new products and forge part of America's future.

Thank you for allowing me to express my opinion as an American.

Cory King  
704-887-7450 ext: 5624

**MTC-00001214**

From: Brian Beattie  
To: Microsoft ATR  
Date: 11/19/01 11:23am  
Subject: From my understanding of this

settlement and my 25 years in Operating From my understanding of this settlement and my 25 years in Operating Systems development, during which I have watched Microsoft's increasing aggressive actions with distress as they have used various monopolistic actions as well as other practices that would appear to be illegal on their face (such as disseminating false information). I find I am incredulous at the lack of effect restrictions on Microsoft in the proposed settlement, whom I consider the worst corporate criminal this country in a long time. I only hope that the States involved in this action are able to do the job that needs to be done, which that the US DoJ is would seem incapable of doing.

Brian Beattie

**MTC-00001215**

From: P825j@aol.com@inetgw

To: Microsoft ATR

Date: 11/19/01 11:30am

Subject: No Subject

a few billion dollars seems to buy a lot of justice.

**MTC-00001216**

From: Clarence Ebersole

To: Microsoft ATR

Date: 11/19/01 11:30am

Subject: settlement

The settlement proposed does not

1. Punish MS for violation of antitrust laws.

2. Discourage MS from further violation of those laws. and in fact it lets MS off with a slap on the hands and a tongue in cheek "no no", as MS continues violating those same laws with their new software releases.

They further are practicing MANDATORY registration of software after it has been purchased, in an attempt to appear not to be mandatory they call it product activation, and then they say you may or may not register. What a travesty.

If the agreed to settlement is approved MS will continue trampling on the consumer and its competitors.

Thank you,

Clarence Ebersole

**MTC-00001217**

From: Mike Curtis

To: Microsoft ATR

Date: 11/19/01 11:25am

Subject: Inadequate redress

As a professional in both the software and media industries, I was quite dismayed to see how paper thin the restraints against Microsoft are in the current settlement agreement.

MS will not be constrained from continuing its predatory practices in bundling or pricing, and will still have free reign to stifle competition on a variety of fronts.

I think it is a grave disservice to the American computer industry and consumers to allow this settlement to proceed as planned.

If we cannot topple the monster with this attempt, what hope does any future attempt have?

A dissatisfied consumer and vexed industry professional,

Mike Curtis

Strategic Media Lab

mike@strategicmedialab.com

**MTC-00001218**

From: William Malgieri

To: Microsoft ATR

Date: 11/19/01 11:25am

Subject: Settlement issue

Hi,

Regarding the MSFT settlement as an Apple user I'm a little concerned. I did not see any provision that prevented MSFT from not excluding Apple's OS from their development plans. For example Apple would have gone out of business if MSFT did not make the deal with them to continue development of Office. And Apple had to sell 10% of the company to them to do it.

What about Linux?

MSFT has become the most powerful application developer because of the OS monopoly. What does the settlement do to address this issue?

Thanks,

Bill Malgieri

**MTC-00001219**

From: Heck, Gregory

To: 'microsoft.atr(a)usdoj.gov'

Date: 11/19/01 11:38am

Subject: Microsoft Settlement

As a user of Microsoft and Apple software I have an intimate understanding of the implications of Microsoft's monopoly. I feel the DOJ has folded and let the American public down. Microsoft is now stronger than ever. They have won and are unstoppable. Anything less than a restructuring plan is a waste of all of the time and money that was put into this endeavor. I don't think destroying the company will solve anything, but I do think they need much stronger remedies than what is on the table now. Microsoft didn't get it 95% market share on quality, the got it through questionable deals and predatory policies. Microsoft has made competitors software unstable on their OS numerous times. Once the competitor has lost a lot of ground Microsoft will then buy that technology and incorporate it into their products making it work.

The DOJ has really messed this one up. I wouldn't want to be the one who history records as the people who let the largest monopoly in history get away free and clear.

I sincerely hope the judge rejects the terms of this settlement and asks for much harsher penalties such as breaking the company into groups as was discussed in the beginning of this process.

You must reign in Microsoft now before they have the chance to destroy the Internet and dominate it like they have the desktop. If you believe in free enterprise and equal opportunity for everyone, Microsoft must be stopped now before .NET can spread and stop free enterprise as we know it.

Thank you

Greg Heck

"Within the computer industry, the description, 'more like a Macintosh' is always a high praise. The description 'more like Windows' is rarely used as praise."—The Seattle Times

**MTC-00001220**

From: Julian Kovalsky

To: Microsoft ATR

Date: 11/19/01 11:36am

Subject: This is ridiculous

I'm sick of Microsoft throwing their weight around. They have done many sneaky and unfair things for years. This settlement is a joke! It shows that they can even buy the Government.

This is sick!

Put an end to Microsoft Monopoly!

Julian Kovalsky

**MTC-00001221**

From: Ty Davison

To: Microsoft ATR

Date: 11/19/01 11:34am

Subject: Justice Department—Microsoft Settlement

Dear Sirs:

I am an independent computer consultant, and I have long been angered and repulsed by Microsoft's attitude and marketplace actions. It came as no surprise to me that they were found to be an illegal monopoly. My business virtually requires that I use their products (system software, web browser, applications), and my strong preference would be to do otherwise. I simply have no choice in the matter. Which brings me to the proposed settlement of the case. I have grave doubts that it will change ANYTHING regarding Microsoft's attitude, behavior, or market dominance. Microsoft has signed consent decrees before and nothing has changed. I don't know that breaking the company into pieces would have solved the problem faced by consumers, but at least it would have injected competition into the marketplace. As it stands, I do not believe that Justice Department's agreement will do that. Please reconsider your position.

Sincerely,

Ty Davison

SiteRev.com

**MTC-00001222**

From: D C

To: Microsoft ATR

Date: 11/19/01 11:34am

Subject: Anti-trust misused

I'm sure you are getting a bunch of comments from people who do not like Microsoft and wanted you to bury them. Me I do not particularly care for Microsoft either, but as an American who has lived overseas and seen the harm that a competition based instead of customer based Anti-trust law can inflict, I wonder if we are not slipping into wrong mold. Anti trust law is supposed to be about protecting consumers not competitors. Hey Microsoft might not produce a perfect product; but neither does anyone else.

Consumers will not be harmed until Microsoft begins gouging them with higher prices. They have not been harmed and neither has competition. Here are some real Antitrust issues:

I do not see you going after Mobile who pulled the lic from their biggest supplier in Nebraska (an independent) because he would not sell only Mobile (35% of his business). Here's another one for you. My own phone supplier Quest is dragging its feet upgrading the CO's and relocating them waiting until the competition is out of business so they do

not have to give away market share and compete. They refused to upgrade my local CO (central Office) so I could get DSL from a competitor but parts of the CO that are used by their customers are DSL compliant. Here's another real monopoly...Cable modem internet access. Why don't the cable companies have to release their lines for the internet the same way that AT&T had to for long distance. Here's another one...I live in Minneapolis. Northwest has 85% of the gates. Why does it cost me \$300 more to fly northwest from Minneapolis to Denver for Thanksgiving than it does to fly from Chicago to Denver on Northwest? (I checked...airport fees are higher in Chicago and ridership is comparable) Now that is gouging customers because you have a monopoly.

Back to this case...

People do have choices in operating systems and software. Amazon just made a big splash about how much money they save my going to Linux. I use IBM dos for a lot of my floppy's for boot disks and batch programs. And I still use Netscape as a browser and Wordperfect for word processing, even on my Windows operating systems. UNIX is not about to go out of business and neither is Apple or Java. But even if they do, someone else will take their place.

How does giving software away for free hurt consumers? Just because I no longer have to pay for Netscape doesn't hurt me as a consumer in the slightest. In fact it helps keep costs down. And who the hell ever asked for a dos based PC OS like Java anyway. If they lose out because their interface is harder to use than the GUI provided by windows and Apple, tough for them. They made a losing bet. We need to remove our concern for competition and competitive companies from the equation unless we can prove that customers are being gouged.

Netscape had several options that it chose not to pursue:

1. They could have taken Gate's offer to buy their company and make them the Internet browser of the future. But no they just wanted Gates and customers to pay too much for a browser. So Microsoft invented their own. If they had sold out, their stock holders would be much better off today too.
  2. They could have chosen to build a better operating system and compete with Gates and company. There are plenty of anti-microsoft techies out there who would love nothing better.
  3. They could have started giving away their browser at a lower cost making it economically unfeasible to develop a competing product. Did they really think that Gates would go to all the trouble and legal/management expense of trying to buy their company and then not go after another solution? duh?
  4. They could have aggressively marketed to the public the benefits of their product over Microsoft and they might still be selling a browser because there are people out there like me who would gladly pay for the increased functionality of their product.
- PS...you could just as easily substitute Word Perfect here. They chose foolishly and paid the price.

#### THE REAL LAW:

If Microsoft decided to build an operating system that would only work with Microsoft software...it would be perfectly legal. But of course, this will not happen because every person and company I know needs and uses products that are not Microsoft. If they did something this stupid their market share and stock price would drop like a rock.

#### THE REAL TRUTH:

If Gates had given a little more money to the political parties who saw him giving away billions to charity and got jealous and wanted more of the pie...this whole law suit would probably have disappeared like a fart in the wind.

Douglas A Cavin  
11641 Virginia Ave N  
Champlin, MN 55316  
763-300-2166

#### MTC-00001223

From: bill(u)brewis  
To: Microsoft ATR  
Date: 11/19/01 11:40am  
Subject: Microsoft Settlement

I am very pleased that the DOJ, the States (9 of them) , and Microsoft have agreed to a settlement. I hope that the other states join in soon.

Bill Brewis

#### MTC-00001224

From: John L Smitter  
To: Microsoft ATR  
Date: 11/19/01 11:40am  
Subject: Dear Anti-Trust Division  
Dear Anti-Trust Division

I thank you for coming to the agreement with Microsoft and allowing them to continue as the provider of "AFFORDABLE" software and systems that allow individuals like myself the benefit of email communication, powerful document production equal to Multi-Million Dollar companies and organizations, and a better way of life for the USA and world.

I have been associated as a user of computers and computer systems since the mid 1960's when the computer filled a 20 x 40 room, and required an army of specialized individuals to operate it, and the output was only available on reams and reams of paper. I have benefited most by the Microsoft developments and improvements through out the years.

I first began PC applications using a Spreadsheet program called VisiCalc, which was replaced by Lotus, a very significant improvement, but a much more significantly program called Excel was provided by Microsoft. Microsoft provided Excel to me at a very competitive price, and had broader compatibility and so many advantages over Lotus that it soon became the Spreadsheet of choice. The same situation is true with WordPerfect. I paid \$400.00 for WordPerfect as a word processing software, it was the best there was, until Microsoft provided Word for \$100.00 and the ease of use and quality of delivery put WordPerfect in the drawer.

I had opportunity to use Sun Micro Systems, Hewlett Packard 3000, IBM System 30, Novell PC Network, and Microsoft NT. Again, cost and ease of installation and use

made Microsoft the one of choice. Each of the other named systems had a better opportunity to provide benefit to the consumer than Microsoft!

They chose to keep costs high and less innovative than Microsoft! So for me, to go after Microsoft as the Justice Department did, hurt consumers and businesses much more than it helped.

Again, thank you for coming to this conclusion!

John L Smitter

#### MTC-00001225

From: William Shaw  
To: Microsoft ATR  
Date: 11/19/01 11:40am  
Subject: What Has Changed Except MS is Off-the-Hook?

Several questions, I think you know the answers....

\* Does the settlement impose a monetary penalty that strips MS of moneys obtained by using illegal practices?

\* Does the settlement make it substantially more difficult for MS to buy any other competitors, technologies, or industries in which to launder its ill gotten gains?

\* Does the settlement break up MS into smaller, more competitive companies making it easier for the people and their government to monitor compliance with the settlement?

\* Does the settlement force MS to publicly admit to illegal and anticompetitive activities?

\* Does the settlement release into the public domain important Windows technologies so all companies can take their place at the PC OS and application table?

I am not a lawyer, but I believe the answer to all of these questions is NO! Then I ask, what will be accomplished by the settlement? I cheer those states that will continue the legal process against MS!

William Shaw  
Ben Lomond, Cal.  
willwshaw@aol.com

#### MTC-00001226

From: Gregory  
To: Microsoft ATR  
Date: 11/19/01 11:44am  
Subject: secure new government communications network

How to kill two birds with one stone, remove Microsoft from the loop.

Can the government remove Microsoft IIS and Windows XP/2000 from its approved buying list?

Can Microsoft OS/Office products ever be said to be secure?

Are you locking the barn after letting out the cows?

Five year moratorium on Windows OS for desktop and servers would go a long way to sending the message that monopolies that force users into needless upgrades, bundled software, and insecure desktop and servers are no longer approved.

Why add GovNet when what you need to do is secure the desktop and server and remove Microsoft servers and desktop machines from vulnerable, sensitive and critical areas?

OS/2 died due to FUD, not because of any inherent flaw or that Microsoft was a

superior operating system. Of course at that time there was anti-IBM sentiment and Microsoft was the perceived to be the underdog at the time.

First Microsoft developed its own set of java tools to insure that its version of java and not Sun1s, was deployed and lead to confusion for users. Now it has dropped support for java.

Even as this is being resolved Microsoft had the audacity to 3pull the plug on MSN.com and disable features if it didn't see a 3supported browser. By the way, Explorer doesn't have as good a support as Mozilla (Open Source) and Mozilla worked better than Explorer on MSN.com. But Microsoft was the sole arbiter of what was or was not 3compliant- and 3supported.- You expect Microsoft to act any different or police itself or allow itself to be policed by any standards that it doesn't agree to?

Force Microsoft to change by removing it from all government purchase lists for 5 yrs unless there is absolutely no Linux or OS/2 or \*nix or other available platform from HP, IBM, Sun, Apple, etc based on ability to deliver a solution.

Gregory Youngs  
Fairfield, Iowa  
From New York Times,  
November 17, 2001

To Forestall a 'Digital Pearl Harbor,' U.S. Looks to System Separate From Internet  
By ALISON MITCHELL

WASHINGTON, Nov. 16 ? The Bush administration is considering the creation of a secure new government communications network separate from the Internet that would be less vulnerable to attack and efforts to disrupt critical federal activities.

#### MTC-00001227

From: Doug Hanley  
To: Microsoft ATR  
Date: 11/19/01 11:50am  
Subject: Microsoft needs strict discipline in its business practices.

Just today it releases Office v.X for Macintosh OS X. At this link it states its upgrades are available for \$200 at this link: [http://www.microsoft.com/mac/officex/prodinfo/t\\_upgrade.asp](http://www.microsoft.com/mac/officex/prodinfo/t_upgrade.asp) However all the purchase links have it for \$269 or more. This is standard with their practices, this settlement is less than satisfactory.

Doug Hanley Apple Product Professional  
702-396-0697  
MacTEK Digital Services Apple Solution  
Experts Fax 396-0698  
mailto:doug@mac-tek.com <http://www.mac-tek.com> Las Vegas, NV

#### MTC-00001228

From: Roy Gosewehr  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 11:48am  
Subject: Feedback on proposed settlement  
Dear Sirs:

I am extremely disappointed in the Dept of Justice's proposed settlement with Microsoft. Microsoft is clearly a monopoly and has clearly used it's monopolistic position to manipulate the marketplace to the detriment of consumers and competitors (many of which that are no longer in business).

The proposed settlement does not introduce any real restrictions on the market

behavior of Microsoft. It does not include any penalties for past violations of previously agreed conditions. It is not enforceable. And if it is violated by Microsoft, it will take another long trial at taxpayer's expense to re-establish what has already been proven by this trial.

Clearly, the DOJ has lost it's effectiveness in dealing with anti-trust issues. (It almost appears as if the DOJ has been bought and paid for.) The waste of dollars in winning an anti-trust case and then failing to follow up with relevant and effective penalties truly sickens me as taxpaying US citizen.

Sincerely,  
Roy C. Gosewehr  
Plano, TX

#### MTC-00001229

From: Daniel A. Shockley  
To: Microsoft ATR  
Date: 11/19/01 11:46am  
Subject: settlement is a waste of taxpayer money

Hello,

I work in the IT Industry currently, and am disappointed with the current settlement proposal between the DOJ and Microsoft. It seems to indicate a complete surrender by the organization that is supposed to enforce our nation's laws. If Microsoft has broken the law, it should be punished. The current settlement proposal is essentially a "don't do it again" response that doesn't even adequately enforce compliance. The oversight committee described in the proposal would seem to have little incentive to actually enforce the terms of the agreement.

A much simpler solution that would force Microsoft to compete would be to prevent it from any future purchases of other companies and prevention of purchase of other software product code. It would force Microsoft to compete on their actual ability to write software, rather than allow them to buy out any threat. Whatever is done, surrender, after a fairly successful litigation, is an absolute waste of taxpayer money.

Thank you,  
Daniel A. Shockley, Database Programmer  
DanielAShockley@yahoo.com

#### MTC-00001230

From: Greg Miller  
To: Microsoft ATR  
Date: 11/19/01 11:59am  
Subject: Help us!

Help us! I can't afford the monopoly. I need alternatives!

Greg Miller  
<http://www.greg-miller.com>  
greg@greg-miller.com  
512.346.4589  
9617 Great Hills Trail #514  
Austin, Texas 78759

#### MTC-00001231

From: Eddie Hargreaves  
To: Microsoft ATR  
Date: 11/19/01 11:57am  
Subject: Proposed Settlement is unacceptable

I just wanted to voice to you that I believe the currently proposed settlement is insufficient. Although I don't believe that breaking up Microsoft is the answer, the current plans are not strong enough. The

main problem (as is currently evidenced in Windows XP) is that because Microsoft controls the Operating System, they can force users to use their software and keep them from using other, better software; thus running good software companies out of business. Microsoft needs to follow the same rules as everyone else, and instead is making the rules up. Consumers and businesses have been harmed by Microsoft's business practices, and they need to be shown they can't do that. Justice must be done.

Ed Hargreaves  
Kennewick, WA

#### MTC-00001232

From: Beljaeff, Gene  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 11:53am  
Subject: Microsoft settlement  
Justice Department,

Please, please, please don't let Microsoft get away with just a slap on the wrist. Any remedy for future behavior should be paired with some sort of penalty for past 'bad' behavior. I am a concerned private citizen who uses a computer at home and who is a web developer at work. I truly believe that breaking up Microsoft into separate companies (one for the Windows operating system, and one for applications), along with a huge fine for past aggressions is a fair remedy.

Thank You,  
Gene Beljaeff

#### MTC-00001233

From: Red Miller  
To: Microsoft ATR  
Date: 11/19/01 11:53am  
Subject: Proposed Microsoft settlement  
comments

To Whom It May Concern,

I am writing to express my opinion that the settlement between Microsoft and the U.S. Department of Justice announced on November 2 is inadequate. The proposed settlement includes vague language that provides little assurance that it will eliminate Microsoft's illegal practices, nor will it prevent recurrence of the same or similar illegal practices

The court has found that Microsoft has a monopoly for desk-top computer operating systems. Unfortunately, the proposed settlement shows little understanding for what a desk-top computer operating system is. An operating system is a distinct set of processes that enable application system software to use the various hardware and peripherals of a computer system. Under the proposed terms of the settlement, Microsoft will be free to continue to use its operating system monopoly power to an unfair advantage with various and multiple application systems businesses.

A more fair settlement would require that Microsoft sell a stripped-down version of Windows only performs operating system functions. Application systems that should not be considered part of an operating system include software for browsing the Internet, reading e-mail, listening to music or sending instant-messages. I would prefer that the court require that Microsoft and the Department of Justice enter a settlement that

ensures effective and certain relief. Such a settlement should clearly delineate restrictions on Microsoft's behavior that limit use of its monopoly power to unfairly expand into application systems business.

Fredrick Miller  
consumer and U.S. Citizen  
1924 Claremont Commons  
Normal, IL 61761

**MTC-00001234**

From: jwt  
To: Microsoft ATR  
Date: 11/19/01 12:13pm  
Subject: DOJ & Microsoft settlement agreement

Department of Justice,  
I would like to comment on the proposed Microsoft and DOJ anti-trust settlement agreement.

In general I do not believe the agreement adequate to solve past, or likely future, abuses by Microsoft.

Specifically, I believe the dominance of the Windows operating system allows Microsoft to leverage pricing structure and pricing plans to the detriment of business and personal consumers. With regard to the OS Microsoft has also made it virtually impossible for third party developers to make true competition possible through refusal to release all OS code, such as all APIs, which would allow third parties to compete on a level playing field. New pricing also works to the serious detriment of small business and non-profit corporations whose present investment in hardware and software make alternate selection of an operating system impractical and forces them to pay prices for OS software that is excessive when compared with previous purchases.

More significantly, the ability of Microsoft to leverage its operating system and applications software is so widely known and so seriously abused that the present agreement is at best a joke and not taken as a serious remedy by any user. The original basis for action, the Netscape browser, has been followed by a multitude of similar examples including, but not limited to, the email client, music and audio software, instant messenger software, and others. Java, a common Internet protocol from Sun Microsystems, Quick Time from Apple Computer, and Real Player from Real Audio, are examples, under the current operating system, which have been made more difficult to implement.

In the current OS "minor" issues like the constant nagging of the user who fails to sign up for a "Passport Account" under Windows XP (personal and professional) is a clear example of a marketing advantage on the Internet not available to any other vendor of an operating system. The hassle just to get rid of the undesired Microsoft applications software or getting third party software to function in its place is another example of monopolistic abuses exercised in the XP OS by Microsoft.

I am a consumer of business and personal operating system and applications software and have no affiliation with any computer industry entity. I had hoped that the Federal government, through the Department of Justice, would serve as my last bastion of

defense via the anti-trust laws of our great nation in protecting my rights. I have been most disappointed.

This is not a business versus consumer issue in the usual sense. It is an abuse of monopolistic powers in one of the most flagrant cases of the behavior of monopolies in U.S. history. The issue is not that of "pro-business" or "pro-consumer." The issue ultimately, if not resolved in accordance with U.S. anti-monopoly statutes, could well undermine the technology capabilities of the U.S. by undermining the free and open competition in all areas of business and commerce which has made our country great. Without fair and free competition our country cannot continue to prosper.

Finally, the proposed settlement works to the disadvantage of all "consumers," from large corporations to university research science departments, from small business to individual consumers. The proposed settlement is a travesty of anything resembling "justice" in this case.

Submitted for your consideration by  
Jerry W. Tompkins  
jwt@mac.com  
(home address and telephone number furnished upon request)

**MTC-00001235**

From: James Hebdon  
To: Microsoft ATR  
Date: 11/19/01 12:06pm  
Subject: Harsher Penalties

The settlement as it stands is not sufficient. Microsoft has been breaking the law for years and years.

Slapping them on the wrist and saying everything is fine will not work. They have shown that they have no respect for the law and that they will slip through the cracks if given the slightest leeway. If the government does not uphold the law, then we are truly lost. Enact harsher punishments. Defend the public interest.

James Hebdon  
932 S. 500 E. Apt #1  
SLC, UT 84105  
801.671.6158

**MTC-00001236**

From: Richard  
To: Microsoft ATR  
Date: 11/19/01 12:05pm  
Subject: Microsoft Settlement

I never understood the logic of the Department's actions against Microsoft. Granted they are tough competitors but the PC revolution and economic boom that came with it are mostly due to Bill Gates vision to bring an affordable and user friendly information appliance to the masses. He should be awarded the Medal of Freedom. Having been a Unit Chief in the FBI's Information Resource Division during the late 90's I certainly understand how your attorneys got suckered into attacking on Microsoft. I am glad you have put this stupidity behind us.

Richard Schneider  
Supervisory Special Agent—retired

**MTC-00001237**

From: elexus  
To: Microsoft ATR  
Date: 11/19/01 12:02pm

Subject: MICROSOFT SETTLEMENT

I believe it is in the best interest of consumers and the economy to approve this settlement off.

Ann Keefe

**MTC-00001238**

From: rich vereb  
To: Microsoft ATR  
Date: 11/19/01 12:24pm  
Subject: Comments

I am a thirty year practicing CPA who began his career at a "big eight" firm and continues to serve small and local businesses and organizations in the US.

Those who believe Microsoft or any other monopolist will not quickly invent new means of restoring its market power are only fooling themselves. How else could a software publisher release obviously faulty (buggy) programs with impunity?

By convincing the courts that it is only leasing—not selling—a computer operating system, this monopolist has burdened all of us with a renewable payment system subject to its exclusive benediction.

By "bundling" application software into its operating system, Microsoft has prevented any realistic competition.

Why can the courts not understand the harmful effects Microsoft's corporate policies wreak? Real users (citizens actually purchasing the programs) noticed and published their complaints ten years ago. Nothing significant has been done or is proposed to address those illegal practices.

**MTC-00001239**

From: elexus  
To: Microsoft ATR  
Date: 11/19/01 12:16pm  
Subject: MICRSOFT SETTLEMENT  
Let's settle this case and move on.  
Tom Keefe

**MTC-00001240**

From: Paul Hewitt  
To: Microsoft ATR  
Date: 11/19/01 12:33pm  
Subject: Microsoft is guilty and should be split up and watched carefully

I believe everything that MS has been accused of is patently true, and they should be spit up and watched carefully for anticompetitive and predatory behavior ... of which they practice regularly in the market. I have a friend who is the IT Director for a very large asian laptop and desktop computer manufacturer. They ship MS software standard on their system, and also employ many thousand people here in their US headquarters. He tells me every time MS comes out with a new product (dot release or brand new), the MS "thugs" come to see him a few months ahead of release to "emphasize" that he should install and be using this new product or release on all his desktop systems when the production version is available, which of course requires him to issue a substantial purchase order. If he does not order and install this new software, his company will not be allowed to ship the new MS software to their customers on the laptops and desktop systems! ... yes this is blackmail! But, they can't do anything about it.

Now any IT manager knows you never install the first release of any new software on your production systems ... you install it in a test environment first, until all the bugs are out and then roll it out to your users. This is especially true with MS Windows, since they usually get it right the 3rd time, after copying some other innovative product in the market, embedding it in their OS or giving it away for free to put the other company out of business. So, my friend is forced to play this game with the MS thugs, giving them their purchase order, telling them he's installing it on all their desktops, but only installing it on selected, non-critical systems. When the MS thugs come to check this out, he takes them to each department and shows them only a small number of systems that have the software running, then de-installs these machines after they leave. But, in the end, MS wins because they get their money and they can say that the new software is being used by certain companies (when is really isn't). Yet, since my friend looks at MS as the "defacto" standard supplier of operating systems and office productivity software, and doesn't want to be "blacklisted" in his profession, he plays this game to keep his job. Hmmm..... doesn't this sound like IBM in the 60's!

I know the current administration doesn't favor the breaking up of Microsoft. I'm actually a republican and absolutely believe in letting the markets work things out thru competition. But, I've seen so much over the years in predatory and monopolistic behavior that I believe MS will eventually take all innovation out of the market, and continue to put competitors out of business thru this behavior. MS always releases inferior software the first time ... they wait to see what competition does, then just copies them and either includes the functionality in Windows, or releases a product to compete which is for free or at a substantial discount over their competitor. Look at innovations like Java, Quicktime, MP3, streaming video, XML, etc. (not to mention the original word processors, spreadsheets, and presentation packages) All of these "open" standards have been changed slightly, included in a microsoft product, making them proprietary ... only working under MS software.

Example, look at the number of web sites now that ONLY are viewable on a Windows system with Internet Explorer! This is because of what they did with Java ... first saying they will license it from Sun and abide by the standard, then changing it under ActiveX and making it proprietary. They are doing the same thing with XML now ... under their .NET initiative. What them twist the XML standards to their own version, then force their developer community to use it.

I have been in the computer hardware and software business for 20 years ... and have quite a few business associates who have echoed these same observations over the years. Microsoft is a monopoly and it's leaders are laughing all the way to the bank. The difference between Bill Gates and IBM in the 60's is that IBM had blinders on and was too big and entrenched in its mainframe technology to change quickly ... Gates doesn't believe that any of his tactics are bad for consumers of computing ... he's paranoid and

will continue to take new markets and put competitors out of business without hesitation ... at the cost of innovation and value to the consumer.

Paul Hewitt

**MTC-00001241**

From: Tim Ramsey  
To: Microsoft ATR  
Date: 11/19/01 12:29pm  
Subject: Settlement

Gentlemen,

I do not believe that the proposed settlement in the Microsoft case is nearly strong enough. I have been a software developer for almost 40 years and have observed Microsoft's practices from their emergence up to the present. Note that I am a contract developer of software used primarily by the Government; I am not a Microsoft competitor. I strongly believe that MS practices have stifled creativity, been the root cause of failure for numerous small software companies and have resulted in a restriction of choices for users.

Their primary methods for accomplishing this have been:

- \* bundling deals with large PC manufacturers that demotivate users from purchasing alternatives—in many cases the "alternative" was actually the original inventor of the technology who today is not in business.

- \* development of unnecessary MS specific variations of fundamental technologies—market share is then used to capture users, and since the MS technology is not compatible with the originals, the urge for compatibility creates a tidal force to assist them in capturing the market. Examples: Java and the present activity to capture multimedia web technology.

- \* erection of roadblocks to file compatibility and other forms of secretiveness that make it difficult and sometimes impossible to use applications from other developers in conjunction with that from MS—try translating a Powerpoint file to any other format for example, or a Word document loaded with equations and figures. I note that most other developers go to great lengths to make their applications compatible with others and that this practice is of considerable benefit to users.

- \* bundling price structures that make it uneconomic to use other applications.

Let's see how these practices work together to eliminate competition. For example MS Office is priced so as to make purchase of a single package uneconomic—suppose I need only Word; the purchase price is very large compared with that of Office (assuming I can find a copy), so I buy Office. I would have bought a competing product based on price and features, but I had to have Word for compatibility. Later, I need graphics software. Since I bought Office, I own a copy of Powerpoint. Although I detest the way it works, I am now faced with a choice: use Powerpoint unhappily or spend more money on a graphics application that I like and face incompatibility with my customers who use Powerpoint mainly because Microsoft made it too hard for them not to.

I feel that that methods like these are exactly what is meant by the term

"monopolistic practices". I am very unhappy that the proposed settlement is likely to enable Microsoft to continue to follow their historic course to the detriment of both the software development and user communities. I hope you will consider these thoughts in your deliberations.

The opinions expressed above are entirely my own and might or might not be shared by my employer.

Tim Ramsey  
Senior Principal Engineer  
CSC  
Huntsville, AL  
(256) 498-3000  
ramseyt@mindspring.com  
tramsey@csc.com

**MTC-00001242**

From: Ron Carlson  
To: Microsoft ATR  
Date: 11/19/01 12:27pm  
Subject: Sell out!

Break M\$ up! Behavioral remedies have failed in the past and won't work now.

enjoy,  
Ron Carlson  
At home in Taiwan since 1990

**MTC-00001243**

From: Gene Anaya  
To: Microsoft ATR  
Date: 11/19/01 12:26pm  
Subject: Unsatisfied with agreement  
To whom it may concern,

From what I have read in the press related Internet-based coverage, I must express my concerns that the negotiated agreement between the Department of Justice (which hopefully represents me, an American citizen) and Microsoft regarding the ongoing anti-trust case falls woefully short of providing any real benefit or relief to me, an individual consumer, nor to me as an employee of a technology company that competes with Microsoft.

Microsoft has been ruled a monopoly which abused its position to further its goals in other related markets. This, to my understanding, is illegal. However, there appears to be no consequences of these actions. A promise to not break the law for five years (with regards to pricing and requiring hardware manufactures to install Microsoft products) hardly sounds like a punishment.

Microsoft has repeatedly stated that they would not "give up their RIGHT to innovate" throughout this case. This is a great marketing catch-phrase that any technology company could use. However, Microsoft has a relatively weak track record when it comes to "innovation." The notion that "integrating" a product into the core Windows operating system is the same as "innovation" is a subtle but important misstatement made by Microsoft. Nobody would suggest that Microsoft stop improving their products (ask anybody who runs a Windows-based machine and has encountered the "blue screen of death" if they would appreciate Microsoft improving their products).

My concern is that I do not see how this agreement will curtail Microsoft's efforts to continue to "innovate" by "integration" in

anti-competitive means. They have made the argument that their customers benefit by the "integration" of Internet Explorer into Windows. What is to prevent their making the following argument: Our customers will benefit by our providing Word Processing capabilities in our Windows operating system. In fact, our customers would also benefit from the "integration" of a spread sheet as well as a presentation package into our Windows operating system. So, from now on, all copies of Windows will be "integrated" with what was once known as "Office". And, this is because our customers will benefit from this. Now, this is not likely to happen simply because Microsoft makes so much money off of the Office product line. But they are doing this exact type of thing with their "Passport" technology.

What is to prevent Microsoft from doing what they have done all along and watch the industry, and when a truly innovative concept comes along (almost always from a relatively small company), Microsoft announces that they intend to "integrate" that type of technology into Windows? This type of "innovation" by "integration" needs to be addressed. My final area of concern is Microsoft's history of furthering their monopoly by a policy of selective exclusion, usually made under the guise of "providing the best user experience possible for our customers." An example of this type of behavior is Microsoft's treatment of the Java platform and programming language. Rather than support Java in an inter-operable and industry-friendly manner, Microsoft chose to "pollute" Java in ways that allowed it to only operate on Windows-based machines. For the most part, Microsoft's Java implementation was one of the better ones on the market at the time. So, it is clear that Microsoft can produce a quality product. They could have chosen to fully support Java, and then provide separate Windows-specific "enhancements" to Java. For reasons left to other to argue, they choose to disrupt technology that they cannot make proprietary.

The current release of Windows XP has caused some concern regarding the Passport technology "integrated" into it. If one assumes that this is an "innovative" idea that will benefit the customer (now who the customer is may be up to debate—is it me, the individual, or the Internet-based business, like Amazon.com?), then why exactly does the technology only exist on Windows-XP? Why is this "Passport" technology not also available on the Macintosh platform? Microsoft does develop some software for this non-Windows-based platform (Office and surprisingly the "cannot be removed without breaking Windows" Internet Explorer). Why is this technology not available on any UNIX-based or other non-Windows-based platforms? A good idea that benefits customers should be made available to customers, without requiring the customer to change platforms. There is nothing fundamentally "operating system-specific" in the idea of "single sign on" technology. The fact that the client machines (a Windows XP) machine will communicate with the authentication server(s) over the Internet dramatically weakens any

notion that the client (or the server for that matter) necessarily be a Windows-based machine, and by inference that this is in any way a piece of technology that need be "integrated" into the operating system. The ability to read and write to a hard drive or CD ROM on the local desktop are clearly areas where "integration" into the operating system makes sense. But when you are talking about electronic communication (whether it be low-level authentication services or higher level web-browsing or MP3-playing), it can be more correctly identified as either a seriously poor engineering design or a ploy to leverage the Windows market share into dominating other markets, such as authentication, web browsing, MP-3 playing or other such markets.

In short, I wish to express my concerns again that the current agreement does not appear to provide any benefit nor relief from past abuses by Microsoft, current efforts by Microsoft to leverage the dominance of Windows (see my concerns about the Passport technology), nor any means of preventing future abuses of the "innovation by integration" argument made by Microsoft.

Thank you,  
Eugene Anaya

**MTC-00001244**

From: Paul E. Smith  
To: Microsoft ATR  
Date: 11/19/01 12:38pm  
Subject: Comments about the Microsoft antitrust settlement

I am writing this as a consumer:

My belief is that there is no reason for Microsoft to bundle their version of a web browser, multimedia players, instant messaging, and so on, with their operating system other than to extend their monopoly to other areas. I believe the current settlement will allow Microsoft to get back to "business as usual" very quickly. I believe that consumers need a better remedy than the one proposed.

Microsoft will still continue to be the dominant player in operating systems and software even if the harshest penalties suggested were imposed. Why waste taxpayer dollars in the courts if antitrust laws are not going to be enforced?

Paul E. Smith

**MTC-00001245**

From: William (q)Jay(q) Davis  
To: Microsoft ATR  
Date: 11/19/01 12:36pm  
Subject: Make Microsoft Play Fair

I recently upgraded my home-office PC's operating system to Windows XP. The OS itself so far seems to be very robust: an excellent product. This is where my praise of the new operating system ends.

Did you know that when you purchase the Windows XP upgrade and then try to set up your internet connections, you are almost FORCED to choose the Microsoft Network for your Internet service provider? Ok, perhaps "forced" is a strong word. Let me put it to you this way. I've been an Internet user for almost 10 years. When setting up Windows XP to work with my internet provider, the

ONLY option presented to me for browsing the Web was the MSN Explorer. Upon clicking on this option, I am brought to the Microsoft Network signup wizard. I did NOT want to sign up for Microsoft Network. After searching through the programs in the "Start" menu, I found what I actually wanted. Microsoft Explorer. Fortunately, I knew what I was after and looked for it. I can't help but wonder what a first-time user would have done. I should note that both Windows Explorer and Windows Outlook Express (for E-Mail & Newsgroups) are built into Windows. There is no option to use other products. While there ARE ways to avoid having these applications installed with Windows, or to remove them later, it is not done easily.

There is no doubt that Microsoft Windows IS the dominant operating system. I've tried other operating systems (IBM OS/2 and several versions of LINUX) and have been forced to return to Windows due to the lack of applications available for the other Operating Systems. In my opinion, this is a "Chicken or the Egg" conundrum, and not something I have the knowledge to solve.

However, what I DO know is that Microsoft makes it VERY difficult to use Non-Microsoft products with its operating system. Prove this fact to yourself. Give a novice user a computer with a blank hard drive, bootable CD-ROM drive and ISP information, along with the retail version of Windows XP Home Edition. The user's assignment: Set up Windows XP, and then sign onto the internet.

How to solve this problem? Microsoft should be broken up into 3 parts. (1) The operation system division. (2) Applications Division. (3) Internet Services Division.

This would stop Microsoft from using its virtual monopoly in the OS market to force users into using other Microsoft products. It would restore free and fair competition to the Applications market. Perhaps the newly independent Applications division would create versions of former Microsoft products for LINUX and other operation systems. The newly created Internet Services Division would now have to compete head-to-head with AOL, Earthlink, etc. (a fight, I suspect, they would lose, but who knows).

The question is not and SHOULD not be, "Is this good for Microsoft?" but "Is this good for consumers and the technology sector in general?" The answer to the first question would be "possibly, possibly not." The answer to the second question is a resounding "YES."

Microsoft makes an excellent operation system today. (I don't know how they came to dominance with their Windows 9\* and ME products, they were horrible. But Windows NT/2000/XP operating systems are fantastic!) Some of their applications are top-notch and should be able to compete well with other vendors independent of Microsoft. Their Internet Services, well, that remains to be seen. I say these things so that you understand that I'm not of the radical "I Hate Microsoft" group. I simply want to see more options available to me.

William J. Davis  
Hotshot2@home.com

**MTC-00001246**

From: Rob Fiorendino

To: Microsoft  
 ATR,president@whitehouse.gov@inetgw  
 Date: 11/19/01 12:34pm  
 Subject: Microsoft Settlement

I think that settling the Microsoft case with the terms that have been published would be a horrible idea. Please reconsider taking them to court and imposing a penalty that would mean something!

Rob Fiorendino  
 3809 Jackson St. NE  
 Columbia Heights, MN 55421

**MTC-00001247**

From: James Nicholas Rhodes  
 To: Microsoft ATR  
 Date: 11/19/01 12:57pm  
 Subject: hello

Dear Sir/Madam:

I am a Canadian who is marrying my American fiancée soon, so since I am moving to the United States once approved by INS, I hope that my input is put into this discussion.

I am studying to be a Computer Analyst/Programmer at Red River College in Winnipeg, Canada. I have used Windows every day since the first iteration of it and even DOS before that. I also am a Macintosh user, and I am running Mac OS X at home on my iBook from Apple. Since I am well versed with both Windows and the Mac, I think I can provide some enlightenment here. Being a Macintosh user, I am so tired of Microsoft bullying Mac users into accepting their "standard" for the internet, Internet Explorer. Just because Microsoft has lots of money, they think they can enforce any "standard" they want on the internet. What Microsoft needs is not a slap on the wrist, as I will put what this deal appears to render Microsoft. The US DOJ cannot allow Microsoft to continue its anti-competitive behavior. A prime example is in the new OS, Windows XP. Microsoft has made it very difficult for someone to record a music CD into the MP3 format, forcing end-users to use their own proprietary format. This is ridiculous, since I own the CDs I make MP3s from, I have a LEGAL right to do so. Why is Microsoft being allowed to do this? This is a prime example of Microsoft trying to shove their "standard" on the rest of the computing world.

Another example is the blocking of QuickTime 5 use on Windows PCs by Microsoft. They deliberately made it difficult for Apple to allow Windows users to use QuickTime on the Windows platform. Thank God that Apple has some really genius-level software engineers, because Apple was able to provide an updated version to combat Microsoft's anti-competitive behavior.

A further example is the Java programming language from Sun... I just finished a course in Java programming and it is the most wonderful programming language to use. But Microsoft continually does whatever it can to kill Sun's Java, because it is just too good for Microsoft's own liking. It is a threat to their stability as a software producer because an application properly coded with Java can run on any platform, since it is platform agnostic. All of the Java programs I wrote in my course can be run on my iBook running Mac OS X which is a sheer delight. No code changes have to be made...

I only use Windows at college now, because I am forced to. I chose to use a Mac a long time ago, and with the new OS, Mac OS X, it is more stable and more user-friendly than Windows XP will ever hope to achieve. Mac OS X does not have all of the security flaws that Windows (whatever version one chooses) has, and this is one reason why I dislike Windows—the product is just so unstable at best.

The DOJ has to listen to people who use both platforms, because it is important to get their input on this case. The final judgment will have many ramifications in the future, so please choose wisely. Letting a company this big get away with anything it feels like doing is dangerous to the consumer like myself, but I also say it is dangerous to the stability of a government in the long run. I would hate to see the US government become a "puppet" of Microsoft's whims, because I care about the US very much since I am marrying my American sweetheart. I was very glad to see the US Army change critical systems from Windows NT to the Mac platform because of security concerns. I routinely even get people trying to hack into my system, but with my trusty built in firewall into Mac OS X I wish them all the luck in the world. :)

President Bush's office even sent me an Official Presidential portrait with a letter once they were available, because they were impressed with my letter about why I want to become an American. I even decided I am going to be a Republican when I can... :)

Regards,  
 James Rhodes  
 p.s. God bless America...

**MTC-00001248**

From: Eric Geoffroy  
 To: Microsoft ATR  
 Date: 11/19/01 12:47pm  
 Subject: How much did MS pay to get off?

My colleagues and I wonder how much more MS paid to get off compared to O.J. This case that originally was off to a good start has now been touched by dirty hands. The proposed punitive measures are grossly disproportionate to the offenses. Talk about a slap on the wrist. How can our government try to fight voter apathy when it turns its back on its people. A case against a Mega-Monopoly like this has to be fought by a giant if justice stands a chance. The only thing we have to put up against MS is the Federal Government. And our government has backed down again, and once again the badguy gets off, and the people lose hope and respect for our elected officials.

My suggestion to get this case back on track, so that justice can be served—

1. Root out the spineless among you and replace them with people with integrity.
2. Fight this case like you mean it. The fact finding has revealed a lot of dirt and wrongdoing.

Sincerely,  
 Eric Geoffroy  
 IS Manager  
 Navis LLC

**MTC-00001249**

From: Seymour Joseph  
 To: Microsoft ATR

Date: 11/19/01 12:38pm  
 Subject: DOJ Proposed Settlement—Total Capitulation

Hi,

I was told this email address was set up for consumer comments on the proposed DOJ settlement with Microsoft.

I think the proposed settlement does not address any of the significant issues facing the US software industry:

\* It does nothing to curb Microsoft's aggressive monopolistic practices with third parties.

\* It does nothing to compensate those businesses terrorized and destroyed by Microsoft's monopolistic practices in the past

\* It does nothing to keep Microsoft from continuing down the same path again and again. Witness the recent launch of their Windows XP product which now bundles even more applications into the operating system in an effort to do to more companies what they did to Netscape with the release of Windows 95 that sparked this case.

The agreement I have read basically feels like a complete government capitulation to Microsoft business as usual and I am VERY dissatisfied with my taxpayer dollars being WASTED to try Microsoft and find them guilty only to have the Department of Justice let them go with a pat on the back.

Seymour Joseph  
 Director, Technology Services  
 Bucks County Intermediate Unit #22  
 705 Shady Retreat Road  
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 Fax: 215-489-7874  
 Email: sjoseph@bcui.k12.pa.us  
 Web (BCIU): <http://www.bciu.k12.pa.us>  
 Web (Seymour): <http://www.bciu.k12.pa.us/users/sjoseph/Welcome.htm>

**MTC-00001250**

From: David R. Plas  
 To: Microsoft ATR  
 Date: 11/19/01 12:57pm  
 Subject: complaint about settlement

Dear Department of Justice,

I am writing to voice my disappointment in the recent settlement offer to resolve the anti-trust litigation being brought by the Dept. of Justice and the States against Microsoft. From my perspective, the proposed settlement gives Microsoft too many avenues to prevent or delay any process that might interfere with an anti-competitive action on Microsoft's part. The appeal mechanisms in the agreement will allow Microsoft to carry out anti-competitive actions for some time before the government will be able to force an end to such behavior. As was argued frequently during the trial, time is everything in the computer industry, and belated efforts by the government to restrict anti-competitive behavior are meaningless. Please revise the agreement with Microsoft to explicitly ban anti-competitive types of business practices by Microsoft, and to put in place a fast-acting mechanism to punish the company for violations in the agreement. The current agreement will do nothing to change Microsoft's behavior or its effects: the illegal

maintenance of monopoly power in an incredibly important and rapidly expanding American industry.

Sincerely,  
David Plas

**MTC-00001251**

From: Grehan, Yvonne  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 1:13pm  
Subject: Microsoft Settlement

In the interest of justice, economics, and freedom to innovate, please expedite the settlement of this long-standing case against Microsoft. Numerous segments of our economy, our daily living and our retirement planning have been negatively impacted by this epic saga. Please encourage settlement soon.

Yvonne Grehan  
ygrehan@omm.com

**MTC-00001252**

From: Pete Schloss  
To: Microsoft ATR  
Date: 11/19/01 1:03pm  
Subject: Microsoft Settlement

The remedies in the proposed settlement do not address two areas: the price fixing which Microsoft accomplishes using its monopoly position in computer operating systems, and monetary damages due to other companies harmed by these acts. Consumers have been and are continuing to be harmed by these practices.

(1) Pricing for Microsoft Windows and Office products are artificially high and are maintained high due to lack of competition. All other components of PC pricing have declined greatly in the past ten years, but Microsoft software prices have increased. Only in areas where Microsoft has competition have prices been lowered.

(2) In one area in particular, the IE browser, the pricing is predatory (zero), because this pricing is intended to drive competition out of business. This tactic has almost succeeded now. The purchase of Netscape by AOL was an indication of how successful this tactic is. Monetary compensation is due to Netscape.

(3) Bundling of other zero-priced features like CD writing in the Windows XP version is intended to drive other competitors out of business; at which point Microsoft will raise prices in these future non-competitive areas. Restrictions on bundling of competitive products into Windows are needed to prevent future damage to competitors.

(4) Microsoft has used its OEM license agreements to further the above goals. The proposed remedies do not address damages to parties caused by the illegal license agreements in place up until now. In particular, BeOS was driven out of business due to the restrictions in the OEM license agreements. At a minimum damages, should be awarded to BeOS to compensate for their losses due to unfair practices.

(5) Microsoft has signed consent decrees in the past and then ignored them, continuing the conduct which the consent decrees were supposed to remedy. To prevent this from happening, there should be significant monetary damages (for example, treble the amount of losses at a minimum) specified for any future violations of the terms of this

Final Judgement. It also should be made very easy for harmed parties to make claims for these damages. Many of Microsoft's competitors do not have the resources needed to pursue remedies through the court system, so an arbitrator should be appointed by the Court to hear these challenges in a simplified forum without requiring major resources for batteries of lawyers. This may sound like a peculiar request, but if similar mechanics had been in place previously, this current lengthy court procedure might not have been needed.

Detailed comments supporting these arguments are contained at this URL: <http://money.york.pa.us/Articles/Microsoft.htm>  
Pete Schloss

**MTC-00001253**

From: Steve Nicholson  
To: Microsoft ATR  
Date: 11/19/01 12:59pm  
Subject: Microsoft settlement

I am tired of Microsoft running good competitors out by bundling their similar programs with the operating system. Microsoft does not make the best or most reliable product & when they integrate it makes the individual products worse not better. Please make part of the settlement just the operating system, a product separate from media player or internet explorer.

I looked at the license agreement for a media player upgrade & they come out a say that it may disable other products without your knowledge or consent. It may also download security updates without your knowledge or consent. They should not be allowed to take control of the software I already have on my system with out my consent. Stop them from forcing their garbage to the user.

Digital Rights Management (Security). You agree that in order to protect the integrity of content and software protected by digital rights management ("Secure Content"), Microsoft may provide security related updates to the OS Components that will be automatically downloaded onto your computer. These security related updates may disable your ability to copy and/or play Secure Content and use other software on your computer. If we provide such a security update, we will use reasonable efforts to post notices on a web site explaining the update.

Protect the people from the monopoly called Microsoft. Do not give up on the unbundled, cheaper, more reliable versions of software. I should not have to uninstall it afterwards, should be options to install or not the whole time.

Steve Nicholson  
Steve2Nicholson@home.com

**MTC-00001254**

From: Kevin Barth  
To: Microsoft ATR  
Date: 11/19/01 1:18pm  
Subject: Public Comments on the Microsoft Antitrust settlement  
Sirs—

I am taking this opportunity to express my extreme dissatisfaction with the proposed settlement of the Microsoft/DOJ antitrust lawsuit. As a web application programmer and analyst, I have been continually exposed

to the effects of Microsoft's extreme monopolistic practices. Microsoft likes to brag about its extreme market share, and they would have us believe that the sole reason for this market share is its creation of well-written, innovative products, which can easily fill the needs of consumers.

Unfortunately, having to work with these prematurely released, extremely buggy and inconsistent products, it is obvious to me that if any real competition existed, Microsoft would soon be in the position of having to spend a lot more money tightening up its programs if they are to risk fading into obscurity. It is equally clear that they chose to spend that money eliminating the opposition through grossly unfair marketing and advertising practices rather than improving the quality of the product. I believe that the findings of fact in the trial more than adequately proved this, regardless of any judicial bias which may be claimed.

The proposed settlement is nothing more than a slap on the wrist for Microsoft. It will have neither the effect of punishing them for past misdeeds, nor that of discouraging future ones. There is no public accountability. Because it does nothing to whittle away the vast advantage Microsoft has built for itself over the years, it does nothing to encourage other companies to compete with Microsoft. There is, after all, a huge juggernaut to overcome, and precious few companies have the resources to overcome that barrier. Thus, with no competition, the consumer is left in the same place that he has been all along—lacking alternatives, he will remain with Microsoft because of their foothold.

In short, the proposed settlement actually rewards Microsoft for past misdeeds, and ensures that they will continue to profit from them. It is my sincere hope that this settlement fails, and that the individual states who have relied upon the department of justice to look after their best interests react to this betrayal with lawsuits of their own. No other course of action seems at all likely to bring the sort of justice that the American consumer requires and deserves.

Kevin Barth  
Kevin Barth, Programmer/Analyst  
QRC Division of Macro International Inc.  
(301) 657-3077, ext. 129—<http://www.qrc.com>  
fax (301) 657-3862

**MTC-00001255**

From: Sam Barnum  
To: Microsoft ATR  
Date: 11/19/01 1:18pm  
Subject: Obvious Problems with MS  
The primary issues with Microsoft's practices are

\* Prohibiting hardware vendors from offering products that compete with Microsoft products

\* Using its monopoly to leverage closed, proprietary data formats, and exclude competing, standards-based formats.

\* Extremely poor security on homogenous server software which could lead to huge disruptions of internet traffic.

The first seems to be the easier issue to deal with. Open up the OEM agreements with hardware vendors, expose any shady/

unethical goings-on. The second case is probably the more harmful of the two. It comes down to playing nice, and acting as part of the information systems community rather than a corporate predator. Microsoft seems to view all technology as something to be supplanted/assimilated rather than utilized within a framework. Abandonment of Samba and Java, development of Internet Explorer-only websites (including MSNCFB), and the undermining of the TCP/IP protocol with Denial-of-service-friendly Windows XP are some of the more troubling examples that come to mind. If Microsoft were not a monopoly, the above behavior would be laughably self-destructive for any company. However, when Microsoft flouts standards, those standards lose a lot of their meaning. Anyway, I appreciate the chance to voice my concerns, good luck to you.

Sam Barnum  
San Francisco, CA

**MTC-00001256**

From: Brett Sher  
To: Microsoft ATR  
Date: 11/19/01 1:17pm  
Subject: Microsoft settlement

Unless the fix is in and settlement is just intended to be a sham (which is what a lot of Americans suspect is happening), close \*all\* the loopholes. Ignore Microsoft's whining. Hit the bastards hard. God knows they deserve it.

The computer industry has been stagnating because of lack of competition. Do something drastic enough that investors will dare to support companies going head to head with Microsoft. Anything less will be no remedy at all.

—Brett Sher

**MTC-00001257**

From: daevans@oracle.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 1:16pm  
Subject: Microsoft vs. DoJ settlement.

Ms. Renata Hesse,

I have been told that this email address is for public comment on the settlement between Microsoft (MS) and the The Department of Justice (DoJ). As a long time user of MS's products and other operating systems may I open my comment by saying how sorry I was to see such meager sanctions imposed and the way the DoJ has failed to seek more effective remedies. I've been in the IT industry for over fifteen years. Most of that time I was in Australia before being lured to the US by Oracle. In that time I had to pay punishingly high rates for MS products. In some cases the products didn't even work as stated. I can give an example of MS-DOS 3.3 with MS Word and output to early laser printers. There was no effective support and no way to get this fixed and no ability to get a refund thanks to the barriers MS had put up between itself and the customer base.

Over the years, up to MS-DOS 6.1 and into Windows 95, 98, 2000, Windows for WorkGroups and NT I see nothing has changed. They make their systems more proprietary, make it harder to connect to and refuse to acknowledge any problems with their products. Over the years they have blamed the hardware, other products and

hackers—generally only to release a patch to fix a problem with their products. I had hopes that the DoJ would take the way MS acted in court, their history of non-compliance and their predatory practices into account. I was sad when I read read the current turnabout.

As to the future—does anyone really believe they will abide by any court order that restrains them from further unscrupulous acts? I don't think so and neither do many of the pundits in the media and the internet. We have been burned so many times by MS that I think the negative reaction to MS is very understated. I hope that you and your fellow prosecutors who have basically given MS free reign are left to untangle some of the technical problems that you are now saddling the IT community with. Ever tried to download a patch for MS from a non-MS browser to help someone else—it just hangs.

If I went into every problem I've had over the years from MS's control of the boot loader to it's almost PostScript compliant output in its applications I would need several weeks. However I'm sure you will have many other people who also wish to voice their disgust so I'll leave me email here.

If anybody wants further contact I'm willing to expand on details by email.

Sincerely,  
David Evans  
Oracle Corporation  
David.J.Evans@Oracle.com  
There is magic in the web.  
Telephone: +1-650-506-2120  
Othello Act 3 Scene 4 by William Shakespeare  
Facsimile: +1-650-633-0594

All of the statements and opinions expressed here are my own, and do not necessarily represent those of Oracle Corporation.

**MTC-00001258**

From: John Foley  
To: Microsoft ATR  
Date: 11/19/01 1:25pm  
Subject: Take Microsoft Down!

I am adamantly against allowing Microsoft to get off "Scott Free"! They have tried to take or "steal" ever technology from Java to now?? VBox? When is their sweeping invasion of every major industry using computers going to end? If they can not buy what they want, they STEAL IT and change it so that it ONLY works on Windows products. Check out the numbr of web sites that can ONLY be browsed with Internet Explorer!! Microsoft has invented little, but more like the Janapese who take a product and change it for their own resales. so goes Microsoft. No innovation, just outright high-jacking of any company who might have a technology that Microsoft might want to call their own. We consumers have some intelligence and are thankful that this email site has been set up to allow our opinions about Microsoft.

John Foley

**MTC-00001259**

From: Rebard@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 1:23pm

Subject: Comment

I urge you to settle the Microsoft dispute as soon as possible. The consumers are NOT being served with this ridiculous suit. It was only launced to benefit a few competitors and NOT on behalf of the users. Leave Microsoft alone, it created a platform from which all others can build. Before this base, programs were written with various codes that were incompatible and a user had to be sure a pruchase would work and interact with other software. With Microsoft, everything works together.

Thank you for listening. rebard@aol.com

**MTC-00001260**

From: Suarez, Tony  
To: Microsoft ATR  
Date: 11/19/01 1:21pm  
Subject: Microsoft Corp.

To the US Government,

Don't tell people to "be all they can be", and then slap them around if they become the best at what they do. Free enterprise is what made the country great, not government intervention and manipulation of business.

The market will always adjust itself. Maybe not overnight as most Americans seem to require, but it always does in a competitive environment. Another great idea will always come along to challenge the current supremacy of a corporation if you just let the people and private sector work their magic.

Tony Suarez

**MTC-00001261**

From: Marsha McCurley  
To: Microsoft ATR  
Date: 11/19/01 1:27pm  
Subject: Microsoft penalties

Dear Sirs:

Many of Microsoft's business practices were predatory and worthy of praise only by Attila the Hun. No one disputes that they got caught doing illegal dealings that smack of Nazi power plays. I feel the most sorry for their so-called partners, not their rivals. I recall overhearing the last part of a tv news broadcast describing some of what they had forced their partners to do, and it was a shock when I realized that they were talking about Microsoft—I had thought they were discussing Mafia business practices.

I feel that Microsoft has harmed us all by forcing companies and consumers to take their software junk and thereby limit our choices, and also that also limits the directions for software and hardware development in the future. America has always been the land of choices—don't let Microsoft take that freedom away from us.

I am shocked that after the USDOJ found Microsoft to be guilty of being the largest monopoly in history that you would then turn around and be the wimpiest bunch of fools I've ever heard of and let them get away with it. If you don't take measures now to stop them, you will be proving to the whole world that you're on their payroll, too. Get some guts and put a stop to them. Separate the OS division from the rest of the company. Make them show some ethics for a change. Make them let consumers have choices instead of the omnipotent Bill deciding what we should have. Make them really have to compete and the whole technology market will improve.

Sincerely,  
Marsha McCurley

**MTC-00001262**

From: George A. Denino  
To: Microsoft ATR  
Date: 11/19/01 1:34pm  
Subject: OS vs. Application Software: A Primer

OS vs. Application Software: A Primer

1. All computers start up (boot) by running operating system (OS) software. This software creates an environment in which useful work (word processing, page layout, image manipulation, web site creation, sound editing, etc.) is accomplished through the use of task specific applications running within the parameters established by the operating system.

2. An application can run correctly under an operating system only if the developers of the application software know the requirements dictated by the operating system.

3. A company which creates both the operating system and task specific applications has a distinct advantage over any competitor wishing to create a similar task specific product. The OS developer need not divulge all of its programming code to developers of competing applications. In fact, it may even incorporate, within its operating system, lines of code designed specifically to break a competing program.

4. The recent settlement between the government and Microsoft Corp. ignores these facts as well as the well established history of Microsoft's anti competitive and monopolistic tactics used to undermine applications such as Netscape Navigator and WordPerfect. These applications did the same work as Microsoft's Internet Explorer and Word. Each did its task far better than its Microsoft counterpart until Microsoft decided to "integrate" its own products into its Windows operating system. Neither Microsoft product could have become the de facto "standard" in its respective realm without this sham policy of "integration."

5. Any settlement which allows Microsoft to continue this blatantly monopolistic policy is ludicrous. Only one of two possible solutions would adequately address the underlying problem which led to the government's initial legal action against Microsoft:

a. To level the playing field, Microsoft would be required to release its entire Windows code to all software developers.

b. Microsoft would not be permitted to "integrate" any of its in house applications into its operating system, and sanctions sufficient to restore true competition within the software industry would be implemented against the company.

George A. Denino  
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The Alliance of Greater Central Ohio  
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mailto:alliance@harmonize.com

**MTC-00001263**

From: Steve R. Whitaker  
To: Microsoft ATR  
Date: 11/19/01 1:38pm  
Subject: bad descision

It seems to me that in light of the latest ruling by judge Koleen that Bill Gates is now more powerful than George Bush. Microsoft now controls over 90% of the world's computers. Almost our entire government is controlled by Bill Gates' software. You think that because we have bigger troubles in Afganhanstan, that we don't need to be fighting with Microsoft? The Taliban will lose significance in a few months but Bill's software will be controlling our lives for decades to come. Being that Microsoft has 30 billion in cash and owns many other businesses including a national broadcasting company. They now have the power to buy politicians, influence public opinion and control what people will and will not do on the internet. The government is apparently harder on kids that copy music and software than they are on criminals with guns. Judge Koleen doesn't know enough about technology to be making landmark descisions on who will control the internet and what constitutes as a potential copyright problem. Even our armed forces relies heavily on Microsoft products. How can some young college kid in a remote country write a superior OS and our entire defense forces has to liscense buggy insecure software from Bill Gates. I guess I know the answer... its hard to collect taxes on free software.  
Steve Whitaker

**MTC-00001264**

From: T. Breheny / DiGiTAL ZEN  
To: Microsoft ATR  
Date: 11/19/01 1:36pm  
Subject: complications by design greetings,

as an apple developer producing content for both macOS and windows platforms, i've repeatedly seen my efforts seemingly blocked by microsoft in their attempt to control the marketplace. two such examples include the mime-type "hijacking" which windows media player was notorious for, so that content that was intended for playback w/in the quicktime architecture (cross platform) was instead stolen by WMP; and in the case of advanced interactive movies (which i author) like wired sprites and QTVR, windows media player could not play correctly, thus giving the end-user a failing experience and the impression that either i as the author had done something wrong, or that quicktime was at fault (neither being true).

most recently w/ the announcement that MS had dropped support for netscape-style plugins, an established protocol on the web, in favor of (no surprise) their object/active-x mechanism.

i hope that, politics aside, this matter will continue to get the attention it deserves from the DOJ. microsoft can make decent software (i'm using their mail program and web browser on my mac), i just wish they could "play nicely" realizing that we're all trying to deliver compelling content to the public and don't need unnecessary hurdles in an attempt to block the competition.

thank you in advance.

Terry Breheny, Founder/Producer  
DiGiTAL ZEN <<http://xtb.com>>  
"We did not inherit the earth from our parents, rather we are borrowing it from our children."

**MTC-00001265**

From: Joe Frank  
To: Microsoft ATR  
Date: 11/19/01 1:41pm  
Subject: Microsoft Settlement

I find it amazing that as a user of many computer products, the settlement clearly does not address the core issue of the complaint that most people who would enjoy a lower cost Window's Operating System's without all the new add on's that may or may not be wanted.

A break up of MSFT may be too harsh but a break up of bundling applications with the operating system would lead to a lower OS cost. This would still allow MSFT to develop those "innovative" applications but in a competitive environment that is equal to all given that everyone has access to the necessary API's.

That would allow the consumer to spend their money where they want and still allow MSFT to compete. As is stands now if you want a competing application you need to pay twice. There is consumer protection at it's best. Also the basis of MSFT's PR campaign has been innovation. However with the descent decree fresh in hand how long did it take them to announce their intention to "unbundle" JAVA from Window's? A truly innovative feature which competes directly with MSFT's view of the future. I hope the judicial system shows more common sense than the new DOJ did.

Joseph Frank

**MTC-00001266**

From: Michael Leitao  
To: Microsoft ATR  
Date: 11/19/01 1:40pm  
Subject: settlement

Dear Government Representatives,

I am very disappointed in the DOJ decision to settle with Microsoft with no real punitive damages assessed against an organization that has clearly done more to stifle innovation rather than develop it as they frequently assert at every rhetorical opportunity. This organization has, in my humble opinion, created road blocks to the advancement of technology while appropriating and constraining developments from other organizations. It is unfathomable that such an organization will be allowed to continue to do such harm to the advancement of technology especially while we are all looking forward to economic recovery. If there is any way for this decision to be reversed I strongly urge you to do so. I sincerely hope the states who have decided to challenge the settlement will prevail.

Michael Leitao

**MTC-00001267**

From: SBMB12  
To: Microsoft ATR  
Date: 11/19/01 1:39pm  
Subject: Social Policy Litigation  
BROWN ENTERPRISES

You cannot fail, you can only produce results!

**SUCCESS STARTS NOW**

In preface, let me say that I have no vested interest in either the DOJ or in the stock of Microsoft. My investment has been in my country as a loyal, patriotic, and voting citizen through the decades.

Now retired from years in middle and upper management, I have watched the surge of litigious terrorists in the environmental, family, social, civil, and recently political business policy arenas.

Much more in touch now with the pulse of the masses, I can tell you with all confidence that the case against Microsoft has been and continues to be viewed as a contrived liberal attempt to punish the wealthy and redistribute wealth, in this case knowledge, to those companies unable, unwilling, and less dedicated to the pursuit of excellence. It is not the practices of Microsoft that appear to be unfair; rather, it is the manipulation of the government against them that appears sinister and an invasion of pure competition in a capitalistic society. Even a cursory recollection of the tenants of Antitrust Acts show a factitious extension to support the governments case.

Do not expect the American public and business person to agree or respect the prosecution of a company who, has from its inception, exemplified the American business ethics of creativity, investment, hard work, intensity, comprehensive marketing, and dominating success. From the first trading post in Jamestown to date, those companies who succeed are those who prove themselves to be the best to the buying public. They do not depend on a "big brother" using the peoples money to punish the successful and subsidies the inferior.

Personally, I have always thrived on competition in sports and business and measured results in terms of final score or sales by the rules as they existed during the competition. When the government has to redefine the definition of "antitrust" in order to justify its position, the ad hoc assault becomes a ludicrous farce in the eyes of all those who have watched and benefited from the software company. The DOJ case seems to depend on what the definition of "is" is. If we apply the same definitions to other companies in other industries, who will be next..... Wal Mart, Coke, Home Depot, GE?

Henry David Thoreau saw the demon of political government litigation when he wrote in 1849, "Policy does not make morality". With all due respect, let the best company(s) win. Regarding your efforts against military and religious terrorists: God's speed for your safety and success and God bless you all.

We look forward to the DOJ regaining its respectability after the embarrassing rein of Ms. Reno, the most unqualified Attorney General in the history of the department.

Sincerely,  
Skip Brown

**MTC-00001268**

From: Philip Johnson  
To: Microsoft ATR  
Date: 11/19/01 1:47pm  
Subject: very dissatisfied

Your settlement with Microsoft allows it to become twice as much a monopoly as it is

today. It would be better to drop the case entirely than enact the currently preposed settlement which gives Microsoft even more priveledges to abuse consumers. I am a US citizen, tax payer, and voter. I beleive that this settlement with Microsoft is an excellent example of the waste and poor performance of my government.

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<http://personals.yahoo.com>

**MTC-00001269**

From: John Springer  
To: Microsoft ATR  
Date: 11/19/01 1:47pm  
Subject: Proposed settlement doesn't solve anything

I object to the proposed settlement agreement, as it does NOT make it possible for anyone to compete with Microsoft in any computer-related market they choose to be in.

I believe the Windows operating system needs to be treated like a publicly owned standard, not a private money machine. Every software maker needs to have equal access to it, and computer manufacturers should be free to do whatever they want with it on machines they build.

It is an enormous myth that Microsoft was the magician that drove the computer industry to success. Microsoft has never made anything better, cheaper, or simpler in their history. It is Intel's success at continuously increasing hardware performance at lower prices that made the PC industry happen. So we can stop thinking that the success of the whole industry depends on keeping Microsoft at unconscionable, monopolistic profit margins. I am most concerned about the future of the Internet. The Internet, as originally conceived, was built on simple open standards that everyone could use. Microsoft is hell-bent on destroying open standards and the DOJ settlement does not prevent them from marching forward by building more and more proprietary things into their monopoly OS until they control all electronic communications. That is wrong. And no-one but the DOJ can stop it.

Regards,  
John Springer  
5933 Hwy 101 N  
Yachats, OR 97498

**MTC-00001270**

From: Jill Stone  
To: Microsoft ATR  
Date: 11/19/01 1:42pm  
Subject: Microsoft Settlement

Settle this case immediately! The economy is so bad, how can you continue to punish the one good company in the USA. Do you want Japan to control everything? This is stupid! Spend the money tracking down terrorists and leave MS alone!

**MTC-00001271**

From: rhanke  
To: Microsoft ATR  
Date: 11/19/01 1:50pm  
Subject: Problem not solved

Hi,

I don't feel the the deal made solves the underlining problem—Microsoft's monopoly.

At the end of the day they will still be able to leverage their monopoly to gain advantages which will reduce or eliminate the competition. Microsoft has bundled software in several key areas such as downloadable sound and video which has nothing to do with the core os. But because this software is bundled, people are less likely to download competitors, even if the software is free, because of the difficulty of downloading and installing, especially if your are not a technically minded person. (How many people do you know who don't know how to set the time on their vcr.)

It would be far better to force Microsoft to license their os to other venders but at a regulated rate. (Otherwise they will price it so high nobody will want to touch it.) Dividing the company is no good either as the os portion would still have the monopoly. The best would be to open source the code for the OS. Microsoft would still be able to develop and market their product but they wouldn't be able to leverage it for fear of someone else coming in and doing what they won't.

In short, please remember what this case was all about—Microsoft using its monopoly to illegally leverage dominance in emerging technologies such as the internet. The solution must directly prevent Microsoft from ever having even the slightest chance of doing this ever again. From past experience with Windows 95 and Internet Explorer you can see that only the strongest action will prevent further abuse.

Thanks,  
Rod Hankel

**MTC-00001272**

From: Jim Driskill  
To: Microsoft ATR  
Date: 11/19/01 2:07pm  
Subject: Microsoft Settlement  
RE: Microsoft Settlement

How much did it cost to persuade you to ignore the intent of the law, consumer protection and your sworn duties?

Do You Yahoo!?

Find the one for you at Yahoo! Personals.

**MTC-00001273**

From: Trevor Tally  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 1:57pm  
Subject: Comments on Microsoft Case

As a consumer, I don't think the proposed settlement benefits me at all. Being that it is pretty much agreed that Microsoft is a monopoly, I would have liked to have seen Microsoft forced to reduce prices and fees for the consumer. For instance:

1. Set a maximum price for products that they have a large share of the market (Similar to Utility Regulation in the past)

2. Force them to provide free customer and product support to registered product owners

Let's look at the facts:

1. Microsoft typically Nets \$5–8 Billion dollars on \$20 Billion in sales per year. I don't know of any large company that makes that kind of profit margin.

2. Developer support is charged at nearly \$250 per hour, regular support is about \$150 per hour. Microsoft thinks it is generous by giving you two free calls when you buy a

product, but then they don't provide a manual with the product. You have to purchase their books if you need to help or pay their high fee for help after two lousy calls.

The two points above indicate that Microsoft is using its monopoly power to gouge the consumer. Secondly, these numbers paint a telling picture as to why competitors can not compete. Microsoft has so much money to throw around that they either outspend in R&D or buy any company that develops a better product.

Please, re-focus your attention on actually doing something that benefits the consumer. Basically, Microsoft is our only option for many products and we are getting gouged big time in our pocket book by their business practices.

Thank you for your time.

**MTC-00001274**

From: Rich Gerdy  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 1:57pm  
Subject: Public Comment

A brief comment on Microsoft's proposed settlement. When I purchased a computer from Gateway, I tried to order the spreadsheet known as 1-2-3 (Lotus). My wife was proficient in this program. Gateway told me they could not install that program because Microsoft would not let them. It was a nightmare converting to Microsoft's own spreadsheet program called Excel. I hope the settlement addresses all the customers who were forced to give up a computer program that they relied on and convert to a different program.

Thank You Richard Gerdy

**MTC-00001275**

From: Joe Arico  
To: Microsoft ATR  
Date: 11/19/01 2:19pm  
Subject: Settlement

I am very disappointed in the settlement agreed upon between the DOJ and Microsoft. Where is justice being served except to benefit the Government. This settlement is nothing more than slap on the hand for Microsoft and a punch in the gut to consumers.

In any other industry these similar practices would incite the government to break up the company.

The SEC prevents mergers between companies based upon the benefits to consumers using a method that evidently does not hold up in a court of law. The market share that Microsoft holds is easily enough to be called a Monopoly. Even the lower courts ruled that Microsoft was a Monopoly and the ruling was held up in the appeals courts.

Please tell me how a fine is going to prevent Microsoft from being a monopoly.

Joe Arico

**MTC-00001276**

From: Jeff Cooper  
To: Microsoft ATR  
Date: 11/19/01 2:18pm  
Subject: Settlement

Your decision to settle with Microsoft without breaking up the company disregards

all findings of fact and does not provide any protection to the American public.

You sold out.

**MTC-00001277**

From: Steve Cohn  
To: Microsoft ATR  
Date: 11/19/01 2:16pm  
Subject: Proposed settlement is not appropriate for the industry

Although the intent of the Justice Department's settlement with Microsoft is laudable, I do not believe that it takes into account the fast pace of the technology industry, contrasted with the slow pace of litigation. Microsoft has used this discrepancy in the past to its advantage. The charges around the current case stem from violations made in 1998 while Microsoft was already under a consent decree. It has taken over three years for remedies to even be proposed. During that time, hundreds of companies have been trampled over by Microsoft, and the market position of Windows has only solidified. It is also impossible to estimate how many potential competitors never got off the ground because they dreaded the idea of going up against a monopoly.

The solutions proposed do not prevent these kinds of issues from occurring again, they only provide ways of monitoring them when they do occur; which puts consumers and competitors at the same disadvantage that they were three years ago. If the remedies concentrate on specific technologies and terminologies, rather than the inherent structure and practices of the company, Microsoft will always find a way around them and count on the delay of the Justice system to render the issues moot.

Their history speaks for itself.

Steve Cohn  
Los Angeles

**MTC-00001278**

From: Wes Simonds  
To: Microsoft ATR  
Date: 11/19/01 2:08pm  
Subject: you've got to be kidding me

Even if you think this arrangement is fair (and it's not), it's certainly being spun by the media, and will always be remembered, as the bastard brainchild of Bush's Republican influence on the Department of Justice, and not as a triumph of the same organization that brought down Al Capone. Do you really want that to be your legacy?

That Microsoft will continue to wield monopoly power, crushing all contenders such as Netscape in hot, emerging markets by bundling free software with its operating system, is the central issue, and one which is completely ignored by this feeble deal.

Wes Simonds

**MTC-00001279**

From: Brad Werth  
To: Microsoft ATR  
Date: 11/19/01 2:28pm  
Subject: comments about the Microsoft settlement

DOJ:

I feel that the proposed settlement with Microsoft is utterly toothless and will only serve to legitimize Microsoft's existing illegal practices. It is clear that the DOJ is not up

to enforcing a consent decree, judging by the circumstance in which we now find ourselves after the last consent decree. It would serve the public interest better for Microsoft to be convicted of abusing monopoly power, and for dire consequences to occur as a result.

In short, the recent actions of the DOJ in regards to this case run roughshod over the hard work of your predecessors. So much has been accomplished in bringing Microsoft to account for its criminal behavior, and now you are going to drop the ball? It is absolutely disgraceful— without government to protect the public, who will? You should be ashamed.

Brad Werth  
werth@efn.org

The opinions expressed here are solely my own. My employer has no sanction of this message.

**MTC-00001280**

From: Fox  
To: Microsoft ATR  
Date: 11/19/01 2:24pm  
Subject: Microsoft Settlement

Department of Justice,

I am disappointed in the settlement between Microsoft and the DOJ. Microsoft is the most predatory corporation in the 1900's and has received little more than a hand slap. The settlement is a step in the right direction but there need to be some additional, stiffer penalties to give Microsoft's competition a fair footing on which to compete against them. The most important thing I would recommend is forcing Microsoft to publish the specifications for their file formats for Word, Excel, Powerpoint and Access. With a market share of 90%+ for Microsoft Office, no one can successfully sell an alternative for Microsoft Office because it will not reliably read Microsoft Office documents, which are emailed from Corporation A to Corporation B, assuming Corporation B has Microsoft Office to open them. Every copy of Microsoft Office sold increases this barrier of entry for competitors. Forcing Microsoft to publish its file formats will ensure that other office suites can compete with Microsoft Office on features and quality, not on how well they read Microsoft Office documents, 90% of the documents out there.

Hardware vendors should be allowed to sell their machines with no operating system or a free operating system preinstalled for \$50 or \$100 dollars cheaper than with Windows preinstalled. The way Microsoft currently forces vendors to buy Windows licenses makes this financially implausible for hardware vendors. Just like you can buy a car cheaper without an option, you should be able to buy your computer cheaper without the Microsoft Windows option.

The penalty for non-compliance with this settlement should be stiffer. If Microsoft does not comply with current terms of its settlement, there should be a \$1 billion dollar initial fine with a \$50 million dollar a day fine until they comply, not simply an extension to their probationary period. That would be a meaningful penalty for non-compliance. Thanks for hearing the voice of the people and not merely the sound of campaign contributions by the pro-Microsoft lobbying campaign.

Charles Leeds  
Senior Information Security Analyst  
McKee Foods Corporation  
lds0062@cdc.net  
(423) 238-7111 x2319

**MTC-00001281**

From: Jeff Jay  
To: Microsoft ATR  
Date: 11/19/01 2:23pm  
Subject: Microsoft settlement

I am appalled by the Justice Department's proposed settlement of the Microsoft anti-trust case.

Today, Office X was released by Microsoft for the Mac platform. It is no better than AppleWorks, but businesses demand Microsoft products for compatibility reasons. So I will be forced to buy it. AppleWorks is \$79 and Office X is \$499. Get it?

Jeff Jay  
Grosse Pointe Farms, MI 48236

**MTC-00001282**

From: matt@millcreekvc.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 2:21pm  
Subject: Microsoft settlement

Ladies and gentlemen:

As a laissez-faire Republican who opposes government intervention in most cases, and believes that there is nothing the Government can't screw up by intervening, I never thought I would be writing this letter. But I cannot object more strongly to the proposed settlement with Microsoft.

Microsoft has stifled innovation and sucked the life-blood out of the computer industry for long enough. They have built their empire on marketing prowess and on making customers need them, not on innovation. They have systematically crushed competition. When DOJ filed suit, I thought it was long past time. When they won, I saw a ray of hope. It was the ONLY significantly good thing I ever saw come out of the Clinton administration.

To settle now, on the terms you have proposed, is the most pathetic breach of faith with the American people I have ever seen. Why not just give them a federal license to continue to steal? The new XP is the worst yet in terms of over-reaching the consumer that pays for it. If they didn't have such an oppressive monopoly, I would never have bought the stuff. Put an end to these shenanigans by pushing these idiots to the wall.

These people don't need consent decrees, they have already had them. They need jail terms.

Matt Warnock <matt@millcreekvc.com>  
President/CEO, Millcreek Ventures  
Corporation (www.millcreekvc.com)  
Executive Vice President, Wayne Brown  
Institute (www.venturecapital.org)  
Cell/Voicemail: (801) 573-5329 Mail:1836  
Tramway Drive, Snowbird Utah 84092

**MTC-00001283**

From: John Carosella  
To: Microsoft ATR  
Date: 11/19/01 2:59pm  
Subject: Inadequate

The proposed settlement is inadequate to discourage and prevent Microsoft's abusive practices. This is a CONVICTED

MONOPOLIST! Consider what effect similar constraints would have had on Standard Oil 100 years ago—effectively nothing. Ridiculous! This is one of the richest companies in the country, with a stranglehold on desktop computing (achieved illegally!!) that has every intention of exploiting its current (illegally obtained) position to further its stranglehold.

Very severe penalties are required if innovation (and the associated creation of value, wealth, and progress) is to return to the computer software industry.

Read the history of the AT&T breakup! The only part of the communications industry that DIDN'T benefit was local services, where the monopoly was maintained. And we see the impact to this day with the predatory practices of the RBOCs on the aspiring broadband internet service providers. Monopolies MUST be dismembered or they continue to perform against their charter (maximize shareholder value) irrespective of the consequences to the public.

Break Microsoft up into MANY pieces. In the end, it will be better for Microsoft's shareholders as well as the public interest.

John S. Carosella  
Executive Management  
Zippy Communications  
355 W. Olive Ave  
Sunnyvale, CA 94086  
(ph) 408 732 6540  
(fx) 408 732 2950

**MTC-00001284**

From: Pete Starzewski  
To: Microsoft ATR  
Date: 11/19/01 2:49pm  
Subject: Opinion on Microsoft

The settlement only addresses past violations, most of which are no longer relevant due to a changing marketplace. I see no mention of even more insidious behavior like the strong arming of enterprise customers to purchase support and upgrade contracts using vague threats of legal actions and piracy audits. Worse yet, we have the pending Net initiative which is a thinly veiled attempt to leverage Windows to monopolize commercial use of the internet.

Finally there is the issue of Microsoft's subversion of established standards which is a blatant attempt to isolate and destroy certain open standards that compete with Microsoft's proprietary products. If at least these three issues are not addressed in the settlement, then we have all just wasted our time and effort. Microsoft will wind up back in the courts in another 5 years.

Pete Starzewski  
Network Systems Engineer  
Green Bay Packaging Inc.

**MTC-00001285**

From: larry@smith-house.org@inetgw  
To: Microsoft ATR  
Date: 11/19/01 2:45pm  
Subject: Why is "monopoly" not a crime in the past tense?

This agreement simply does not punish Microsoft in any way for the monopolistic crimes it has already committed and which are admitted as such in the findings of fact. It's ability to keep Microsoft from continuing to indulge its monopoly is doubtful to say the

least. That the gov't would assent to this plan after proving Microsoft a monopoly so irrefutably is a travesty.

regards,

Wild Open Source Inc. "Making the bazaar just a little more commonplace." home: www.smith-house.org work: www.wildopensource.com

**MTC-00001286**

From: Phil Russell  
To: Microsoft ATR  
Date: 11/19/01 2:39pm  
Subject: Statement on the DOJ-Microsoft Proposed Settlement

I am addressing this to the email address given for consumer response to the proposed Microsoft Anti-Trust Settlement.

I am pleased that you have given us this email address and now are listening to average computer users.

In my opinion, the agreement as I have read about it lets Microsoft almost completely off the track. Microsoft's destruction of Netscape is not addressed in any way, form, shape or manner.

Because of their threats to Apple, novice Macintosh users are now effectively forced to use Microsoft Internet Explorer and Microsoft Outlook Express for web and email through the forced use of Mail and Browse aliases Apple must place on the desktop. These aliases make the novice user have these programs as default since the novice does not know how to evade using these aliases.

It might be educational for the judge in this case to listen to Bill Gates as he continually pounds on the suggestion that he does not want to see Microsoft kept from "innovating." He uses this word over and over. The challenge I pose to any Windows user is to show me just ONE thing Microsoft has EVER innovated. I have yet to see a Windows user come up with a SINGLE innovation. It is my observation that Microsoft borrows, steals or buys anything in the marketplace which looks good. Microsoft's real expertise lies in the fields of marketing and of improvement of products they borrow, steal or buy.

Indeed, it is Apple Computer which innovates... the first commercial graphic user interface (1984 Macintosh and earlier Lisa), QuickDraw, and Firewire as a few examples. So the court cannot and should not seek to protect innovation by a company. Microsoft, which never innovates at all. Further, in fashioning a remedy, I think the judge should take particular notice of the absolute lies Bill Gates told the previous judge in the case, Penfield Jackson. This kind of behavior can tell the current judge much about how drastic the remedy must be to counter this kind of lying by the CEO of the leading corporation in America.

My bottom line is that the agreement, as I currently read of it, lets Microsoft almost completely off the hook. Please back off and try again for a remedy which curbs Microsoft's predatory behavior in the marketplace.

This case should not be a political football, with Democrats fighting for anti-trust protection and Republicans seeking advantages for big business. Let common sense reign!

Thank you for listening to a home user, Phil Russell

"Within the computer industry, the description, 'more like a Macintosh' is always a high praise. The description 'more like Windows' is rarely used as praise."—The Seattle Times

**MTC-00001287**

From: James E. Gazin  
To: Microsoft ATR  
Date: 11/19/01 3:07pm  
Subject: Microsoft Settlement

To whom it may concern:

I've been following the Microsoft case since it's inception. Early on, I was cheering for Microsoft, but recent developments have caused me to change my mind. The new licensing requirements for Windows XP and the changes that have been made to MSN.COM to kick off Microsoft's new ".NET" initiative have left me cold.

On Windows XP licensing:

I have never installed Windows without having to reinstall it at some point in time. I also make frequent changes to my hardware as I try to keep up with technology. Windows XP, should I upgrade to it, would have me call MS Tech Support every time I did an install or made changes to my hardware and put me in the position of having to explain to an MS representative why I need to reinstall or reactivate the OS.

It is none of MS's business what hardware I install Windows on. They have no right to peek into my computer and see how their OS is being used. Just imagine the possibilities for Microsoft: They know what hardware I'm using and that puts them in a position to "suggest" that I add certain hardware to my system. It gives them an edge over the competition. Microsoft justifies their registration requirements by raising the software piracy banner and claiming that they are just trying to protect themselves. Microsoft is the richest corporation in the world! They can't be hurt too much by piracy.

On the new ".NET" initiative:

I've had a HotMail account for the last several months. I don't have one now, because MS broke their own licensing agreement and claimed I hadn't accessed my account recently and therefore had to reapply. (I hadn't accessed my account for one week and according to the agreement I only had to access it once every 90 days.) To reactivate my account, I would have had to read and agree to a new 20 page licensing agreement that included this new ".NET" stuff. Microsoft is trying to force everyone on the WEB to use their new "Microsoft Wallet" and store all their personal information on MS servers. Microsoft servers have a long history of being hacked and I, for one, believe that if you put all your eggs in one basket and tell all the thieves where your basket is, you increase your odds of being ripped off.

In my opinion there is only one possible solution that would truly level Microsoft's playing field. The justice department must require Microsoft to publish all Windows programming hooks and the purpose of each hook. (I use the word HOOK as a synonym for program calls to the operating system.) This would allow other companies to create

operating systems that were compatible with Windows and Microsoft would be forced to compete in the market solely on the merits of its OS. We would have a standard operating system template and competition: the best of both worlds.

What do you think computers would cost today if Advanced Micro Devices hadn't challenged Intel and forced performance up and prices down? We NEED competition in the OS workspace as well. It is the only reasonable solution.

Sincerely,  
James E. Gazin  
jgazin@home.com

**MTC-00001288**

From: gsantos@syntricity.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:26pm  
Subject: Microsoft Antitrust Settlement

Opinion  
To Whom It May Concern,

I can't say that I know much about the final results of the anti-trust suit, but I can say that I am sickened, saddened, and horrified that one of the largest innovation-crushing, illegal, and underhanded monopolies in the history of the United States is being dismissed with hardly more than a slap on the wrist. The only course with any hope at all is to BREAK MICROSOFT INTO THREE COMPANIES, AS ORIGINALLY PROPOSED. This is indeed a sad time for our democracy. I only hope that one day, all of those responsible for this travesty will have to support Microsoft operating systems for the rest of their natural lives, without benefit of investment in Microsoft.

Gregory Santos  
San Diego, CA  
U.S.A.

Disclaimer: the foregoing opinions are not in any way claimed to be the opinions of my employer, associates, or family. However, many of my co-workers feel similarly.

**MTC-00001289**

From: Walter Lee Davis  
To: Microsoft ATR  
Date: 11/19/01 3:15pm  
Subject: Comments about the proposed settlement with Microsoft

Thank you, first of all, for providing a venue for concerned citizens to add their opinions to this important court case I hope that the volume of response you will surely get does not overwhelm your systems and proves valuable in concluding this case in a manner that restores fairness to the marketplace.

Microsoft has grown to the point that it dwarfs many nations in its size and influence world wide. How it got to be this big is a matter of some contention, but it has been proven, time and again, to have leveraged its overwhelming market share in one area to gain dominance in others. I see no end to this trend. It may be too late to stop this process, as Microsoft could simply purchase a small country and move its operational headquarters there, if it is presented with a compelling business reason to do so.

Any fair penalty in this case will address the financial losses of the companies that Microsoft competed with unfairly, as well as

the losses of individual computer users who have had their freedom of choice artificially restricted. A penalty that does not include Microsoft admitting guilt for what they have done to date, and does not preclude them from developing new products or services which could be used to reduce competition and raise the barrier to entry for competitors, does not go far enough to stop this behavior from ever occurring again.

As a monopoly in the desktop computer system software industry, Microsoft has to live by a different set of rules than the companies that make up the other 5% of the desktop market share. Where other companies can seek to create coalitions and partnerships with other companies in order to mutually promote their products' use, Microsoft is larger than the rest of the software industry put together. Any partnership it is likely to make is strictly for the purpose of restricting that partner's actions to those that benefit Microsoft directly or indirectly. Microsoft's relationships with other companies should be monitored directly by the court for any hint of anti-competitive behavior.

As a latecomer to the Internet party, Microsoft used its desktop dominance to artificially inflate the market for its web browser software. The fact that its browser was weaker and buggier than the competition did not matter—the enormous push of the Microsoft marketing machine (not a crime, but a case where dollars could out-do technical quality or competence), the fact that they gave it away for free (technically "dumping", since it cost something to produce, after all), and the fact that ISP's and hardware manufacturers were coerced into promoting it rather than Netscape Navigator (definitely illegal) combined to give it a commanding lead over technically superior products. Microsoft should be fined billions, the proceeds should be distributed to Netscape and other browser manufacturers, hardware manufacturers, and the end users.

Microsoft would like to extend its dominance in the desktop to file servers as well. Even though file servers need to be available to many different client operating systems, Microsoft can take the open standards that make this cross-platform intercommunication possible and change their interpretation of them subtly to ensure that only a Microsoft client can communicate efficiently with a Microsoft server. In many cases, they have done this already. The net result is that competition in the desktop client marketplace is restricted by behavior in the server marketplace and vice-versa.

Even more frightening is the thought that Microsoft might use this same strategy in the web server market. The net result would be catastrophic for the Web and its users, as Microsoft would effectively be in control of the entire internet, and could change the underlying transport protocols to restrict use of the Web to their browser or desktop operating system or both.

Microsoft must be enjoined from deviating from any open standards, and must follow them explicitly. They may be a party to the creation of these standards, but they cannot have more than one vote in that process. If they make a web server software, it must

interoperate with all browser clients equally. If they make a file-sharing server, it must interoperate with all desktop operating systems equally. If they incorporate any features into their desktop or server operating systems that are either available on other platforms as middleware or third-party software applications or were previously available as middleware or third-party software applications on their desktop or server operating systems, those operating system features should have to meet the same standards of universal availability to non-Microsoft client systems as their predecessors.

Finally, it doesn't seem possible to keep Microsoft from giving itself an unfair advantage, since they make the server operating system, desktop operating system, middleware, application software, utilities, etc. all in one shop. The last time this sort of behavior was noticed by the courts, it was because US Steel owned the mines, the mills, the railroads, the ships, and the trains. They could set any price they liked, and could keep competitors from ever reaching profitability.

Microsoft should be divided into separate companies: Programming Languages, Server Operating Systems, Desktop Operating Systems, Server Application Software, Desktop Application Software, Middleware. Each of these companies would be walled away from the others, and would expose only the programming interfaces and source codes that they would share with any non-Microsoft competitor to each other.

These standards are much higher than those that Microsoft's competition lives by, but until the day comes that Microsoft is not larger than all its competitors combined, it must live by them. Right now, no matter how bad a product they produce, people will buy it. The ordinary expectation of "survival of the fittest" has been supplanted by "rule by the fittest". That is not good for business and it is not good for the world.

Thanks for your time,  
Walter Lee Davis

#### MTC-00001290

From: Paul Ahlgreen  
To: Microsoft ATR  
Date: 11/19/01 3:14pm  
Subject: Microsoft Settlement

I am glad, as most of America, that this matter is almost over. Competition is not the answered question, AOL/Turner should show all of us that competition has never been better. IBM, SUN, Lunix (all kinds), and many others all try to give ME what I need and want. I and others like me buy, install, and maintain systems from Home to factories and Offices across the land. We use the stuff and decided that Microsoft wins for the best effort to design software that works together and performs the many different tasks that we ask. Had we liked the other products out like IBM—OS2, AOL's Netscape Browser, or any other 'wow-sir we would have used theirs more. But We Didn't. Settle this now and keep the 'think tank' that has been doing what the world needed together at one Microsoft.

Paul Ahlgreen  
PHA International pahlgreen@sbcglobal.net

#### MTC-00001291

From: Lon Hutchison  
To: Microsoft ATR  
Date: 11/19/01 3:14pm  
Subject: MS monopoly settlement  
To Whom, etc;

I am appalled that Microsoft is getting off so easily. Microsoft stifles innovation in the marketplace through their strongarm tactics as regards competing companies and will strengthen their hegemonic grip on the marketplace if they (Microsoft) are not properly punished, and duly regulated, for their illegal business practices which have made them a de facto monopoly.

Ralph Nader recently submitted a letter to the Department of Justice and Judge Kollar-Kelly on the matter of the Microsoft case settlement. I wholeheartedly support the points Mr. Nader made in that letter. Microsoft must be made to understand that they can not run roughshod over the marketplace and consumers and this settlement, as it is now, will do little or nothing to discourage Microsoft from conducting their illegal business practices ad infinitum.

Sincerely,  
W. Lon Hutchison  
New York, NY, USA

#### MTC-00001292

From: Allen Wicks  
To: Microsoft ATR  
Date: 11/19/01 3:29pm  
Subject: Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti competitive and anti innovative (despite what their PR hyperbole claims). The cost to consumers and to industry wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement "penalties" are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft/DOJ Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

[1] Their anti competitive behavior must be prohibited, and permanently, not just for five years. Any firm with such immense resources can and will make a mockery of any weak 5 year restrictions, simply by spending a few tens of millions slipping and sliding around the legal system.

[2] Very large fines must be imposed, sufficient to make Gates et. al. sufficiently aware of the consequences of the firm's illicit behavior that they are stimulated to want to change that behavior.

[3] Anti competitive business dealings (e.g. it has been and still is virtually impossible to buy —any— personal computer, even an Apple Macintosh, that does not default to Microsoft's browser whether the buyer wants it or not!) must be clearly and unequivocally prohibited.

[4] Perhaps most important, a— permanent—"Microsoft Litigants' Defense Fund" should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated.

[5] Movement of Microsoft's abusively anti-competitive and anti-innovative business model into emerging markets MUST be enforceably prohibited. The internet and the "convergence" market spaces in particular (but not limited to) need be kept accessible to small innovators and not locked up by the likes of Microsoft. Much has been expressed that MS is a market leader and that penalizing them penalizes an already weak tech sector. What MS really is is an industry bully; penalizing such business behavior will in a very short time period overall stimulate the tech sector as innovators can again start innovating unfettered by fear of what type of response may come from the industry bully.

Thank you.

—Allen Wicks

Small business person and computer industry observer since the 1970s.

Allen Wicks  
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10164 Laburnham Circle, Truckee, CA  
96161  
530-550-8727

#### MTC-00001293

From: Schwalb, Robert  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 3:26pm  
Subject: Microsoft Settlement

As evidenced by the recent release of Windows XP, Microsoft will continue its predatory practices unless it is broken into at least two companies; the first producing application software, and the second operating systems. The logic of Microsoft's position on bundling application software with the operating system, would allow it to include, for example, a compiler. After all, following Microsoft's arguments, any application will present a "better user experience" if it's part of the operating system. Then there are the implications for national security— In a 1998 Computerworld article Paul Strassman of the National Defense University in Washington, DC, rightly observed that: Microsoft's dominance in operating systems represents a new threat to the national security of our information-based society. The government is trying hard to contain the expanding power of Microsoft by antitrust litigation that would prove present harm to consumers. That's insufficient. The government also should address the risks from information warfare attacks on a largely homogeneous systems management environment. Inevitably, infoterrorists and criminals will take advantage of flaws in the gigantic Microsoft operating systems that are on their way to becoming the engines for running most of our information infrastructure....An all-encompassing operating system bares itself to hostile exploitation of paralyzing security

flaws. The presence of a fatal defect is unavoidable, as the complexity of Microsoft systems expands to bizarre proportions with each new release. It's the search for such a fault that occupies the minds of some of the brightest computer experts. Finding a crack through which one could induce mayhem with only a few keystrokes would be worth a great deal of money, especially when supporting an act of terrorism....No agricultural expert would suggest that only one crop, using the identical seed strain, be planted in Kansas, Ohio, Illinois and Iowa. "Monocultures," as biologists call them, are just too vulnerable to pests, disease and an unprecedented combination of ecological conditions. The Irish potato famine, for example, was caused by reliance on a single strain of potato.

**MTC-00001294**

From: Al Pierce  
To: Microsoft ATR  
Date: 11/19/01 3:21pm  
Subject: MicroSoft antitrust settlement

I, as do most persons I know, feel that this settlement is a mere slap on the wrist. MicroSoft has done more to harm innovation, quell creativity, and limit consumer choice than any company I have witnessed in my twenty five years working in the computer and high tech industry.

I am astounded that they are being allowed to remain a single company marketing both operating system software as well as applications software. I've seen many software applications that were clearly superior and offered a legitimate alternative to MicroSoft products destroyed by MicroSofts' monopoly power and underhanded marketing practices.

If this settlement goes through it will be a sad day for justice. Mr. Gates thinks this is a fair settlement. That means they are getting off easy. A fair settlement would have him screaming.

Al Pierce

Senior Staff Engineer

A computer without Windows is like a cake without mustard.—anonymous

**MTC-00001295**

From: Neil Ratzlaff  
To: Microsoft ATR  
Date: 11/19/01 3:36pm  
Subject: I want to be a federal criminal, too

After a surprisingly successful prosecution and resoundingly upheld conviction of Microsoft, the DOJ has decided that there are no penalties for breaking the law. Not even a token fine! Add to that travesty the lack of restrictions on future behavior, and even Bill Gates couldn't have come up with a more favorable settlement if he tried. You should be ashamed of yourselves.

**MTC-00001296**

From: Sylvester LaBlanc  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 3:35pm  
Subject: Microsoft is acting worse than ever.

I am a software developer. I am very unhappy with the control that Microsoft has over the industry. They are acting worse than ever and need to be broken up. I would suggest that they be broken into three companies by Operating System,

development tools, and applications. They use their power in each area to force developers and users to use their products in the other areas. I am very unhappy with their attack and imitation of the Java environment, and their removal of support for plug-ins in their browser.

The current proposals will do nothing to stop the monopolistic practices of the company.

Sylvester La Blanc  
2620 W. Windhaven Dr.  
Rialto, CA 92377

**MTC-00001297**

From: Allen Wicks  
To: Microsoft ATR  
Date: 11/19/01 3:35pm  
Subject: Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti-competitive and anti-innovative (despite what their PR hyperbole claims). The cost to consumers and to industry-wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement "penalties" are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft/DOJ Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

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[2] Very large fines must be imposed, sufficient to make Gates et. al. sufficiently aware of the consequences of the firm's illicit behavior that they are stimulated to want to change that behavior.

[3] Anti-competitive business dealings (e.g. it has been and still is virtually impossible to buy —any— personal computer, even an Apple Macintosh, that does not default to Microsoft's browser whether the buyer wants it or not!) must be clearly and unequivocally prohibited.

[4] Perhaps most important, a —permanent— "Microsoft Litigants' Defense Fund" should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated.

[5] Movement of Microsoft's abusively anti-competitive and anti-innovative business model into emerging markets MUST be enforceably prohibited. The internet and the "convergence" market spaces in particular (but not limited to) need be kept accessible

to small innovators and not locked up by the likes of Microsoft.

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Thank you.

—Allen Wicks

Small business person and computer industry observer since the 1970s.

Allen Wicks  
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96161  
530-550-8727

**MTC-00001298**

From: Paul Cesarini  
To: Microsoft ATR  
Date: 11/19/01 3:51pm  
Subject: huge disappointment

Hello DoJ:

I just wanted to drop you a line to express my huge disappointment over your settlement with Microsoft. I realize you've got bigger fish to fry, what with the terrorist attacks on 9/11, but since your dept. invested so much time, energy, and effort into this trial—why keel over and die now? Seriously, I've been teaching about this trial for the past 2-3 years now in most of my Telecommunications classes, and I can't believe you're basically slapping MS on their collective wrists again, knowing full well how they blatantly ignored similar "remedies" in the past.

You had them on the ropes and—seemingly at the moment of victory—opted to instead let MS slither away. I'm not a huge fan of Ralph Nader, but fully agree when his recent views on the settlement. Bush (and consequently Ashcroft) have lost my vote in '04. —

Paul Cesarini  
Supervisor, Student Technology Center  
Jerome Library, Bowling Green State  
University  
Bowling Green, OH 43403  
office: (419) 372-7740 fax: (419) 372-7723  
<http://personal.bgsu.edu/pcesari/>

**MTC-00001299**

From: ab  
To: Microsoft ATR  
Date: 11/19/01 4:00pm  
Subject: microsoft is a MONOPOLY  
PLEASE PUNISH THEM, I CANNOT STAND ALL THE BUGS IN THEIR SOFTWARE. PLEASE CONSIDER ALL THE MILLIONS OF \*\*\*\*MAN HOURS\*\*\*\* THAT ARE WASTED EACH AND EVERYDAY BECAUSE OF MICROSOFT'S BLESSED MONOPOLISTIC ANTI-OPEN, ANTI-IMPROVABLE SYSTEM WITH \*\*\*\*INTENTIONAL\*\*\*\* ANTI-COMPETITIVE "BUGS". THESE MAN-HOURS COULD HAVE BEEN USED TO PRODUCE AND FEED OUR WEAK ECONOMY!

**MTC-00001300**

From: Paul Horning

To: Microsoft ATR  
 Date: 11/19/01 3:53pm  
 Subject: How does this stop future violations?

Dear Sir or Madam;

I see nothing in this settlement to right past wrongs or to prevent future transgressions from Microsoft. In fact I see a complete victory for Microsoft. Bill Gates is no genius but he his a fantastic POKER PLAYER! What happened is he called the DOJ bluff and you are FOLDING! The government's cards may be weak but they would still beat Microsoft in a showdown.

I am ashamed of you.

-Paul Horning  
 North Liberty, IA

**MTC-00001301**

From: Ted Rust  
 To: Microsoft ATR  
 Date: 11/19/01 3:51pm  
 Subject: Worried About Microsoft

To Whom It May Concern:

I appreciate having the opportunity to address the current situation involving the DOJ and Microsoft's antitrust case. Thank you for setting up this email address to gather the thoughts of "common" folk like myself.

I have been extremely disheartened by the turnaround experienced in this trial beginning with Judge Jackson's dismissal from the case. I watched the initial proceedings with great ferocity and was very pleased to see all the terrible things Microsoft had done brought to light. I had been paying attention to the atrocities of this company for quite some time, as it had affected me in many ways. I have been a Macintosh user for a long time, and had repeatedly witnessed the crushing power of Microsoft as its juggernaut mentality left few small companies in its path. I witnessed things like Netscape, being toyed with by Microsoft's bullying tactics with PC makers and by using competing, but always incompatible, technologies. I watched a good company, Spy Glass, go the way of the dodo bird, because Microsoft essentially tricked them into giving up their web browser product for a cut in revenues which would never come, since they gave it away for free.

I have watched many things. At each and every turn, I watched Microsoft do things that no other company could do. I watched as they got away with it all. I'm not saying that companies never do anything wrong ... but Microsoft goes beyond bending rules and blurring lines. Microsoft blatantly lies. Microsoft cheats customers. Microsoft bullies people into being its ally, leaving competing companies with nowhere to go. I thought there was going to be some relief from all this horrendous monopolization, but then the tide was turned. I have a sinking feeling that there are pockets being filled in the Bush administration. It's no secret that the Bush administration coddles big businesses and this looks like just another example of a "you scratch my back..." mentality. The one saving grace of this whole debacle is that California and other states have not given in. Microsoft deserves the fate decided by Judge Jackson. More people need to read the findings from that case. It goes on and on for hundreds of pages. Company after company has been

pushed, bullied, unfairly shutdown and broken. It is time for them to reap what they have sown.

I am begging and pleading with whomever reads this to bring more light to what they have done. (And what they have not done, which is innovate! It is curious how often that word is mumbled, when nary a person can name an innovation that has come out of Microsoft—almost everything they claim as an innovation was bought, stolen or copied from someone else.) Don't let them off so easily. The current settlement does not do anything to prevent these same things from happening again and again. I urge the DOJ to take this seriously and use Microsoft as an example of what will happen to companies that cross the line. They have no scruples, no ethics and, so far, no accountability for what they have done.

Thank you for taking the time to listen to one person's point of view. I know I am not the only one that feels this way. (I could easily name 100 people that feel exactly as I do ... and many magnitudes more if I were to do a simple query on the internet.) I hope that this "comments" period has some affect on the case at hand. I hope the voices of the masses are not ignored. Microsoft is a deceptive, over-grown, evil beast that will stop at nothing to stay on top. I simply hope that our government can see through the dollar bills and give us all a little glimpse of truth and justice.

Sincerely,  
 Ted Rust

**MTC-00001302**

From: CutlassLA@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/19/01 4:08pm  
 Subject: Proposed MS settlement.

Microsoft has a history of lying and evading. Absent stringent oversight and concrete enforcement provisions, there is no reason to expect they will do otherwise in future. Furthermore, 'simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.' Meaningful penalties are the least the government can do to redress some of the harm done to consumers and competitors.

**MTC-00001303**

From: Barry Levine  
 To: Microsoft ATR  
 Date: 11/19/01 4:03pm  
 Subject: Doesn't even pass the laugh test

There can be no remedy for the grievous offenses committed by Microsoft unless it includes breaking up the company into two distinct groups:

1. Operating Systems (OS)
2. Applications

The idea that Internet Explorer (IE) is, or should be, "part of the Operating System" is ludicrous. IE is an application, period. Attempting to claim otherwise by sabotaging the OS so that removing IE renders Windows somehow "incapable" or "less than it was" is a blatant attempt to link the OS with the IE browser. This is, on its face, absurd. For proof of my assertion, consider that Apple's MacOS9 (and its new MacOSX) can use ANY vendor's browser and STILL maintain a tight

integration of services between the application and the operating system. Microsoft is simply attempting to push users of its OS over to its portals in an attempt to squeeze every penny of revenue out of its customers at the expense of its competitors AND its customers (by removing choice!). EVERYONE out here (both Apple and non-Apple users) knows this. For the DOJ to feign blindness in this regard is the height of cynicism; it doesn't even pass the laugh test.

The proper way to manage the breakup is to force ALL communications between the two groups to be public—via postings in the Internet. It is only in this manner that the public (and the applications vendors) can be assured that the OS group and the Applications group do not pass "secrets" to each other.

Judge Jackson's interviews with the reporter may have been inappropriate but his findings of fact -AND- his remedies were "spot-on".

Barry Levine

**MTC-00001304**

From: SEC55@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/19/01 4:00pm  
 Subject: Microsoft Antitrust Settlement  
 Dear DOJ,

I feel the antitrust settlement between Microsoft and the US DOJ does not go far enough to punish the company for all the competitors they have crushed with their monopoly. More importantly and more troublingly, there aren't adequate safeguards to prevent them from continuing this behavior. Please reconsider, and make them stop abusing the consumers and shutting out competitors with their monopoly.

Yours truly,  
 Stanton E. Collins  
 Stanton E. (Ed) Collins  
 81 Narrow Lane  
 PO Box 1405 (mail)  
 So. Lancaster, MA 01561-1405  
 (978) 365-7453 home  
 SEC55@aol.com  
 Office:  
 401 Main St.  
 PO Box 1447 (mail)  
 So. Lancaster, MA 01561-1447  
 (978) 365-1900  
 (888) 365-1900  
 (978) 365-1911 fax

**MTC-00001305**

From: applegaa@usa.net@inetgw  
 To: Microsoft ATR  
 Date: 11/19/01 4:00pm  
 Subject: Microsoft Wrist Slap  
 Are you stupid or paid off by Microsoft? That's the only two reasons I can see for claiming that the 'wrist-slap' you want to give Microsoft will have any effect on their criminal empire.

Hey, if you believe what you're saying, I have this bridge for sale...  
 —Andrew W Applegarth

**MTC-00001306**

From: PanaVise  
 To: Microsoft ATR  
 Date: 11/19/01 4:16pm  
 Subject: Microsoft Settlement

Please break up Microsoft into 3 or more entities, one that sells operating systems and related system/server software (Windows, etc.), another that sells applications software (MS Office, et al), and one that handles Internet provision and other media-related services (MSN, MSNBC, etc.). Microsoft has WAY too much influence for a single corporation. And make Bill Gates divest himself of all but one of them.

Mark S. Willis

**MTC-00001307**

From: Tim Ambrose  
To: Microsoft ATR  
Date: 11/19/01 4:15pm  
Subject: Microsoft settlement!

You have made your decision against Microsoft, so please advise these remaining states to drop this futile effort. All it does is cause a drain on so many companies to inovate. It is evadent which Microsoft competitors are behind this and what their motives are!

Please, for the good the world, stop this war on our most important company NOW!!!!

**MTC-00001308**

From: Chris Wardman  
To: Microsoft ATR  
Date: 11/19/01 4:09pm  
Subject: Microsoft Antitrust Settlement

As a consumer I am very disappointed that the DOJ have caved in to Microsoft's illegal business practices and that furthermore they show no sign of changing their anti competitive policies of crushing competitive technologies by any means necessary. I feel that it is only a matter of time before paying Microsoft is considered a license fee to use a PC.

Chris Wardman

**MTC-00001309**

From: Joanne Kalogeras  
To: Microsoft ATR  
Date: 11/19/01 4:08pm  
Subject: Microsoft case

To the Dept. of Justice:

I'm really unhappy with the outcome of the Microsoft case. It's the Bush administration going easy on big companies who don't need the help at the expense of people and small businesses. Microsoft has one goal: it's not innovation, it's not making the world a better place, it's not making great software. It's only about the bottom line, and we know this for a fact. They lied for years about having a firewall between applications and OS development, and finally admitted the truth. They haven't exactly shown us they're trustworthy. Why is this company not being forced to change their policies regarding monopolistic bundling? Why aren't they being forced to be fairer about their operating systems. Why isn't the Justice Department angry that Microsoft shows a blatant arrogant, dismissive attitude towards you? Top that with the lenient attitude the Bush is now taking with the tobacco industry, and it looks like favoritism to me. I think it stinks. I applaud the effort Judge Kollar-Kotelly and the mediators put into the agreement, but the gov't completely folded. This settlement hardly affects the way Microsoft does business. I'm sure that Bill gates is "really

pleased to have" this impotent settlement. Thanks for listening.

Joanne Kalogeras

**MTC-00001310**

From: hiebertd@XonTech.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 4:26pm  
Subject: Insufficient scope of settlement  
To whom it may concern,

I wish to express my concerns about the current antitrust settlement with Microsoft. As I understand it, the current settlement constrains Microsoft's behavior only with regards to so-called "middleware" applications. I believe such behavior must be constrained with regards to any competing products, particularly operating systems. For a good presentations of Microsoft's behavior to suppress competition with competing operating systems, I refer you to the article below, which states the case rather well.

<http://www.kuro5hin.org/?op=displaystory;sid=2001/10/23/13219/110>

Darren Hiebert  
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**MTC-00001311**

From: Bernard P Ducamp  
To: Microsoft ATR  
Date: 11/19/01 4:20pm  
Subject: Cave-In

I think DOJ needs to realize that in the past, Microsoft ignored consent decrees it had agreed to.

Penalties for violations must be in place, otherwise Microsft will continue to ignore the government, AS IT HAS IN THE PAST. What if your average citizen performed felony acts, and as the ONLY penalty..... was asked by the government: "Please don't do this in the future" ?????

**MTC-00001312**

From: Yannick Rendu  
To: Microsoft ATR  
Date: 11/19/01 4:19pm  
Subject: Sell their language business

Dear DOJ,

Microsoft's predatory actions will not be stopped by this settlement. The settlement provisions are much too vague and aren't forward-looking. Microsoft's .NET will ensure its continued monopoly. The amount of information they (and they alone) will glean from the public's use of .NET will give them a huge tactical advantage over any other company that would like to compete in any computing environment.

The hardest tie-in to Microsoft is their new programming languages. Create a program for Microsoft using one of their languages and your product becomes very hard to move to any other platform; this due to designed differences. I feel the punishment should be that Microsoft must sell their language business and give the proceeds to registered users of Microsoft products. Microsoft has not made the computer revolution possible. The revolution has been the internet. Don't be lenient on them due to their supposed

importance in today's world. We would have what we have today without Microsoft having ever existed. They do not innovate, they assimilate.

Sincerely,

Yannick Rendu  
Yannick Rendu, System Administrator—E-Media Specialist—Brand Development ::  
Volan Design LLC  
303.530.2828 tel—303.516.1551 fax

**MTC-00001313**

From: Patrick T Kent  
To: Microsoft ATR  
Date: 11/19/01 4:58pm  
Subject: Microsoft Antitrust Case

To whom it may concern,

Please be aware that while the economy is a major concern right now, tomorrow will be another day, and the decisions of today will have to be lived with for a very long time.

Being concerned about terrorism is everybody's business, as is this antitrust case, whether one is an American or not. This is an issue of worldwide concern. And while the world is at war against terrorism, standing shoulder to shoulder with Americans in this time of crisis, America is busy giving world domination to Microsoft on a platter! Don't be under any delusions, this is exactly what is proposed by the recent settlement of the antitrust case and the world is watching in disbelief!

Please understand that the US government has a responsibility to the whole world on this issue, and more than just the domestic economy of today needs to be considered. This behemoth (Microsoft Corporation) of industrial/commercial terrorism needs to be brought to justice just as assuredly as Osama bin Laden. Please do the right thing.

Regards,

Patrick T Kent  
PO Box 505  
Noarlunga Centre  
SA 5168  
AUSTRALIA  
CC:confid201@macintouch.com@inetgw

**MTC-00001314**

From: Brian West  
To: Microsoft ATR  
Date: 11/19/01 4:31pm  
Subject: The Microsoft settlement of Nov. 2nd is inadequate and the language is too vague.

The Microsoft settlement of Nov. 2nd is inadequate and the language is too vague. It does not go far enough to protect consumers and states. Microsoft cannot be trusted.

Regards,

Brian West

**MTC-00001315**

From: Bruce Lieberman  
To: Microsoft ATR  
Date: 11/19/01 4:59pm  
Subject: Microsoft travesty :(

Your proposed settlement in the Microsoft anti-trust case adds to the disappointment, disillusionment and cynicism of the American people with our federal government :( I guess Microsoft CAN buy almost anything they want. You should be ashamed. Thankfully at least 9 STATES have the stones to stand up and try to do the right thing. A very unhappy taxpayer :(

**MTC-00001316**

From: Tom  
 To: Microsoft ATR  
 Date: 11/19/01 5:16pm  
 Subject: Microsoft Settlement

My take on this is simply that the punishment for Microsoft should be based on the amount of money they made from violating the antitrust laws. This would be an enormous sum and would probably break up the company as we know it. So much the better for the marketplace. The best technologies being developed right now will never stand a chance to make it to consumers if Microsoft remains intact and without fear of reprisal from the DOJ. Redmond is laughing their asses off right now. And the joke is on all of us.

**MTC-00001317**

From: Jerry Tibor  
 To: Microsoft ATR  
 Date: 11/19/01 5:03pm  
 Subject: Unmasking Microsoft's innovation scam Computerworld Communities

<http://www.computerworld.com/cwi/community/story/0,3201,NAV65-1797-STO65470,00.html>

Jerry Tibor, CNA  
 President, Network Users Group of Anchorage  
 LAN Manager  
 Enrollment Services Computing Support  
 University of Alaska Anchorage  
 anjft@uaa.alaska.edu (907) 786-4734—voice (907) 786-1537—fax

Unmasking Microsoft's innovation scam  
 Microsoft argues that integrating new features such as MediaPlayer into its operating system is innovation. That's untrue—and should be illegal.

BY MARTIN GOETZ  
 (November 08, 2001) Should Microsoft's integration strategy be considered illegal? Join the discussion in Computerworld's Operating Systems Forum to discuss the issues with your peers. Now that Microsoft Corp. and the U.S. Department of Justice have reached an out-of-court settlement that won't restrict the vendor from bundling applications with its operating systems, Microsoft thinks the world should cheer now that it can "freely innovate." What could be more un-American than stopping a company from its inalienable right to innovate? The Justice Department says it will impose restraints on Microsoft that "will open the operating system to competition." But the issue isn't operating system competition. It is the illegal bundling of new functions that shouldn't be part of anyone's operating system.

**Integration Isn't Innovation**

In 1998, well before it made that same argument in court, Microsoft began its public relations effort to try to convince the world that its "integration" of new Windows functions was critical to its ability to innovate. To the public, and probably to a vast number of computer professionals, it didn't seem such an outlandish claim. But it really was. When this claim is examined more closely in terms of what it takes to build, maintain and improve software systems, one can only conclude that Microsoft is trying to pull the wool over the world's eyes.

The desire to innovate in software systems hasn't changed since I started programming in 1954. The concept of developing new versions of software systems, including operating systems like DOS, VMS and Windows, with new features and functions has been with us for at least 40 years. When IBM unbundled its software in 1970 and created a competitive environment, innovation became more important, because adding features to a software system improved its marketability. Tie-ins have been illegal since the end of the 19th century, when the Sherman Act antitrust laws were written. The question of the legality of software tie-ins was raised back in the 1960s in several suits against IBM, which included lawsuits filed by the Justice Department and Applied Data Research.

Microsoft apparently wants to change the antitrust tie-in laws by convincing the world that the ability of its staffers to innovate would be limited if they couldn't integrate freely and without restraint. What nonsense.

"Integration," as the word is used by Microsoft, means "tie-in" to the rest of the world.

**PR Pitch Falls Short**

Microsoft's "innovation through integration" public relations effort began with Bill Gates' unveiling of Windows 98 in April 1998, when he discussed a Microsoft white paper entitled "Integration, Innovation and the PC." Microsoft stated in the paper that the integration of new features and services in Windows 98 would benefit both consumers and independent developers. At about the same time, Microsoft announced its "Freedom to Innovate Network" Web site as an ongoing method of communicating to the public. It included statements made by elected federal and state officials who supported Microsoft's right to innovate. The site also contained Microsoft's latest legal briefs, as well as propaganda aimed at showing that the government's case against the company had no merit. The thrust of the message was that the government, should it win the case, would restrict Microsoft's freedom (or ability) to innovate.

Just about everyone recognizes that "Freedom to Innovate" is synonymous with motherhood and apple pie. We're all for it; enough said. But what about illegal tie-ins, monopolization, unfair competition and freedom of choice? Where do those subjects fit into the equation? And is it an axiom that you need integration to innovate? The facts prove just the opposite. Integration not only has zero correlation with innovation, but it also actually discourages it. In the antitrust trial, Microsoft's main defense witness, James Allchin, testified that the company's deep integration of Internet technologies into Windows 98 was a natural step in the evolution of operating systems. The District Court, as well as the appeals court, didn't buy his argument.

It's no accident that the eight appellate judges stated twice in their briefs that Microsoft failed to show the benefits of integrating. The court said, "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." The

judges added that "Microsoft failed to meet the burden of showing its conduct [in integrating functions into its operating systems] serves a purpose other than protecting its operating system monopoly." Clearly, it's no oversight or accident that Microsoft's expensive law firm and technical staff didn't make strong arguments before both courts.

**The Integration Option**

The real question that the courts would have had to decide if the trial continued was: Could Microsoft develop new functions (or innovate) only through integration, or could those be developed just as well using interfaces? New functions can be implemented either way, but they should be implemented through interfaces. Here's why:

- Software engineering principles state that functions should be isolated and made as independent as possible so they can be systematically debugged and changed. Changes are always required to accommodate new user requirements, new hardware or operating system requirements and for ongoing maintenance for correcting errors after programs are operational.
- Tight integration just creates larger and larger programs, which over time become unmanageable. The design, programming, testing and maintenance of these larger programs becomes more complex, expensive and time-consuming.

- It's desirable to design new functions so that they can operate in several environments—for example, with different versions of Windows 9x or NT or other operating systems. Tightly integrated programs don't allow for cross-platform use. Lastly, it's easier to release new versions of a program when it isn't tightly integrated with another program. For instance, new versions of Microsoft's Windows and Internet Explorer could be developed and released independently if they just interfaced with each other.

Clearly, in the case of Windows 98, the tight integration with the Internet Explorer browser produced no technical innovation. This is obvious because the functions of the Windows 98 Internet Explorer browser that was tightly integrated with Windows 98 were identical to the functions of the Internet Explorer 4.0 browser that bundled with Windows NT, 95 and 3.1; the Macintosh systems; and the Solaris operating systems.

Under the law, tie-ins are illegal. Bill Gates' statement that Microsoft should be able to put "anything under the sun into its operating system" should be challenged in court. One can only hope that the nine states that are opposed to the proposed settlement, as well as the European Commission, will pick up the gauntlet that the Justice Department has dropped. Martin Goetz is a former programmer, software designer, chief technology officer and president of Applied Data Research Inc. in Princeton, N.J. You can reach him at [mgoetz@nis.net](mailto:mgoetz@nis.net).

For more coverage and information related to this topic, head to the following Knowledge Center.'

**• Operating Systems****MTC-00001318**

From: [graylag@charter.net@inetgw](mailto:graylag@charter.net@inetgw)

To: Microsoft ATR  
Date: 11/19/01 5:01pm  
Subject: settlement

I am extremely disappointed with the Department of Justice regarding the Microsoft Monopoly proposed settlement. Basically, you are telling Microsoft, "You've been naughty, now don't do it again." Did I miss something? Didn't the Department of Justice win the case, and prove that Microsoft illegally used its monopoly power to increase and maintain market share, and drive competitors out of business? What prevents Microsoft from continuing this pattern of illegal behavior? Where is the punishment for their past misdeeds? What is the Department of Justice thinking?

This proposed settlement is unacceptable, but not a surprise under the Ashcroft/Bush administration. You are not looking out for the interests of the citizens of the United States, and you are caving in to the ill gotten interests of an illegal monopoly.

Sincerely,  
George Sievers

**MTC-00001319**

From: Philip Obal  
To: Microsoft ATR  
Date: 11/19/01 5:22pm  
Subject: Justice Failure—Microsoft Wins

Hi,  
My name is Phil Obal, President of IDII, and a software designer for over 20 years. I believe that Microsoft is getting off very, very easy. It took away large market share from Netscape's internet browser—by illegal activities—and what did you do?

Microsoft is just a giant and will continue on being a larger giant. You did not slap and punish it hard enough at all. I am extremely disappointed. Justice was -not- done.

Sincerely,  
Phil Obal  
President  
Industrial Data & Information Inc. (IDII)  
Route 1, Box 580  
Webbers Falls, OK 74470  
USA  
Website: www.idii.com  
E-mail : philobal@idii.com  
Phone : 918-464-2222  
Fax # : 918-464-2221

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See our free newsletter on SOFTWARE—  
at <http://www.idii.com/esn/index.htm>

**MTC-00001320**

From: StModde11  
To: Microsoft ATR  
Date: 11/19/01 5:18pm  
Subject: anti-trust ruling

To Whom It May Concern,  
Please note my disappointment in the ruling decision in regard to the Govt. case against Microsoft. As a worker in the technology field, I have seen many instances of Microsofts monopolistic practices. Enough so that I fear them, and feel constrained in my consumer choices. Please reconsider your decision, and prosecute this case to its full extent. Capitulation has never worked, what makes you think it will work now?

Sincerely,  
Sean Flynn  
415-775-6449

**MTC-00001321**

From: Kevin Long  
To: Microsoft ATR  
Date: 11/19/01 5:17pm  
Subject: my contribution  
To Whom It May Concern:

After years of watching companies like Dell, Compaq, and Apple bullied by Microsoft, I had hope that the antitrust suit would reign in the monopolist. I was disappointed to hear things will be "business as usual".

I've used a variety of hardware and software platforms for the past several years, and I've seen several favorite applications die because they weren't born in Redmond. It's clear that Microsoft did not create products such as Money, Internet Explorer, and FrontPage in order to make a superior product: those products were created explicitly to destroy Quicken, Netscape Navigator, and Pagemill. There are companies innovating out there, but Microsoft is not one of them. Deciding to allow them to continue on as they have been will only lead to fewer choices for consumers and more compatibility problems for anyone who doesn't run a Windows PC. Many companies and individuals are working towards creating standards for the industry, and Microsoft is doing its best to force everyone else to adhere to theirs. This is not right, and it does not benefit consumers. I wish you the best as you evaluate this decision and work to better the state of computing for everyone.

Kevin Long  
\*The opinions expressed in this letter are not necessarily those of my employer.

Kevin Long, CCNA  
Information Security Analyst  
TruSecure Corporation

**MTC-00001322**

From: Eric Hall  
To: Microsoft ATR  
Date: 11/19/01 5:17pm  
Subject: Microsoft settlement  
Hello—

I am appalled by the USDOJ settlement with Microsoft. I don't see how this settlement will be truly enforced, nor how it relieves consumers of information systems from the monopolistic practices of Microsoft. I believe that this settlement is bad for consumers, bad for companies, and bad for innovation in the information systems area.

I urge you to reconsider this settlement, and look at remedies that will have an actual impact in the marketplace rather than those that have a surface appearance of making a change.

Thank you very much,  
—eric

**MTC-00001323**

From: Art Paquette  
To: Microsoft ATR  
Date: 11/19/01 6:05pm  
Subject: 11-19-01 / 1604 mst

Mr Gates and his Microsoft Corporation have done more to help our economy and improve our lives. You should be rewarding

him and Microsoft and give thanks that this country can produce his type of entrepreneurial acumen and broaden our tax base as it has...

Art Paquette, Chino Valley, AZ

**MTC-00001324**

From: Hayes, Ed  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 5:40pm  
Subject: Microsoft Case

I personally believe that you have perpetrated a gross abuse of the trust of the American people. I am both annoyed and dumbfounded by the choice (by the current Justice Department [a descriptor that I am using loosely mind you]) to let Microsoft off with a simple wrist slap. You have most decidedly made my mind up as to how to vote in the next National election. You have proven to me that the current Justice Department in purely partisan in nature, and apparently willing to sell out individual Americans in favor of Corporate America.

Ed Hayes

**MTC-00001325**

From: Jennifer Bales  
To: Microsoft ATR  
Date: 11/19/01 5:34pm  
Subject: Opposition to settlement

I write to oppose the Microsoft settlement with the DOJ. Microsoft almost entirely ignored their last consent decree, and I see no reason why they won't do the same again. They do not feel that they have done anything wrong, and there is no penalty for continuing their practices, so why would they change anything. Please, step outside your offices and talk off the record to people in the software industry. Microsoft is the primary killer of innovation and new products in the market. Any time a company comes up with a new product that is threatening to Microsoft's monopoly, Microsoft either (1) buys it, (2) announces their own similar product to ship "very soon." Who will buy the new product when Microsoft is going to bring one out "very soon"? Especially since, in the hard cases, Microsoft can simply add the functionality to Windows for "free". And then raise the price of Windows to account for it, of course.

This is a truly terrible deal for the software industry. You have snatched defeat from the jaws of victory. We will be back in this exact same place again in another few years—if any companies beside Microsoft are still standing to complain. Please reconsider.

Regards,  
Jennifer  
Jennifer L. Bales  
Macheledt Bales LLP  
Registered Patent Attorneys  
<http://www.mbj-law.com>  
[bales@mbj-law.com](mailto:bales@mbj-law.com)

**MTC-00001326**

From: usimages  
To: Microsoft ATR  
Date: 11/19/01 5:23pm  
Subject: Public Response

It appears to me that everything and the only thing that the Justice Department ever has said about MICROSOFT is always negative, demeaning, condescending and always a put down. Why is that? Certainly

some one in the whole US Government must believe that maybe just once that have done some good.

You know businesses are like a beautiful, tender, wholesome, lovely, kind women and they should be cared for and nurtured. Have you ever done anything to help Microsoft or Bill Gates or to help businesses? Possibly you'd like to take another point of view for a few moments! Bill Gates has single handedly built up, developed and most importantly STANDARDIZED this industry. It still needs a lot of work but think of how many light years ahead the USA and the world are because of the leadership and competition he has offer to the industry.

Several times I have emailed to Microsoft and to Bill Gates, to no avail, (but I'm not going to give up), requesting an audience to project my personally developed pro forma ideas which would negate your entire 'bullying' effort towards Bill Gates and Microsoft.

You should know that none of us are perfect but BG and MS have done so much for this country that he should be given the Medal of Honor. Well that is my point of view for what its worth. Thank you for taking the time to present my opinionated ideas.

All the Best,

Chuck Persons cp@usimages.com

CC:MSFin@microsoft.com@inetgw

**MTC-00001327**

From: whalemeat@shaw.ca@inetgw

To: Microsoft ATR

Date: 11/19/01 6:08pm

Subject: Comments on proposed deal

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-00001328**

From: O'Connor Family

To: Microsoft ATR

Date: 11/19/01 6:21pm

Subject: Microsoft Antitrust Settlement

Dear Sir/Madame:

I understand that this e-mail address has been set up so that citizens can offer their

feedback on the recently negotiated settlement between MS and the Justice Department. I have no idea how a company like MS can be found guilty by two federal courts of using their monopoly power to injure consumers and the competition and be let off the way they are by this settlement. Below is a recent column by Thomas Oliphante of the Boston Globe which speaks better to my feelings than I feel capable.

Kevin R. O'Connor

Buffalo, New York

FOR TOM REILLY, part of whose job as Massachusetts attorney general involves smelling rats, the so-called settlement with Microsoft he was asked to sign off on this month with virtually no notice reeked of rodent. Because his nose was working, Reilly put up a caution sign, which became a stop sign. The result: Possibly the worst settlement ever negotiated in the most important antitrust case since Big Oil got busted nearly a century ago will have to fight for its life on the merits.

Maybe parts of the deal with Microsoft will prove worthwhile upon close inspection. Maybe the bad parts will get exposed clearly for what they are. Maybe the whole thing deserves the garbage pile. But at least, thanks to Reilly's unwillingness to get rolled in what he described as "a classic maneuver," we will all get a fair chance to find out. In major league lawsuits involving the public interest—and the Microsoft case is a classic—there ought to be two basic rules for negotiations between the government and the offending firm. The first should be that a settlement should not be welcomed or approved simply because it has been reached. Conversely, it should not be opposed or rejected simply because of the compromises it includes.

In this case, Reilly responded with a snap of his fingers when I asked him how tough it was to figure out what was going on in the Microsoft case. The federal judge now in charge of the case in Washington had encouraged settlement talks, but as far as anyone knew (particularly the 18 states that are every bit as much a part of the action as the Justice Department) they were proceeding very slowly.

Then, with what Reilly calls "unexpected suddenness," the states were told from Washington that there was a deal, in which their input has been a flat zero. They would have no more than 48 hours to review it before it would be announced to the public and to Judge Colleen Kollar-Kotelly.

The Justice Department—as in President Bush's political appointees who had frozen out the experienced lawyers who had actually dealt with the case—signed the deal. When Reilly, on behalf of Massachusetts, asked for a week to study the thing, he got two working days plus last weekend. But it was enough. It was obvious that a steamroller had been put in motion. When that happens, it's usually because the light of day is feared. It was then up to the states to find out why. During that weekend, the other major player from the states, the veteran attorney general of Iowa, Tom Miller, organized a series of conference calls with various players in the technology business, the victims as it were of Microsoft's officially found violations of the

law. The result was a sound basis for opposing the Bush administration's proposed deal.

For Reilly, whose background is in trial courts as a prosecutor going after crooks, it helped to start with the fact that Microsoft was found guilty (twice) of illegally abusing its monopoly position in the operating system software for personal computers. So, as Reilly told me, it made sense to examine the penalties in the settlement suggested for the repeated offenses.

There were none. There was nothing to undo the monopoly power—and precious little to effectively prevent future violations. As Reilly put it, for every proposed rule there was an exception, for every Microsoft commitment there was a loophole. The agreement had only a five-year time frame, with the computer manufacturers designated as the cop on the beat for the deal, but deprived of nightstick or gun.

Not only that, but the oversight committee for the deal would be dominated by members beholden to the convicted defendant, Microsoft. And get this: If the committee found evidence of noncompliance in its work, that evidence could not be presented to a judge in court.

"That is crazy," Reilly said. Microsoft, and its Bushie allies, have succeeded in splitting the 18 state plaintiffs. But the remaining nine are anchored by arguably the two most important technology states, California and Massachusetts, with Tom Miller's Iowa, a consumer protection leader, in the middle. The steamroller was stalled. What happens now is that the settlement can be examined in depth, with the aid of evidence and testimony under oath. As I said, parts of it may hold up under this light.

But those like Reilly who want to pursue their vision of a fair shot for innovation and maybe a cheaper Windows some day, who believe that the opportunity to make a better widget out of Microsoft's shadow is central to the country's economic future get a chance, too. In all, it was one fine piece of lawyering on behalf of the beleaguered public interest.

**MTC-00001329**

From: Mike Ziegler

To: Microsoft ATR

Date: 11/19/01 6:12pm

Subject: Microsoft Case

I am very supportive of the government's decision to settle the Microsoft legislation. I, like many of my peers, believe this case was ill advised from the start. The government needs to be more in tune with the changing environment of the technology sector of our economy. By settling the DOJ and the US Government send a powerful message to investors, that the DOJ and the US Government support the formation of capital, and the desire to rule a marketplace. This act along with others will help to encourage investors to again invest in capital markets and take risks.

Bravo!

regards,

mike

**MTC-00001330**

From: Trout

To: Microsoft ATR  
 Date: 11/19/01 6:38pm  
 Subject: Microsoft Settlement Does not go far enough

Department of Justice, Representatives,  
 I have worked in the computer industry for quite some time, in tech support, web development, video and film directing/editing, multimedia and sound engineering. I have used all sorts of Operating Systems, from various forms of Windows, to various MacOS-es, to many varieties of unix. I should also say I am not in any way affiliated with any plaintiffs in the Microsoft case, and I do not work for any of their competing companies (and I haven't worked for any competing companies in the past). From the ground though, I have seen many effects from Microsoft's way of doing things.

As the court has ruled, I agree Microsoft is a monopoly. They control a vast majority of the Operating Systems in use by computer users, and a vast majority of the "office productivity" suites through Microsoft Office. As you know, this is not a crime. Simply being a monopoly is not the problem. It's what you do with your monopoly once you have it.

There are many known facts that indicate even before Microsoft could likely be considered a monopoly, it was conducting questionable or even illegal business practices. Some of these issues have been raised in previous court cases, many which Microsoft has lost, and others Microsoft has settled out of court.

When Microsoft achieved dominant marketshare, I believe they continued their questionable practices, but this time with added strength. Microsoft has continually used strong-arm tactics to bully other companies into doing things to fit Microsoft's vision. That sounds rather flighty in a tight sentence. What it means in reality is that Microsoft has used it's position to guarantee further sales, harming other companies in the process, without regard to the consequences.

It has said to computer manufacturers "If you don't put our office suites on your computers, you have to pay full retail prices for Windows (or you can't ship Windows at all). If you don't put Windows on all your computers, or you ship computers with other operating systems, you will have to pay more for Windows (or you can't ship Windows at all). If you put competing or unapproved ISPs or multimedia software on the desktop, you will have to pay more for Windows (or you can't ship Windows at all)." In a highly competitive marketplace like computer manufacturing, can a company afford to tack on an extra \$200 to the cost of production just to include a non-Microsoft software package? Even if that software is easier to use or has more features?

When competing products have come from other companies, threatening to overtake a market Microsoft has it's eye on, Microsoft often buys the company, or releases free similar software. Microsoft can continue to profit from it's monopoly products (Windows and Office) while the other company is losing money. Once the competitor is out the door, they can begin profiting from that sector. Cases where Microsoft has attempted this

strategy recently is Internet Explorer vs Netscape; Windows Media Player vs. Real Networks, Quicktime and Macromedia; MSN Instant Messenger vs AOL IM, ICQ, and Yahoo IM; .net vs Java. This list is the current battleground. The Federal Court has addressed these issues before. In the early 90's it ruled against Microsoft, making it operate under certain restrictions because of it's prior abuses.

If you look as Microsoft throughout it's history, has it changed? Has it made any corrections to it's bad behavior? Or has it simply tried to hide the fact that it operates the same way it always has, continuing to force-bundle it's products, and driving competitors out of business just so it can hold onto a monopoly marketplace? I think it has. I think the last major judgement in the Microsoft case has been largely ignored. Microsoft is still bundling products against the prior ruling, and it is still acting like a child without any moral direction.

During the current court-case, Microsoft has continually said, "If judgement is ruled against us, it will hinder innovation, and deprive other companies who depend on us from being able to do their jobs." I think this is revisionist and just plain wrong. This statement is so transparent in protecting Microsoft's own interest, it is ridiculous. Historically, Microsoft's actions have been in exact opposition to statements like this.

As a judge, if a thief kept re-appearing in the court because he kept robbing banks, would you let him off, or give him probation, just because he kept promising to do better? How many times would it take for this thief to be brought before the court before you said, "Ok, look, you just don't get it. You are a menace to society so I am putting you away." How many times does Microsoft have to be brought into a courtroom before somebody finally says, "Ok, you obviously don't get it, so we're going to keep you from doing any more harm"?

I don't necessarily think Microsoft should be broken up. I don't know what the final solution is. But the settlement on the table has no teeth. It is another slap on the wrist, the kind Microsoft is used to. I imagine this is what Microsoft imagined would happen all along. Even during settlement talks, it is continuing to practice illegal bundling tactics and other questionable licensing schemes with Windows XP. It is saying it will do one thing to the court, while doing the same old thing behind it's back. And again, even without the monopoly issues, this was all covered in previous cases. Even though illegal, they are also operating against the previous restrictions. What makes you think they will treat the new restrictions any differently?

Microsoft must be shown that it cannot partake in illegal practices, not simply with a slap on the wrist, not just with more restrictions and watch-dogs, not with the court just saying "Ok, you've been bad, so we'll be watching you! Don't do it again!"

The court must enact real punishment that shows Microsoft it's behavior is unacceptable. It must also enact real incarceration that prevents Microsoft from causing more harm.

Thank you for your time.

Michael Allen  
 117 20th Ave E, #203  
 Seattle, WA 98112  
 CC:George Bush,Patty Murray,Maria Cantwell

**MTC-00001331**

From: Rhoda E Schollars  
 To: Microsoft ATR  
 Date: 11/19/01 6:34pm  
 Subject: Microsoft Settlement

I am attaching my comments written in my last Microsoft program. Because of the problems I had with FrontPage and bCentral I am filing a complaint with the FTC for bait and switch. Someone needs to do something to protect the American public if you won't. If you don't want to do your job, why don't you quit and find another one? The software companies opposing Gates have lawyer, Gates has his lawyer, you were supposed to be my lawyer. Your job is to protect your employer, the American taxpayer but with the "settlement" you abandoned your responsibility.

What you have done is given Microsoft permission to destroy small businesses everywhere. I'm a small businesswoman and Bill Gates' tentacles are reaching out and squeezing the life out of me. Three examples should hopefully explain why I am so upset. They should also illustrate the inherent danger of any monopoly, like the one you are sanctioning.

First, I love a word processing program called WordPerfect because it let's me do everything that I want to do. I can't use it any longer because Bill Gates makes it impossible to use. I know you're saying that WordPerfect Mill exists—but that doesn't matter, I can't use it. Most people use the grossly inferior product put out by Microsoft called Word and then only because it is bundled in with other Microsoft products. If I used WordPerfect I could not exchange my documents with Word users—including Outlook users, etc. I would be cutting myself off from clients, friends, etc who use Word.

Years ago Bill Gates apparently admitted his and his employees' incompetence when he stated that Word just couldn't read WordPerfect. That was a crock then as it is now since they could have found a way. There were a lot of bridges that independent shareware producers had created between Word and WordPerfect. Gates just wanted to destroy WordPerfect, which is what he has done. So what is the result to the American public? We're stuck with a program full of glitches that is slowly dumbing down the American public. As a joke I typed in some famous American documents including the Gettysburg Address. I remember that document specifically since Word declared it to be riddled with errors and faulted it for having many "long sentences." In fact, I just ran spell check and it didn't recognize Gettysburg but it did recognize Microsoft.

Second, I had an account through bCentral for a website. I have canceled the account since I have reached my frustration level with the site and Microsoft's products. The site was created using a site manager that was exclusive to Microsoft. It took me a good day to master using the manager and then another day to get the site up. Microsoft decided it

couldn't leave well enough alone and did away with the site manager. It sent me a "free" copy of FrontPage so that I was forced to use it, which meant spending another day or two learning another program. Well, I had problems almost from the start. First, the program caused RealPlayer to crash twice. Then all non-Microsoft products starting glitching in small ways—e.g. pop up boxes on the Internet would not work unless they were Microsoft's.

Then I imported my website into the program so I could edit it. There is obviously something that I did wrong or there is a problem with the program since all links showed except "Home". It's hard to put out a website when the reader can't go home whenever they want. I read and re-read their instructions but nothing worked. So I contacted Microsoft and asked for help. Their response, "Read the book". I did that again and still couldn't do anything. Finally I decided I'd live with no link to Home and published the site. Well, it ate my site. I tried to contact Microsoft again and no response. So I threatened to cancel my account. Then I got the offer of support for \$35. This is on a product that they forced me to use when they unilaterally did away with the site manager and forced me to use FrontPage. Obviously they are too big to care if their products work or not—another problem with monopolies.

Finally, Microsoft is "partnered" with Intuit, which produces low-end accounting software including Quickbooks. Quickbooks is used by many small business people to do their books and this low-end monopoly generates a lot of money for Intuit since they do the Microsoft shuffle. They create inferior products and then do "upgrades". My question is, why do they need to do so many upgrades if their products were good to begin with? They do the "upgrades" for one reason and that is to force people to purchase the "upgraded" product. You see, their products don't read up, only down. In other words, when my clients do their books on a Quickbooks upgrade produced after the one that I have, I cannot read it. So I have to upgrade whether I want to or not. The same is true of regular Microsoft products—they read down but not up. We're forced to continually buy "upgraded" products, which to me means that the initial products were inferior. If there was competition a company couldn't do that. They'd have to get it right the first time or their competitors would put them out of business.

All these problems develop because of monopolies and you're doing nothing to stop Microsoft. And they are costing me time and money. If the problem is the Windows operating system and Gate's control of Windows, you need to split it off into a separate company. Either that or make it a public utility, like the electric company. Pay them royalties but take it out of their control. Then they'd have to compete on a level playing field and I have the feeling that Bill Gates would fail since his products are inferior to those of his competitors. He just controls Windows and can force the public to use the crap that he produces.

**MTC-00001332**

From: Douglas (038) Maria Cramer

To: Microsoft ATR

Date: 11/19/01 7:06pm

Subject: Microsoft Settlement

To Whom It May Concern:

It is with great concern and a deep sense of foreboding that I have read the settlement agreement between the United States Department of Justice and Microsoft. It is my opinion that the agreement falls far short of achieving any real remedy to Microsoft's predatory and anti-competitive business practices. It will neither provide reparations for damage that has already been done to a number of individuals and corporations nor will it prevent future abuses of Microsoft's monopolistic advantage in the computer software marketplace. From what I have read and seen in the news media concerning this case, whether or not Microsoft is a monopoly and whether or not it uses this monopoly to unfair advantage over competitors is not in question. This has been found to be true and Microsoft is guilty of violating our country's anti-trust laws. The question is how to go about setting things right so these activities are stopped and competition is returned to the industry. The settlement appears to do little to answer this question.

The settlement as it stands places a great degree of emphasis on Microsoft acting in good faith to avoid certain specific practices that unfairly leverages its operating system monopoly to place its products at an advantage over those of other software developers. Microsoft has already shown by its violation of a previous consent decree that it cannot be trusted to act in good faith. Also, during the course of the legal proceedings, Microsoft continued to carry on with business as usual as though its business practices were not even under scrutiny. This "business as usual" recently culminated with the release of the Windows XP operating system that not only contains the Internet Explorer web browser with code co-mingled with the operating system, but also introduces new bundled applications such as a video editing package and instant messaging software that are placed at an advantage over competing products by their inclusion with the operating system bundle. Windows XP also further attempts to extend Microsoft's monopoly into other areas by leveraging its compressed digital music format, Media Player multimedia viewing application, PassPort user authentication system, and .NET Internet technologies against competing technologies from Apple Computer, Sun Microsystems, IBM, and others. Microsoft continues to operate as it always has with no apparent regard for the laws it violates, the companies it harms, or the consumers who suffer because of the stifled competition and innovation that result from these activities.

This being the case, I would have been somewhat relieved to have discovered the settlement contains meaningful and effective consequences should Microsoft violate the agreement. I was astounded to find out that it does not. The settlement provides little more than a slap on the wrist should Microsoft not curb its anti-competitive practices. If this were not enough, the settlement appears to provide plenty of loopholes through which Microsoft will be

able to squirm that will allow it to continue operating as usual without technically violating the agreement. Obviously, I am not the only one who believes this. The settlement has come under fire from computer industry leaders, consumer advocacy groups, and prominent citizens. It has proven so inadequate that a number of states that participated in the case are refusing to accept the settlement and a number of corporations are considering filing civil lawsuits in an attempt to seek justice where the Justice Department has fallen short.

As a tax-payer and voter who has watched as the Justice Department invested countless man-hours and tax dollars into the fight against the Microsoft monopoly, I am deeply disappointed in the end result. As far as I can tell, little has been accomplished and nothing has really changed. Microsoft is still a monopoly, it is still using this unfair advantage to the detriment of others, and most likely will continue to do so for the foreseeable future. As a result, they will be able to continue to run other companies out of business, squash innovation that does not fit into their plans, and take advantage of consumers through higher prices, the undermining of better competing technology, and the ongoing elimination of viable alternatives to their operating systems and other software products. In regard to the Microsoft anti-trust case, I believe the Justice Department has failed the American people.

Sincerely,

Douglas J. Cramer

1340 Conewango Avenue

Warren, PA 16365

(814) 726-0312

dmcramer@penn.com

**MTC-00001333**

From: Firechild

To: Microsoft ATR

Date: 11/19/01 6:46pm

Subject: Settlement Feedback

To whom it may concern,

Having been in the computer support industry for the last 13 years, I can say for certain how disappointed I am in this possible settlement structure.

Microsoft should not be allowed to exploit their co-mingling of application & OS products. Doing so \*hurts\* innovation, and fosters additional monopoly abuses. These abuses have been \*\*PROVEN\*\* true. Any move by the justice system that doesn't prevent this from happening again is a slap to the face of consumers...

Sincerely,

Steve Clark

IT Manager

**MTC-00001334**

From: Stephen J. Kayner

To: Microsoft ATR

Date: 11/19/01 6:42pm

Subject: Microsoft Settlement

Hello,

I am an information technology professional and am extremely concerned about the failure to rein in the Microsoft monopoly. They are already way too powerful and now that you appear to have caved in to them, they are demonstrating an

anti-competitive attitude worse than I have ever seen in them.

This is serious business. Information technology does or will rule the world. Too much of that power is in Microsoft's hands. They feel once again in a position to dominate virtually any market by using the proceeds of their monopolies to outlast their competitors and forcing users of their operating systems to use other monopoly-extending technologies. This is not good for consumers, or for business, or for anything else but the protection and extension of the Microsoft monopolies. If Microsoft is not severely chastened now, we will all deeply regret it. You must either break them up into three pieces: Operating Systems, Applications, and Entertainment, or you must prohibit them from bundling any applications or services with the operating systems.

At the very least, you must do these things:

1) the Passport technology must be removed from Windows XP and not allowed to be included in any future version of Windows

2) all media applications must also be removed from the operating systems

3) the browser must be decoupled from the operating system and made available only as competing browsers are available to Windows users (i.e. downloadable, and not included with the operating system).

Thanks for listening, and don't screw this up. The consequences are far too dire.

Stephen J Kayner  
Sacramento, CA  
916-454-5202

#### MTC-00001335

From: strapane  
To: Microsoft ATR  
Date: 11/19/01 7:25pm  
Subject: MS ruling  
Justice,

Your decision on Microsoft is a welcome sign of sanity in the petty politics that have pervaded this case from the beginning. We are all better off with a common platform for developers controlled by a solid company willing to invest far more than anyone else in ongoing research and development. Apple, by comparison, has had a dismal R&D record combined with the most anti-competitive behavior ever demonstrated by a computer company. Their squashing of Apple clone companies showed they were not competitive and were not interested in providing consumers with a good product at the best price. Even Linux companies charge nearly as much as Microsoft for their operating systems which were built largely on open-source code and contributions from thousands of volunteers. OK, Microsoft can be a bully and needs to be watched closely, but overall they have been good for consumers and the industry.

Your solution recognizes these facts and doesn't fall into the "tear down the giant" mentality that made a mess of the telephone industry where lesser measures might have left us with an amazing Bell Labs and a seamless nationwide wireless network. Microsoft will eventually provide regular users great new science like their data mining technology (included free with SQL 2000), or

perhaps break-through speech recognition, thanks to your settlement.

Sam Trapane, MCSE  
strapane@hotmail.com

#### MTC-00001336

From: Ian Deane  
To: Microsoft ATR  
Date: 11/19/01 7:23pm  
Subject: Concerns about MS settlement  
After the WTC attack governments in all countries are reassessing their vulnerability to terrorist attack. Operating systems and the internet now represent essential public infrastructure. Modern corporations absolutely depend on their e-mail, www access, databases etc. Is this infrastructure too valuable to be trusted to a tiny centralized group of people? It would seem that any widely used operating system controlled by a tiny group represents a single point of failure. A perfect target for anyone trying to cause maximum disruption. The vulnerability exists on several levels:

1) A military attack on Microsoft's Redmond campus combined with some assassinations of key people could easily render the company unable to support, develop, and security patch its products. Considering how widely the software is deployed and that Microsoft is trying to convince Telcos, Stock Exchanges, Banks and Airports to use its products this is a scary thing.

2) Viruses like code red were able to propagate so quickly because all Windows boxes are clones of each other. The internet is becoming like an ecosystem with no genetic diversity. A pathogen can wipe out 100% of the population easily once it can kill a single member. We should remember that code red was almost benign. Most of the damage it caused was due the network traffic generated by its propagation. Imagine if it had been malicious (propagate for 2.5 hours then reformat). It would have made the WTC attack look like someone bombing a mailbox. The extraordinary market share of Microsoft has made us extremely vulnerable to this sort of attack.

3) Free markets with lots of competitors are like democracies and tend to result in product excellence and satisfied consumers. Consumers vote with their dollars. Monopolies on the other hand are like empires. An empire can be well governed but if the emperor is a tyrant then everyone suffers. Is Bill Gates a good emperor? Who will succeed him if he were killed? What if we get a tyrant?

4) If anything happens to the software vendor responsible for our public infrastructure then its customers are left high and dry. With no access to the source code and unable to purchase service contracts, many other companies could fail along with the software vendor.

5) Since the source code for MS software is kept secret and is accessed by a tiny group of programmers there is a lot of opportunity for coders to write backdoors or time bombs into the software. Who is doing the background checks on these programmers? It should also be noted that the whole world is dependant on this tiny group of programmers for security fixes. For example consider the

vulnerability in IE reported on November 1st that took 3 weeks to fix. Should this tiny group of programmers be responsible for deciding which bugs should be fixed and when then get fixed? What if the entire programming team were assassinated?

.Net is Microsoft's attempt to centralize things more than ever. So the single point of failure problem is going to get worse rather than better. Fifteen years ago PCs were nifty gadgets adored by computer geeks. In such a niche market a monopoly is tolerable. Today PCs are as important as phone lines, railroads, hospitals and highways. Allowing a single company to control these is absurd. Considering the civil rights that citizens are being asked to surrender in the name of safety from terrorism should large monopolies not also be required to surrender some of their ownership, control and copyright?

#### MTC-00001337

From: Peter M. Arnow  
To: Microsoft ATR  
Date: 11/19/01 7:09pm  
Subject: Proposed settlement

In other words, Microsoft won. Since they are not being broken up, Microsoft should have, at least, been required to make the Windows operating system open source. Concealing the source code of the operating system and allowing them to write software for the operating system gives them an unfair advantage, which they have abundantly abused in the past. Indeed, all the abuses for which Microsoft has been found guilty have their root in the secrecy of the Windows operating system source code.

Peter M. Arnow  
8008 NW 31st Ave.  
Apt. 807  
Gainesville, FL 32606  
Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.281 / Virus Database: 149—  
Release Date: 9/18/2001

#### MTC-00001338

From: Melvin D. Eng  
To: Microsoft ATR  
Date: 11/19/01 7:27pm  
Subject: Comment on the proposed Microsoft settlement with U.S. DOJ

Dear Sir,

Thank you for this opportunity to comment on the proposed settlement between Microsoft and the U.S. Department of Justice relating to the current antitrust activities.

As a consumer, the proposed settlement does not provide any effective remedies in the short term or more importantly, the long term. Microsoft is leveraging their Operating System monopoly to support other Microsoft application software. Microsoft is accomplishing this by "bundling" other application software with the Operating System software. The other Microsoft application software should stand via their own merit. The Operating System monopoly, when "bundling" occurs, provides Microsoft with a clear unmatched advantage that allows Microsoft with the capability to "attack" competitors. There is only one effective solution. This solution is to break

Microsoft into at least two companies. One company would be the Operating System company and the other company would be the application software company. In addition, the application software company must be treated the same as any software development company by the Operating System company.

This is the only method that I see that can effectively level the playing field for all software developers. If you have any questions, feel free to ask.

Thank you for your time.

Melvin Eng

**MTC-00001339**

From: VM

To: Microsoft ATR

Date: 11/19/01 7:25pm

Subject: comment on antitrust settlement with Microsoft

1. As a web developer, my job has become increasingly more difficult by Microsoft's abuse of its monopoly power. Now that they have acquired browser dominance through illegal means, they have slowly but surely began to make changes to their dominant browser so that web developers such as myself must start using Microsoft-specific code to make sure our web pages appear okay in their browser (Internet Explorer). This has meant that some of the pages I develop that look okay on Microsoft's browser will NOT look okay using another company's browser. Since I would like the web pages I develop to have as much hits as possible, I am thus forced to make two versions, one that works with most browsers and one that works with Microsoft's browser. This has led to increased development time and development cost.

2. Though Microsoft pays lip service to following "web standards", their web development tools (ASP, Frontpage), by default, create proprietary features which prevent other browsers from viewing pages created with those tools properly.

3. When I use non-Microsoft web servers such as Apache as well as non-Microsoft CGI technology such as Cold Fusion, PHP, recent versions of Internet Explorer have caused problems. Functions that used to work with older versions of Internet Explorer (when it was not yet the dominant browser) no longer work. Web users thus get the impression that there is something wrong with the site when in fact it is their browser (because it doesn't conform to web standards) that is at fault.

4. Despite the fact that their multimedia-streaming technology is inferior to offerings by Real and Apple, Microsoft through its dominance of the desktop is forcing users to use Windows Media Player at the expense of Real Audio/Video and Apple's Quicktime.

5. Palm users are starting to have difficulties syncing their PDAs with certain versions of Windows—may be because Microsoft has a competing product: Microsoft PocketPC.

6. It is virtually impossible to purchase PCs without having to pay for Microsoft Windows even if the buyer will be using Linux or other OSes. If you will do rudimentary checks with most PC sellers (Gateway, Compaq, HP, IBM, Acer, Dell), they will inform you that you cannot buy the PC without paying for

Microsoft Windows. If you say you will be installing Linux, they will say their contract with Microsoft prevents them selling you a "bare" PC without an OS—they will lose their OS discounts if they do so.

9. There are rumors that after the settlement is completed, Microsoft plans to go on a buying spree and purchase their rivals outright.

Suggestions:

1. Force Microsoft to divest itself of the browser (Internet Explorer) and prevent them from creating their own proprietary browser.

2. Make Internet Explorer public-domain and placed under the control of an open-source standards body.

3. In the interim, make sure all versions of Internet Explorer conform to all web standards and if they are not, have Microsoft pull them from use and recode them—to be tested by the WWC (Worldwide Web Consortium).

4. Have all versions of Microsoft web servers, web development tools, CGI technology (IIS, Frontpage, ASP) conform to all web standards and if they are not, have Microsoft pull them from use and recode them—to be tested by the WWC (Worldwide Web Consortium).

5. Have Microsoft pay monetary damages to companies they have harmed by their illegal activities: Netscape, Apple, Intel, Borland International, Novell, etc.

6. Have Microsoft include Real and Apple multimedia technology with Windows.

7. Have Microsoft include Palm technology with Windows and make sure they work well.

8. Disallow Microsoft from giving discounts to PC manufacturers. There must be uniform pricing to prevent Microsoft from using monetary enticements to prevent PC manufacturers from selling "bare" PCs or PCs with other OSes pre-installed.

9. Disallow Microsoft from purchasing or merging with companies that offer rival software or are dominant in their category. These suggestions, if implemented, will ensure competition and greater innovation in the computer arena.

Thank you for your time.

Vicente Malixi

**MTC-00001340**

From: VM

To: Microsoft ATR

Date: 11/19/01 7:33pm

Subject: comment on antitrust settlement with Microsoft

From <http://www.sltrib.com/11182001/Business/149631.htm> Most Microsoft Foes Won't Criticize Settlement for Fear of Retaliation SAN JOSE, Calif.—Not many high-tech companies talk openly about the proposed Microsoft antitrust settlement. Even fewer criticize the deal in public, despite private misgivings.

They still, after all, must work with the world's largest software maker, which controls the operating systems of more than 90 percent of desktop computers and can play a big role in the fate of their businesses.

The exceptions are the usual suspects—mainly those companies that possess enough clout, money and muscle to risk a run-in with the software giant.

The most outspoken critics include database powerhouse Oracle Corp. and Unix server king Sun Microsystems Inc. Both dominate their core markets despite Microsoft's efforts.

Larry Ellison, Oracle's billionaire chief executive, told a crowd at the Comdex computer show in Las Vegas this week that the settlement is "a complete victory for Microsoft, a complete defeat for the government. I give Microsoft credit for keeping a straight face."

Sun's chief, Scott McNealy, also expressed outrage that the Department of Justice—after winning the case—seemed to snatch defeat from the jaws of victory.

It is not just provisions riddled with loopholes or toothless enforcement. The deal indicates an unwillingness of the government to police antitrust crimes, critics say.

"The only thing I can conclude is either the Justice Department didn't know what it was doing or they did know and just decided to give up," said Michael Morris, Sun's vice president and general counsel.

Microsoft declined to answer specific questions about the deal, but co-founder Bill Gates has said the company will accept its strictures.

Most companies that must work with or compete against the software giant either refused to elaborate beyond short written statements, or remained silent altogether.

Real Networks, which makes streaming media software, declined to comment beyond a short statement, which called the settlement a reward not a remedy. Ditto for AOL Time Warner, Palm and Novell. Others, including software-maker Adobe Inc., computer-maker Apple Computer Inc. and chipmaker Intel Corp. refused to make any statements at all.

Major PC manufacturers also were silent. Only a handful of other high-tech companies would discuss specific reasons for their opposition to the settlement. Opera Software ASA had little to lose.

The Norway-based company long ago gave up on persuading PC makers to install its critically acclaimed Web browser on new PCs. Microsoft's exclusive deals had already shut it out of the market.

Opera might benefit from the settlement under some provisions that allow computer makers to install non-Microsoft "middleware" such as Web browsers. But only the links to Microsoft software could be removed, not the programs themselves. That means Microsoft could set itself up as the default system despite any agreements with PC and software makers.

"We're not being extremely hopeful that this is going to open up a lot of doors in the PC marketplace," said Jon von Tetzchner, Opera's chief executive.

At any rate, the same PC makers that won't comment on the settlement probably aren't interested in raising the ire of Microsoft, even if retribution is barred in the settlement.

"There are loopholes," von Tetzchner said. "And there's the practice of life. All of those companies will think twice before upsetting Microsoft."

The entire debate over what Microsoft can do and cannot do appears to be rendered moot: Under the settlement, Microsoft can

define what comprises the Windows operating system "in its sole discretion."

Companies also might be reluctant to talk because the deal allows Microsoft to keep from its competitors the critical details about how programs and operating systems can function best in a Windows environment.

Software programs are intricate tapestries. To function smoothly when running on top of an operating system such as Windows, the stitches that link an application with the operating system must be snug and seamless.

Competitors complain that because Microsoft was not compelled to immediately reveal to them how to make those stitches, it will continue to dominate in such areas as word processing, spreadsheets and e-mail.

"This settlement does not remedy the monopoly. It legitimizes it," said Michael Tiemann, chief technical officer at Red Hat Inc., a distributor of a variant of Linux, a competing operating system whose basic code is open and public.

Microsoft has a history of undermining software projects backed by consortia of major tech companies that aim to create applications that work well with a variety of operating systems, potentially threatening the Windows monopoly.

The company infuriated promoters of Java when it created Microsoft-specific versions of the programming language in the late 1990s. This year, Microsoft changed and patented a protocol used by Samba, open-source software that lets a Linux machine share files or manage print jobs such as a Windows server.

"The whole concept of a free market is to allow fair and open competition and to permit customers to make choices," Tiemann said.

Drew Spencer, chief technology officer of Orem's Caldera International, a Linux provider, worries that Microsoft won't release enough information to allow alternative platforms to participate in upcoming Web services.

Steven McGeady, a former Intel Corp. vice president who made headlines during the antitrust trial for testifying against Microsoft, said the deal only reinforces his own, post-Intel business strategy.

"Competing with Microsoft head-on is a bad business practice," he said. "And it would be a bad business practice regardless of any of the potential remedies."

#### MTC-00001341

From: Alan Murray

To: Microsoft

ATR,uag@att.state.ut.us@inetgw

Date: 11/19/01 7:29pm

Subject: Microsoft Case

We're writing to add our voice in the outcry against the Justice Department's antitrust suit settlement for Microsoft. Fortunately, our Utah attorney general is willing to reject the settlement, though it jeopardizes his promise for re-election. As usual, it appears that people are voting with either their wallets or along party lines. It's disappointing that people are obviously losing the clear perspective on this issue, due to the financial benefits which some can gain in this, or due to the assumption that to defy Microsoft is somehow at odds with the

Republican philosophy of supporting big business. This is a clear case of a company conducting bad business, and it should be punished accordingly.

Microsoft has shown repeatedly that it is determined to use its substantial monopoly to take over countless sectors in the business world. This is a situation that is not healthy for our economy, especially at a time when so many companies are barely making it anyway. We are in an environment where only the very strong and very established can survive. Such an environment does not encourage new ideas and new companies—something our economy needs so desperately at this time.

We support politicians and lawmakers who vote to uphold the laws and principles which enable free enterprise to thrive.

—Alan and Tamara Murray

#### MTC-00001342

From: VM

To: Microsoft ATR

Date: 11/19/01 7:37pm

Subject: comment on antitrust settlement with Microsoft From <http://www.siliconvalley.com/docs/opinion/dgillmor/dg110701.htm> Holdout states last hope to help ease Microsoft's grip on U.S. consumers

BY DAN GILLMOR

Mercury News

So it's down to a few states that have enough money to fight and refuse to be bullied. They are American consumers' last hope for an outcome that doesn't leave Microsoft on a clear path toward controlling the choke points of tomorrow's commerce and communications.

No one should be surprised that half of the state attorneys general have given up. A few undoubtedly believe the Justice Department's sellout achieved something. Others were just along for the ride and are feeling Microsoft's—and the federal government's—enormous lobbying pressure. Watch the campaign contributions flow to see what may have happened with at least some of the politicians who were handling this lawsuit.

If U.S. District Judge Colleen Kollar-Kotelly, who's now hearing the case, has any courage, the Tunney Act hearing should be extremely revealing. There are so many questions raised by the malodorous deal cut by the Justice Department that it's hard to know where to begin. The best place to start is with the bizarre settlement itself. The document reads as though it had been written by Microsoft lawyers. Every time you read an item that suggests actual restraint on Microsoft's behavior, you find weasel language elsewhere that undermines the supposed concession. This thing isn't just full of loopholes. It's meaningless.

For instance:

? Why did the lawbreaker get to keep the loot it made from violating the law? Do we give bank robbers the same courtesy?

? Why does this settlement implicitly give Microsoft the right to withhold information about its programming interfaces to open-source and free software writers?

? Microsoft, in its sole authority, gets to decide what goes into Windows. Since that eviscerates every other provision in the

agreement, why bother with this charade at all? It would also be useful to put some key people under oath, to answer questions about the politics of this case. For instance:

? Why did none of the non-political professional staff members who worked on this case support the settlement? Have they been ordered to keep their mouths shut? If so, why?

? What was the substance of the summer conversation between Vice President Dick Cheney and Microsoft Chief Executive Steve Ballmer?

? Attorney General John Ashcroft's deputy chief of staff—a Microsoft shareholder and former official of the Republican Party, which got massive Microsoft campaign "contributions"—reportedly told Microsoft opponents to back off even after he'd supposedly recused himself from the case. He's denied the report, but let him do so under penalty of perjury. (Oh, wait, who'd prosecute? This Justice Department?)

There's another angle that the media, in particular, need to examine as quickly as possible. Is it possible that Microsoft and the government have made some secret arrangements that will be couched under "anti-terrorism" rhetoric when or if they emerge into the public light? The government's new surveillance powers would be far easier to carry out if Microsoft became a government ally in this area.

Have there been such side deals? I hope not. I would prefer to think that Microsoft was rewarded by an administration that opposes antitrust enforcement on ideological grounds, as this one surely does. California deserves special credit for its stance. Bill Lockyer, the state attorney general, has emerged as the most important public official in America when it comes to holding back the Microsoft tide. This means that Microsoft, with its bottomless pockets and utter ruthlessness, now loathes him more than any other public official.

Contact Lockyer's office at (916) 322-3360 and express your support. He needs to hear from people who understand what's at stake. Dan Gillmor's column appears each Sunday, Wednesday and Saturday. E-mail [dgillmor@sjmercury.com](mailto:dgillmor@sjmercury.com); phone (408) 920-5016; fax (408) 920-5917. PGP fingerprint: FE68 46C9 80C9 BC6E 3DD0 BE57 AD49 1487 CEDC 5C14.

#### MTC-00001343

From: vipm@mac.com@inetgw

To: Microsoft ATR

Date: 11/19/01 7:37pm

Subject: Holdout states last hope to help ease Microsoft's grip on U.S. consumers

From: Vip Malixi

Subject: Holdout states last hope to help ease Microsoft's grip on U.S. consumers

Email a Friend brought to you by BayArea.com and SiliconValley.com

Mon Nov 19 19:37:02 2001 comment on antitrust settlement with Microsoft

Posted at 8:16 p.m. PST Tuesday, Nov. 6, 2001

BY DAN GILLMOR

Mercury News

So it's down to a few states that have enough money to fight and refuse to be bullied. They are American consumers' last

hope for an outcome that doesn't leave Microsoft on a clear path toward controlling the choke points of tomorrow's commerce and communications.

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Microsoft, in its sole authority, gets to decide what goes into Windows. Since that eviscerates every other provision in the agreement, why bother with this charade at all?

It would also be useful to put some key people under oath, to answer questions about the politics of this case. For instance:

Why did none of the non-political professional staff members who worked on this case support the settlement? Have they been ordered to keep their mouths shut? If so, why?

What was the substance of the summer conversation between Vice President Dick Cheney and Microsoft Chief Executive Steve Ballmer?

Attorney General John Ashcroft's deputy chief of staff—a Microsoft shareholder and former official of the Republican Party, which got massive Microsoft campaign "contributions"—reportedly told Microsoft opponents to back off even after he'd supposedly recused himself from the case. He's denied the report, but let him do so under penalty of perjury. (Oh, wait, who'd prosecute? This Justice Department?)

There's another angle that the media, in particular, need to examine as quickly as possible. Is it possible that Microsoft and the government have made some secret arrangements that will be couched under "anti-terrorism" rhetoric when or if they emerge into the public light? The government's new surveillance powers would be far easier to carry out if Microsoft became a government ally in this area.

Have there been such side deals? I hope not. I would prefer to think that Microsoft

was rewarded by an administration that opposes antitrust enforcement on ideological grounds, as this one surely does.

California deserves special credit for its stance. Bill Lockyer, the state attorney general, has emerged as the most important public official in America when it comes to holding back the Microsoft tide.

This means that Microsoft, with its bottomless pockets and utter ruthlessness, now loathes him more than any other public official.

Contact Lockyer's office at (916) 322-3360 and express your support. He needs to hear from people who understand what's at stake.

Dan Gillmor's column appears each Sunday, Wednesday and Saturday. E-mail dgillmor@sjmercury.com; phone (408) 920-5016; fax (408) 920-5917. PGP fingerprint: FE68 46C9 80C9 BC6E 3DD0 BE57 AD49 1487 CEDC 5C14.

Address of original story:  
<http://www.siliconvalley.com/docs/opinion/dgillmor/dg110701.htm>  
SiliconValley.com—Inside The Tech Economy

You are receiving this email because a friend of yours thought this article might be of interest to you.

#### MTC-00001344

From: trinko  
To: Microsoft ATR  
Date: 11/19/01 7:35pm  
Subject: i'm outraged

Microsoft has, and continues, to use monopolistic leverage to destroy competitors and rip off consumers. For example XP allows Microsoft to tax the internet by charging web sites for placement. Given that there's no real alternative to most users Microsoft will effectively be able to tax most online sales since the companies will pass on the costs of buying placement in XP to consumers, albeit invisibly. The only viable solution is to split the company and require them to eschew charging for any placement in the OS. This will still leave Microsoft well off financially.

One note. I'm a mac user. I pay about the same for an OS upgrade as does a Windows user. But the mac base is 1/20th that of the Windows base. That seems to indicate that Microsoft is milking the market. If there were any competing source, as there is in the chip arena, i bet those windoze users would be paying a lot less.

#### MTC-00001345

From: David Todd  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 7:48pm  
Subject: Microsoft Settlement

Hi,  
I'm concerned to read press reports that show this settlement as merely trying to prevent Microsoft's future bad behaviour, without punishing its current misdemeanours.

I know that Microsoft is unhappy about a break-up, but fundamentally is that such a bad thing? Microsoft is a monopoly in several IT spaces. If MS was split into three—Operating Systems and Tools, Back Office Servers, User Applications, would that really hinder the companies ability to innovate? I

realise that much software is starting to have both server and client components, ie exchange without outlook doesn't work, so Data Analysis requires some functionality from SQL Server. Looking forward to a better outcome from this for all of us ...

#### MTC-00001346

From: John LaFrance  
To: Microsoft ATR  
Date: 11/19/01 7:47pm  
Subject: Microsoft and DOJ settlement

I think the settlement is too lenient for Microsoft. If you are going to punish them, then PUNISH them, not tickle them with soft restrictions and concessions. They are a monopoly and have abused their power long enough!

#### MTC-00001347

From: LEO KOWALSKI  
To: Microsoft ATR  
Date: 11/19/01 7:45pm  
Subject: Judgment against Microsoft

Dear Sir:  
I sympathize with Microsoft. At least he gains his monopoly through product development and not through buying out his competitors as many other corporations are doing. I'm sure if other companies are able to develop a better product the public would buy it instead of the microsoft product. A waste of taxpayers money.  
Leo Kowalski

#### MTC-00001348

From: VM  
To: Microsoft ATR  
Date: 11/19/01 7:39pm  
Subject: article regarding antitrust settlement with Microsoft

From <http://www.siliconvalley.com/docs/opinion/dgillmor/dg101101.htm> Microsoft using XP to tighten grip on users  
BY DAN GILLMOR  
Mercury News

At long last, Microsoft has released a consumer-oriented operating system that won't be in danger of regular failures. What a shame, if not a surprising one, that Microsoft has ratcheted up its standard set of anticompetitive tactics with the release of Windows XP. If you buy a new Intel-compatible computer you'll have essentially no choice in the matter. Microsoft effectively controls the software side of the personal-computer industry, and it has decreed that Windows XP is what you'll run. The questions are different this time.

If you aren't buying a new PC soon, should you replace your current operating system with XP? I say no, unless the stability of your current software is so awful that you can't stand it anymore. And if you are getting XP on a new computer, are there ways to mitigate Microsoft's ever-growing control-freakery and have things your own way, not Microsoft's? Not always.

The increase in reliability is a major improvement for home users. I've been running the business-oriented Windows 2000 on my laptop computer. XP is based on the same foundation, and it's like the difference between wood and cardboard. One tends to be sturdy. The other tends not to be.

There are also some intriguing changes in the user-interface, the screen that greets you

when you start the system, and the way it works. I can take or leave most of them, but novices will find that Windows XP is in many ways easier to use than its predecessors. Naturally, Microsoft is not content with the unprecedented advance of selling a reliable consumer product. With its grip on the computer industry, it has also decided to steer its customers down new and sometimes disturbing paths.

If you buy the upgrade software, you'll be required to register the software with Microsoft. If you don't, the operating system will stop working. Later, if you've changed your PC's hardware sufficiently to trigger Microsoft's paranoid fear that someone may be trying to make an unauthorized copy of the operating system, you'll need to call the company and get its permission to keep using your computer. Microsoft is also using its desktop monopoly to herd you into its own corral. Again and again, you'll be steered to Microsoft or Microsoft partner sites and services, thereby reducing your choice unless you want to make extra effort.

Then there's the Passport authentication system. You are required to sign up for it if you want to use the instant-messaging software that comes with the operating system, and most users will do so by default because most users do what they're told.

Passport is the linchpin to Microsoft's next generation of software—its aim to convert packaged products into pay-as-you-go services that run on the Web. You need to think very hard about whether you want to give Microsoft the keys to your financial and online identities. You may trust Microsoft to keep its word not to abuse this position, but the company's fairly abysmal record on security should give you considerable pause. The bottom line on Windows XP is simple. Reliability is coming with many strings attached. Only a monopolist could get away with this, which is exactly the point.

Dan Gillmor is the Mercury News' technology columnist. Visit Dan's online column, eJournal ([www.siliconvalley.com/dangillmor](http://www.siliconvalley.com/dangillmor)). E-mail [dgillmor@sjmercury.com](mailto:dgillmor@sjmercury.com); phone (408) 920-5016; fax (408) 920-5917. PGP fingerprint: FE68 46C9 80C9 BC6E 3DD0 BE57 AD49 1487 CEDC 5C14.

#### MTC-00001349

From: George McKinlay  
To: Microsoft ATR  
Date: 11/19/01 8:07pm  
Subject: Settlement

From my readings of the settlement it is clear that this settlement will not inhibit Microsoft from continuing or extending its prior anti-competitive practices into new areas. Microsoft should not be permitted to develop applications, or if it does these applications should not be done by the acquisition of companies (such as Bungie) and the subsequent releasing of Windows only versions of their software. Microsoft should not be permitted to purchase companies such as Adobe? instead it should be forced to divest its interests in such companies.

Microsoft should be obligated to stop distributing free/bundled software such as Explorer, MS media player, C# and other strategic software/languages/formats that

have developed independently of Microsoft and which Microsoft now considers important in its strategy to dominate the internet.

If Microsoft is permitted to continue to develop non operating system software then it must be obligated to provide concurrently, fully functional and feature complete software on all commercially viable operating systems with adequate market share (Mac OS X, Linux, Solaris etc) just as ATT was/is obligated to carry competitors business on their infrastructure.

Respectfully  
George Mckinlay  
mckinlay@unr.edu

#### MTC-00001350

From: Jack Wenrick  
To: Microsoft ATR  
Date: 11/19/01 8:01pm  
Subject: Microsoft Settlement

I think the Justice Department proposed settlement with Microsoft is nothing but a sham. Microsoft has been trampling on competitors for years and stifling competition. The settlement is not even a slap on the wrist.

Their punishment should be immediate and severe. If the current settlement sticks, they will just continue their predatory manner.

Jack Wenrick  
2829 Hastings Rd  
Silver Lake OH 44224

#### MTC-00001351

From: Johnson, Bradley R  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/19/01 7:59pm  
Subject: Anti-Trust Case Against Microsoft  
Dear Sir or Madam,

I heard that you were soliciting feedback from consumers regarding the MS anti-trust case. I am a mac-user, and have used MS Office products for over 8 years. I am a scientist with a PhD in materials science and engineering, and I use several different computing platforms (mac, PC, unix, etc.) and a multitude of different software applications on a regular basis. I am quite computer literate. For me, cross-platform compatability and cross-application compatability is essential to my work. Microsoft, with its proprietary file formats, and monopoly market share domination of desktop publishing environment make my job very difficult, and hence, by default, I am required to use their software in order to move and share information between computers and different clients. I think that Microsoft should be treated as a monopoly and regulated/controlled/penalized for aggressive and predatory business practices. I cite the following reasons:

1. Because they have a dominant (monopoly) market share position, and because their software formats are proprietary, third party file translators don't work very well. Hence in order to share computer file information with other people or between different platforms, one is essentially forced to use their software.
2. Even within their own software, file translation between platforms (mac -> pc) has bugs and problems. They have made great

improvements over the last 7 years, but there are still problems. (e.g. sharing a mac Word 2001 document with embedded windows metafiles with a PC user with Word2000 doesn't work—the images don't show up on their machine.) The solution for this problem is that the consumer has to purchase a new version of the software. They don't support their software with bug fixes for a very long time. I had problems with the performance of Word6.0.1 for the mac. The solution was to purchase Word 98. I had lots of problems with performance and stability with Word98—the solution was to purchase Word2001. I have discovered problems with Word2001. The solution? Buy Word v. X. Since there are no other market competitors, they can pass off bug fixes and new releases and charge consumers full price without really ever fixing or solving the problem. If the software worked as advertised, that'd be one thing, but to pay full price for buggy software, and then be told that all the problems will be fixed in the next release is not fair to the consumer. Consequently, I think that they should be required to maintain their software with annual or semi-annual bug fixes and updates for a period of at least three years.

3. They have used their dominant market share and proprietary file formats as leverage to eliminate competition from other software competitors. For example, look at the fate of WordPerfect and Corel Office. Word perfect at one time dominated the word processing market, and now it is essentially defunct. On the PC side, this product still exists, but it has been discontinued on the mac side—this especially smells fishy considering Microsoft's recent investment in Corel. One may ask, why not let Apple make a competitor for MS Office—the answer is pretty clear. MS would quickly drop MS Office for the mac, and thus there would be no way for mac users to share files with PC users. Consequently, what small number of mac users that exist would be eliminated from the business world, because they would be forced to switch to PC to get their work done. The lost revenue of these mac users would further diminish the viability of Apple, and the company could ultimately go under. At one time, this was such a significant issue for Apple, that they traded software rights for a promise from MS that they would sustain MS Office development on the mac.

I don't know if anyone will read this, but I hope so, and I hope that it might be useful in this case.

—Bradley R. Johnson

#### MTC-00001352

From: James(u)Rolevink(a)mac.com  
To: Microsoft ATR  
Date: 11/19/01 8:45pm  
Subject: Proposed settlement with Microsoft.  
TRUTH, JUSTICE & THE AMERICAN WAY?

Have you guys ever heard of the doctrine of the Separation of Powers over there in the U.S.?

What is the point of having a judiciary if a sympathetic president can just step in, appoint a political glove puppet to the D.o.J., have a few words in the right ears, and then

make a total mockery of the entire judicial process by effecting a complete about face, notwithstanding the fact that the earlier D.o.J. team secured comprehensive and devastating victories before nine different judges over eight egregious breaches of the anti-trust laws, laws as enacted by your own parliament???

It is VERY telling that, on the one hand John Ashcroft can claim that the proposed settlement "provides prompt, effective, certain relief for consumers and removes the uncertainty in the computer market, a critical factor in today's economy [and that it] imposes a broad range of restrictions that will stop Microsoft's unlawful conduct and will restore competition in the industry", when "the Justice Department's senior non-political staff didn't sign on to the agreement, signalling their opposition", on the other.

Did the Microsoft spin-meisters write those lines for him? No wonder Bill Gates is so keen to, "implement this settlement promptly and fully"; it's about as onerous as having been legally obliged to open one's Christmas presents.

What does this mean about the facts and telling the truth? Were the original D.o.J. team lying? Were the nine judges stupid and got the whole thing wrong? Have the anti-trust laws suddenly changed? Why bother with the pretext of having a judiciary at all? Why not just dispense with them altogether and make the president a despot, as it wouldn't make much practical difference in the present circumstances? The parallels with this case and the means by which the present U.S. government rose to power are a little frightening!

Oh how hard it must be for Microsoft to keep a straight face; they have never had to fight a fair fight in their life, and if this joke of a settlement goes through, they probably never will.

In short, this smacks of cronyism and it belittles all arms of power by showing the divisions between them to be a mere charade staged to placate the public sense of democracy and justice. Truth, justice and the American way? From where I am standing, it sounds a little rich to me!

Thank goodness for the States and for Federation in general!

Thank goodness for the Tunney Act.

Thank goodness for the E.C. investigation.

Thank goodness that not everyone is in the pocket of Microsoft or the present administration in the U.S..

#### MTC-00001353

From: Eric Shepherd  
To: Microsoft ATR  
Date: 11/19/01 8:26pm  
Subject: Microsoft settlement

The proposed settlement appears to be a complete surrender by the Department of Justice, after soundly trouncing Microsoft in court. What's the point of spending years in court only to barely slap Microsoft on the wrist? A breakup would have been a minimally acceptable outcome, but since the courts have rejected that option, you need to come up with a next-best-thing, instead of throwing your hands up in the air and calling it quits.

If the proposed settlement goes through, it will spell doom for the computer industry.

— Eric Shepherd Owner, Syndicomm  
<http://www.syndicomm.com> Building  
communications, bit by bit.

#### MTC-00001354

From: Jonathan Hudson  
To: Microsoft ATR  
Date: 11/19/01 8:26pm  
Subject: crazy?  
they're still a monopoly. their sites are inaccessible to macintoshes. they shut macs out of hotmail for weeks on end. try and get quicktime running on XP  
jonathan hudson—www.studio2f.com

#### MTC-00001355

From: Shannon Jacobs  
To: Microsoft ATR  
Date: 11/19/01 8:47pm  
Subject: Disapproval of the Microsoft settlement

Everything I've seen over the years and read about this settlement says Microsoft got away with murder of other corporations. Again. They've also penalized and overcharged customers while absolutely disavowing any legal responsibility for the problems and pains they cause. Microsoft is not concerned with how much their products cost—all they are concerned with is making sure they get as much money as possible. They provide support like a kind of charity, and publicize it as a kind of false advertising. If I were a betting man, I'd say the probability of this settlement leading to any significant change in Microsoft's illegal behaviors is effectively zero. You'd have to give me 100:1 odds and spot me a million dollars just to get me to play the game. However, it's exactly what I expected from Bush since we all understand how he feels Microsoft's pain.

CC:shanan@acm.org@inetgw

#### MTC-00001356

From: Chris Cassell  
To: Microsoft ATR  
Date: 11/19/01 8:59pm  
Subject: Less than a slap on the wrist for MS  
Sirs,

I was most disappointed in the DOJ's decision to ignore the testimony provided during the hearings which lead to Judge Penfield's decision. Penfield was reprimanded for his comments after the trial, not his decisions. These were upheld by a higher court.

This DOJ settlement will have no effect on Microsoft's behavior. Microsoft has a history of ignoring settlements. They will ignore this one as well, because it has no teeth. MS was found to be violating several anti-trust laws. To let MS off with considerably less than a slap on the wrist, sends the message back to MS that such activities are acceptable corporate behavior.

Several facts were brought to light during he hearings:

Bill Gates lied to the Court and was caught at it.

The demonstrations about the ease of removing Explorer were falsified.

It was proven that Microsoft intentionally modified its operating system to render competing browsers at a disadvantage.

MS incorporated copyrighted concepts from competitors without permission or payment.

Essentially, the DOJ has told MS that the software and operating system playing field is theirs and they can defend it with whatever means they can bring to bear. Without a substantial penalty for their paranoid and invidious behavior, they will not play fairly. This disregard for fair competition has already been demonstrated in many of the features incorporated into the new Windows XP operating system.

Sincerely,  
Chris Cassell  
1506 Bristol Avenue  
Westchester, Illinois 60154

#### MTC-00001357

From: Doug Knowles  
To: Microsoft ATR  
Date: 11/19/01 8:53pm  
Subject: Microsoft settlement is woefully inadequate

To Whom It May Concern:

I have been a software engineer for over 25 years, and I am writing to protest the inadequate sanctions imposed on Microsoft under the proposed antitrust settlement. The settlement will allow Microsoft to continue its most predatory practices and rob consumers of the opportunity to experience, evaluate, and possibly choose among potentially competitive technologies.

The great failure in the DOJ's case against Microsoft is that it concentrated on harm inflicted on competitors that are still in existence today; what has been forgotten is the longer list of technologies and competitors that Microsoft stifled and killed before consumers ever had a chance to know they existed, let alone choose as an alternative to the narrow choices offered by Microsoft. As an employee of various firms that partnered and/or competed with Microsoft, I have seen Microsoft exercise the clout it holds as a near monopoly in at least three different ways that I believe to be in violation of the spirit (if not the letter) of antitrust law, and certainly to the detriment of the software industry in general as well as its customers:

- Misdirection given to independent software vendors (ISVs) by Microsoft operating system managers to steer them away from a competitive position vis a vis Microsoft applications;
- Threats made against ISVs to withhold technology cooperation on established product lines to prevent those ISVs from pursuing independent product development efforts not to Microsoft's liking;
- Exploitation of smaller competitors (through a combination of partnerships and threats) to make them temporary agents of Microsoft's agenda to their ultimate detriment.

If the DOJ can not back away from this settlement, I hope that the states that have rejected the settlement have more success in re-establishing diversity and competition in the software industry.

Sincerely,  
Douglas A. Knowles  
99 Gerard Road  
Norwell, MA 02061

#### MTC-00001358

From: Mark Hayes

To: Microsoft ATR  
Date: 11/19/01 8:48pm  
Subject: The settlement.

I'm ashamed that my government is entering into a settlement like this. Microsoft clearly violates antitrust laws, even more so with the release of WindowsXP, and they should be punished. There are legal precedents here, do Standard Oil and Bell Telephone ring any bells?

Mark Hayes  
Creative Director  
Mark Hayes Design  
mhayesdesign@mindspring.com

**MTC-00001359**

From: Ben Pearre  
To: Microsoft ATR  
Date: 11/19/01 9:00pm  
Subject: Stop, or I'll say 'Stop' again!

If I don't pay my taxes for 10 years while claiming that I have, and I'm caught, is the remedy that I'm told to start paying my taxes again? If not, why not?

Even if no harsher penalty is applied to Microsoft, it should be required, somehow, to be put in a position wherein it is worse off than it would have been had it never done anything illegal. Punishment usually involves more than the warning "Stop, or I'll say 'stop' again"!

When corporations have more power than ever before, the government should redouble its efforts not to be swayed by corporate power. What I see instead is a government that did too little, too late, and now has to bow to the will of its corporations.

Sincerely,  
Ben Pearre  
MIT  
Cambridge, MA  
bwpearre@alumni.princeton.edu <http://hebb.mit.edu/~ben>

**MTC-00001360**

From: Karen Atwood  
To: Microsoft ATR  
Date: 11/19/01 9:12pm  
Subject: Microsoft settlement public input

My family and I share the growing concerns of many people across the U.S. about the apparent "20 lashes with a wet noodle" penalty on Microsoft for very real violations of the anti-trust laws of the country. I have listened to people echo these complaints when they call in to talk shows—even to C-SPAN to voice their anger that the Justice Department has dropped the ball in the Microsoft case. What has happened here? It smacks of backroom deal making and leaves a bad taste in the mouths of citizens who thought justice would be done, but now think that government officials at the highest level have betrayed them. Sign me a disgusted Mac user.

KA  
Karen Atwood  
256 Mohawk Avenue Extension  
Warren, Pennsylvania 16365-3410  
phone/fax- 814 726 2774

**MTC-00001361**

From: Arfigg@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 9:11pm  
Subject: Microsoft Settlement

Everyone, and that includes the Justice Dept. and the states involved, should leave Microsoft alone. Our country's technology is as advanced as it is today because of Microsoft and the brilliance of Bill Gates. Anti-trust is meant to protect the consumer against companies and not companies in competition with each other that can't compete. That is all this case is really about, companies that couldn't cut it and got jealous of microsoft.

Ann Ruth & Eugene Figg Tallahassee, Fl.

**MTC-00001362**

From: Pbletz@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/19/01 9:02pm  
Subject: No Subject

Dear Sirs,

I have a Sony FX240 laptop running Microsoft Windows ME. I downloaded Microsoft Internet Explorer but cannot use it because if I start it the sign-up screen for MSN internet comes up and cannot be avoided. Also other internet applications steer you towards MSN internet. I don't know how that cannot be defined as unfair business practices; unsophisticated users have no easy way to avoid falling into the Microsoft trap.

Peter Bletzinger  
4085 W.Enon Road  
Fairborn OH 45324  
pbletz@aol.com

**MTC-00001363**

From: Kevin L. Arnold  
To: Microsoft ATR  
Date: 11/19/01 9:22pm  
Subject: Microsoft Settlement

The settlement does not reach far enough. Microsoft is a monopolist that has abused its monopoly power and will now likely continue to do so.

— Kevin L. Arnold  
5132 15th Avenue South  
Minneapolis, Minnesota 55417  
612.822.3231

**MTC-00001364**

From: Shawn Freebairn  
To: Microsoft ATR  
Date: 11/19/01 9:19pm  
Subject: My thoughts.

I have been following this case as "one of the consumers your settlement will benefit". This settlement is not even a slap on the hands for microsoft. Given this company's past and their complete disregard for the Rule of Law in abuse of monopoly power of which it has been convicted, YOUR REMEDY FOR MICROSOFT IN THIS SETTLEMENT IS A COMPLETE JOKE!!!! NOT ONLY WILL MICROSOFT CONTINUE IN THE SAME LAW BREAKING COURSE YOU HAVE BASICALLY TOLD THEM IT IS O.K.!!!!

Very dissatisfied  
Shawn Freebairn

**MTC-00001365**

From: peter  
To: Microsoft ATR  
Date: 11/19/01 9:14pm  
Subject: Ridiculous settlement

To whom it may concern:

I am baffled by the Microsoft settlement. As a computer professional, it is obvious that

MS has exhibited vicious, anti-competitive behavior. In fact, this is no longer an opinion held by those of us in the field of technology, but a fact of law.

Consequently, it is bizarre that they be let off with a slap on the wrist and no substantial force to compel them to change business practices. They have shown contempt for the consumer, contempt for competitors, and contempt for the legal process against them. Like many in my profession, I have friends who were put out of business by MS. I have clients who have spent more money because of MS's contempt for quality software and basic security.

They don't make good software—they don't have to. They just have to force their competitors out of business with restrictive, unfair and illegal practices or by giving away free software. And you are now telling them that it is OK to operate that way—that the consequences for illegal behavior are less expensive than competing fairly in the first place.

Please reconsider. Microsoft is a monopoly. Please don't let them think that statement depends on what the definition of "is" is.....

Thank you,  
Peter Linde  
The Linde Group, Computer Support, Inc.  
peter@lindegroupp.com

The Linde Group, Inc.  
2612 8th St., Suite B  
Berkeley, CA 94710  
510-705-8910 x33

**MTC-00001366**

From: Reg  
To: Microsoft ATR  
Date: 11/19/01 10:00pm  
Subject: Microsoft solution

I feel the only real solution to the Microsoft problem is to break the company in two, because nothing will really change if they can continue to bundle whatever they like with the operating system... Force them to compete to sell products like Office and it will allow other companies to get a fair chance...

**MTC-00001367**

From: Byron Salazar  
To: Microsoft ATR  
Date: 11/19/01 9:41pm  
Subject: Proposed Final Judgement

Dear Sir or Madam,

I am a student and employee of the Georgia Institute of Technology in Atlanta. As I work extensively with personal computers using Microsoft and competing products, I was dismayed by the limited nature of the proposed Final Judgement regarding Microsoft's use of its monopoly power.

Microsoft has demonstrated repeatedly that it is willing to use its monopoly power to gain an unfair advantage over competitors. This has been proven in a court of law. Although the proposed judgement begins to address past infractions on Microsoft's part, those battles in the marketplace are over, and Microsoft has already won. Microsoft is already moving on, and the judgement does little to prevent future abuses of monopoly power.

Microsoft is aggressively pursuing several new strategies. Among them are the "Passport" authentication system and the ".Net" subscription process. Because these are heavily integrated in the XP operating system, they are poised to benefit from and strengthen Microsoft's monopoly position. Further, The ".Net" strategy is integrated into the Windows license, effectively neutralizing the Judgement's power over it. Passport is forced upon users of many Microsoft web services, (including the popular Hotmail) which in turn are integrated into Microsoft applications, which have already come to dominate the market as a result of Microsoft's monopoly power. The Judgement as proposed would have been very effective five years ago. Unfortunately, this industry changes very rapidly. Much more broad measures are necessary to protect consumers now and in the future.

— Salazar, Byron

<http://homepage.mac.com/mebyron/>

**MTC-00001368**

From: Andrew Steele  
To: Microsoft ATR  
Date: 11/19/01 9:40pm

Dear Sir or Madam:

It is my concern that Microsoft is becoming a much larger business than what it should be. Not only did it take away the majority of profit and business from Netscape Communications by offering its software free of charge to businesses, it has continued that character to this very day. Just watching one of the head operators of the business give a speech to his workers puts fear into my heart on this issue of when this will stop. Here is my concern: Microsoft holds an overly large percent of the OS business, and holds tight control over its users to make sure that they continue to use their software. With Microsoft XP, this company has produced software that requires users to upgrade after 6 months. Microsoft holds a large share in the browser software business. Internet Explorer is considered one of the top two browsers that are provided on the internet today. Microsoft is now trying to take over the gaming industry with the introduction of the X-box. Microsoft also makes such an extensive variety of products with software as to compete with every existing software company that exists.

In conclusion with viewing each of Microsoft's adventures, one would come to the conclusion that Microsoft should continue an attitude change that would encourage healthy competition consistent with the American ideal. Microsoft should limit the employment of its employees until the business' core employment consists of one department that completes one task. If their are employees that are on staff, their numbers should be insignificant in comparison to the whole.

Microsoft should use its resources to honor customers by making the best products that can be made, instead of demanding from them money for products that may or may not be of the best quality. Microsoft should be ultimately forced to do the best that they can do, instead of using their money to create so many partnerships with companies that people feel a need to either put their software

as compatible with Microsoft or go out of business. Microsoft needs to do the best that they can instead of use their money as influence. Thank you for reading my thoughts.

Drew

Get your FREE download of MSN Explorer at <http://explorer.msn.com>

**MTC-00001369**

From: Ed Sheron  
To: Microsoft ATR  
Date: 11/19/01 10:35pm  
Subject: Let's get on with it

Microsoft has done an awful lot for this economy. They are being penalized by companies that are jealous by what they have accomplished. Its time for them to throw in the towel and admit that they are envious of Microsoft. SunWest has charged exorbitant price for what you get and yet they are envious of Microsoft. Netscape, didn't they sell for a big profit?

Microsoft is entitled to make a profit for what they give us as is any business. This thing has gone too far and its time to call a halt. I've been more than happy with the quality and price I paid for from Microsoft.

Outgoing mail is certified Virus Free.  
Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.274 / Virus Database: 144—  
Release Date: 8/23/01

**MTC-00001370**

From: jwll  
To: Microsoft ATR  
Date: 11/19/01 10:29pm  
Subject: Microsoft settlement

Please reconsider the current settlement with Microsoft.

It is far too lenient.

From what I have read Microsoft has lied (Perjured) many times throughout the trail. With no perjury charges being made it appears the justice system is working for Microsoft who is being allowed to do whatever they want.

**MTC-00001371**

From: Michael Stephens  
To: Microsoft ATR  
Date: 11/19/01 10:24 pm  
Subject: Settlement give Microsoft too much

The DOJ has conceded far too much to Microsoft. It is extremely troubling that you will permit them to bundle any application into the Windows OS. This has no positive benefits: For example, bundling IE into Windows makes neither IE nor Windows better than if they were not one and the same. Yet there are negative ramifications: bundling plainly stifles competition, and thus innovation: the practical demise of Netscape is on point, and with the release of XP, we're sure to see the same with photo-editors, media players, and more.

Moreover, you've permitted too many loopholes for Microsoft to override non-Microsoft applications that OEM's have installed on PC's.

Microsoft is also using Win XP to extinguish existing de facto standards. Specifically, the DOJ settlement does nothing about those standards which were NOT included with Win XP. In not including such Internet Standards such as Java and MP3

capabilities, Microsoft, with its Windows Monopoly, seeks to crush such standards with its own "equivalents." When the old standards are crushed, MS will thus have locked its total control over internet Music and more.

Finally, splitting MS in two would have benefitted the stockholders too. Surely President Bush, with his MBA, has some understanding of why this is.

**MTC-00001372**

From: Michael Jardeen  
To: Microsoft ATR  
Date: 11/19/01 10:17 pm  
Subject: The great sellout

Never in the history of American Justice has there been a greater fraud passed off as Justice. This resolution provides nothing for consumers, and does nothing to help reign in the behavior of one of the most voracious companies in history.

I am not sure how any one at the Justice Department sleeps at night. Microsoft lost at every step and in the end won due to a gutless DOJ decision to let them off with nothing more than a tap on the wrist...you should be ashamed.

I worked at USWest for 13 years...that was a real Consent Decree! Michael

**MTC-00001373**

From: Dale Fairbanks  
To: Microsoft ATR  
Date: 11/19/01 11:14 pm  
Subject: Settlement

5 years ago Microsoft said they would behave. We are back at it again. When the agreement runs out in 5 years, they can go back to their old ways, then we spend more government money to investigate them again.

Next time they will do a better job of getting rid of incriminating evidence. I can not go anywhere in my computer without being reminded that MSN or Explorer is waiting to service my needs. I think the company still should be broken into two companies.

**MTC-00001374**

From: Ruth Silveira  
To: Microsoft ATR  
Date: 11/19/01 11:03 pm  
Subject: Tunney Act

Follow through with this act and end all of this !!!! Making the biggest and the best should be Microsoft's prerogative. Isn't that what the free trade market is all about?

Microsoft makes a good product and doesn't screw with the consumer. If they want something different they can purchase it. If the government spent as much money taking care of the un-employed, hungry and homeless in our country as they have on this case we would be in good shape.

I see this whole process as a witch hunt with a very biased judge presiding over most of it. Thank you, Ruth Silveira

**MTC-00001375**

From: Walter Dufresne  
To: Microsoft ATR  
Date: 11/19/01 10:59 pm  
Subject: Please curb Microsoft.

Dear Sirs,

Please take strong action to curb this monopolistic Microsoft Company.

Sincerely,  
Walter Dufresne  
31 Montgomery Place, Brooklyn, NY  
11215-2342 USA  
tel: +1.718.622.1901 fax: +1.718.789.1452  
e-mail: walter.dufresne@aya.yale.edu

**MTC-00001376**

From: XXLINVESTOR  
To: Microsoft ATR  
Date: 11/19/01 10:58 pm  
Subject: MSFT trials

Come on! end this crap! Stop wasting the voters money. The clintons are gone to create their own kind of hell in NY, even though she is still in dc. The DOJ under the goofiest politicized AG for the past 100 years under orders by the clintons in order to drive contributions to slick hilly and Mr. Gore went after MSFT in order to attack the biggest muck in the tech space, help their \$ raising from the tech cos, and hopefully keep the Republicans out of the White House so they would not be prosecuted for all of their crookedness.

Being in league with and prompted by Ellison, who arrogantly wanted to be the richest man in the world, only adds to the injustice. Tell the state A's G to get lost with their political ambitions also. The CA AG is another Ellison tool.

The deal is cut, it seems reasonable, and seems to address the problem. IF NOT GO AFTER ELLISON—he is a monopoly in the DB sector and it was even worse during the period covered by the MSFT suit.

The DOJ is not supposed to be the business bludgeon of a private citizen and a crooked politician. That was supposed to be banned 50 years ago. And I'm a Democrat. Imagine what I would think if I were not one.

**MTC-00001377**

From: bousozoku  
To: Microsoft ATR  
Date: 11/20/01 12:05am  
Subject: My comments

Dear Sir or Madam:  
As a software developer as well as a computer user, I am concerned that the recent agreement settles nothing for which the lawsuit was initiated.

Over the years, I have seen various attempts by Microsoft to secure its position:

It had been shown by Andrew Schulman in Doctor Dobb's Journal, that they put special programming into Windows 3.0 and 3.1 to dissuade users of Digital Research's DR-DOS with their product. They were also in an agreement to use the Stac storage compression technology, then decided to dissolve the agreement, but left the programming in their MS-DOS 6.2.

Microsoft was late in building office suite software for their own operating system. In the early days of Windows 3.0, their office software performed terribly. When Windows 3.1 arrived, not only did their software perform much faster, the competitors' software broke.

There was much discussion of undisclosed APIs (Application Programming Interfaces) used by the office products. Recently, they disabled Apple's QuickTime plug-in (and others) for Internet Explorer.

I understand that someone will monitor Microsoft's accounting practices. I'm not

certain this was ever a problem. It is their business practices which need adjustment.

If Microsoft are allowed to proceed with only a minimum of change, they will continue to restrain free enterprise. I'm not saying that everyone can be protected from Microsoft, but much more needs to be done. Why does Microsoft need to agree to punishments anyway? Does the U.S. government fear Microsoft? Besides this, why was there such a marked change in the course of this trial once the Bush administration came into office?

Thank you,  
Curt Risor  
Oviedo, FL

**MTC-00001378**

From: Karl  
To: Microsoft ATR  
Date: 11/19/01 11:44 pm  
Subject: Feedback

The course of this trial since the advent of the current administration is a travesty of justice.

There's a major discrepancy in the judicial process's ability to keep up with the fluidity and capriciousness of business, industry, technology, society. Can we somehow make this leviathan motile? Can the judicial process integrate modern technology to enlarge the "court of popular opinion" for one and perhaps incorporate a "Digital Judiciary," a way that can better integrate new information into ongoing efforts for another?

The Court mishandled an episode that's essentially eons past. Meanwhile, in realtime, the defendant has continued with the same behavior it was found guilty of, and now fully intends to consolidate as much control over the digital domain as they can maintain with their instant tap into the purse of each user.

Don't think I haven't noticed the irony of using the defendant's product to generate my response.

How do you kill a giant Money-Sucking parasite that makes it hosts vulnerable to infections?

Exterminate sounds so dramatic.  
Karl Cook

**MTC-00001379**

From: Rene E Lemieux  
To: Microsoft ATR  
Date: 11/19/01 11:18 pm  
Subject: Microsoft Antitrust Settlement

The information that has been made available through the press and commentary by individuals knowledgeable in the world of personal computers indicate that the result of the subject settlement will be a disservice to the consumer.

If Microsoft were to expend as much money and effort in producing and supporting their products as they do in executing legal maneuvers, they would not have to browbeat their vendors and customers to gain acceptance of their software. They have a consistent history of amending their license terms such that a consumer cannot depend upon getting the support called for in the documentation that accompanies their product.

As an example, I purchased the upgrade from Windows 95 to Windows 98SE and the

documentation said that I would get 90 days of live telephone product support from the date of my first call. I installed the software and required assistance after 30 days had gone by (I had been trying to use on-line help and their support site). I called the support line and was told that this was the first of my TWO live support calls that I was allowed. I asked about the 90 days provision and was told that it was no longer their support policy.

This is as basic a consumer fraud issue as a car manufacturer reducing a buyer's new car warranty. Yeah, I know they put it in the fine print that if I don't want to accept their license terms I can return the software within 30 days for a refund. What do we do for personal operating systems then? We've already committed to hardware that requires windows. Let's get in the real world and realize that they can only get away with this because of the monopoly they've built in the operating system arena.

Their software is poorly written as evidenced by the unbelievable number of patches they have to produce for each rendition of their software. Allowing them to continue, and indeed strengthen, their demonstrated monopolistic behavior can only cause increased consumer dissatisfaction with no recourse, they hold all the cards. I don't know of another software company that's been able to survive producing applications with failures and security problems to the extent Microsoft does.

Allowing them to integrate more utility and functional software into the operating system will enable them to extend this monopoly to nearly the entire range of utility and functional software currently available from multiple vendors. Obviously there may be some exceptions to this, primarily in very specialized applications such as CAD/CAM, accounting systems, etc.

The greatest impact will be in the consumer and general business office software. We are the "silent majority" that get lost in the political sea changes after so much of our money is spent in pursuit of the issue. I will be extremely disappointed if SEVERE constraints are not placed upon both what Microsoft can integrate into the operating system and the extent to which they are allowed to change support provisions after an Item is purchased.

**MTC-00001380**

From: John Abbe  
To: Microsoft ATR  
Date: 11/20/01 1:09am  
Subject: Yet another citizen

Dear Department of Justice,

I am yet another citizen, writing to ask you to reconsider your slap on the wrist to Microsoft. As their recent actions in blocking non-Microsoft web browsers from msn.com shows, they continue to habitually, and without awareness or remorse, use inappropriate practices to their own advantage.

As their lack of response to the 1995 consent decree shows, future oversight is likely to be insufficient to convince them to change their ways. Without substantial enough legal action that directly addresses

their monopoly power in the very near term (e.g. splitting the company up, required release of Internet Explorer and Windows source code), it seems very likely that they will continue to abuse that power.

Finally, as many others have pointed out, there are many loopholes in the language of the agreement that would make their continued abuse of their monopoly position legal (e.g., the current language lets them define what counts as the operating system).

I urge you to:

1) Find substantial fixes to their anti-competitiveness that are unarguably clear and easily-enforced in the near term, in addition to the competition-restoring requirements on future action in the current settlement (which I predict they will ignore, requiring future court action).

2) Go back and fix the loopholes in whatever remains of the language in the existing settlement.

Sincerely,

John Abbe

1618A Alcatraz Ave  
Berkeley, CA 94703  
510-654-7113

—  
All you need is...

John Abbe / CatHerder <http://www.ourpla.net/cgi-bin/pikie.cgi>

If you don't like the news, go out and make some of your own."

—Wes Nisker

#### MTC-00001381

From: Eric Welch

To: Microsoft ATR

Date: 11/20/01 12:57am

Subject: sell out

You sold out to Microsoft. Bill Gates got an early Christmas present. There is no penalty in the so called "penalties" the Justice Department settled for. Windows XP only shows how Microsoft is carrying on as if there had never been a case. Nobody can say justice was done. Have you checked Microsoft's policy that won't allow Dell or Gateway or anyone else to sell OEM versions of Office to any company with more than 500 computers? What is the justification for that?

What about Passport? What about Windows XP's driving people to Microsoft customers to buy photo and print processing? What about their demand that if someone put an icon on the desktop that THREE Microsoft icons have to be there for affiliated services?

You wasted all that money we paid in taxes to pursue Microsoft. They were proven to be a monopoly that did damage to innovation and competition, and a healthy economy. And you are doing NOTHING to stop it. You don't serve the people, you serve the super rich. As many of us have always suspected you would. Cave in, that is. Thanks for nothing.

Eric Welch  
Carlsbad, CA

#### MTC-00001382

From: Raymond Doty

To: Microsoft ATR

Date: 11/20/01 12:17am

Subject: comment

The major failure of the proposed settlement is its failure to address the unfair

advantage of the Microsoft applications divisions. The applications divisions have intimate access to the OS during development and can exploit this during application development. Even further, they can tell the OS developers what they would like and they can get a custom patch to suit their needs. Both of these have occurred in the past with Windows 95, and 98. Microsoft products contained updates to the os, which were necessary for the product, but were not available with competitors products. Any fair settlement should preclude the applications divisions from getting any information and treatment in regards to the OS which is not available to other software developers at large, including their competitors.

Raymond Doty

#### MTC-00001383

From: Danny Bowman

To: Microsoft ATR

Date: 11/20/01 12:14am

Subject: Microsoft

As a certified Microsoft developer with a software product of my own on the market, I am angered by the actions of Microsoft and it's continued leveraging of it's Windows monopoly to propagate it's anti-competitive marketing tactics. The lack of initiative and motivation on the behalf of the Justice department to reign in a convicted monopolist is appalling. I make my living developing software. Were my product to be assimilated into Microsoft's operating system as a "benefit" to customers, I would, very simply, be out of business. Microsoft should be able to develop any software they want. But they should NOT be permitted to distribute this software as part of their operating system.

In my opinion, Microsoft software should be a separate business entity from their operating system. Their continued arrogance, bullying, anti-competitive business tactics, and illegal monopolistic conduct as determined by some of the highest courts of our country, should not be permitted to continue. Given Microsoft's continued behavior, the only way to effect a true remedy is break the company in two, per Judge Jackson's earlier decision. He may have not shown the best of judgement in talking to the media, but he certainly had the most realistic perspective on the true nature of Microsoft.

Your's truly,  
Danny Bowman  
MCSD

#### MTC-0001384

From: Neil Jensen

To: Microsoft ATR

Date: 11/20/01 2:11 am

Subject: Slap on the wrist

I cannot help but wonder how much Gates paid George W. to get a mere slap on the wrist for Microsoft's outrageous predatory behavior.

Neil Jensen: [neil@sumeria.net](mailto:neil@sumeria.net)—<http://www.sumeria.net/> If you want to inspire confidence, give plenty of statistics. It does not matter that they should be accurate, or even intelligible, so long as there is enough of them.

—Lewis Carroll

#### MTC-00001385

From: r.baggarley@waldmann.com@inetgw

To: Microsoft ATR

Date: 11/20/01 1:44 am

Subject: Antitrust Settlement

Why bother to expend the costly resources to take Microsoft to court, have it found guilty and then not insist on any punishment or any serious means to prevent further repetitions of its illegal business practices?

Very few people expect that the so-called remedy that is being proposed will actually reign in Microsoft's flagrant refusal to abide by antitrust law.

The DOJ has made itself a laughingstock and, as much as I support the Bush administration, it appears to have been bought by Microsoft's political contributions.

Pathetic.

Sincerely,

Richard Baggarley

#### MTC-00001386

From: David Meyer

To: Microsoft ATR

Date: 11/20/01 1:17 am

Subject: Settlement

If Microsoft now wins in the pretense of this "settlement" because the government's lawyers are too intimidated or too co-opted, then it is we users and developers who pay the price. Here's the thing. The United States government and the governments of however many states spent a great deal of our taxpayer money in successfully proving Microsoft is an abusive monopolist. That is something we users experience everyday. This settlement is nothing more than an abandonment of what was established in a court of law—that Microsoft is a dangerous, abusive stifler of competition and innovation. Walking away through the thinly veiled pretense of this "settlement" is a betrayal of the judicial process, the law and those of us who foot the bills for such things.

David Meyer

#### MTC-00001387

From: Francesco Porta

To: Microsoft ATR

Date: 11/20/01 1:15 am

Subject: Please, stop the MSFT Monopoly

Dear Sirs,

I'm working as a System Manager in a library of an Italian University. Even if I try to avoid using MSFT products, I find a lot of problems with them, due to the heavy position of MSFT in the market. In few words, my top problems are:

1. viruses only come from MSFT products used in PCs of my users
2. a lot of my users consider that something is standard if it adhere to MSFT products (Office documents and so on)
3. CDs cannot be used in a network environment because they are at 90% or more only for Windows
4. MSIE doesn't allow some multimedia file to be played, like Quicktime or RealPlayer files.

Best regards. FP

Dott. Francesco Porta—Torino

#### MTC-00001388

From: Robb Roaten

To: Microsoft ATR

Date: 11/20/01 3:47 am  
Subject: Microsoft Anti-trust

Please reconsider your settlement with microsoft. Having been in the industry since the early 90s, I have seen them continually crush innovation. I am extremely disappointed with such an easy settlement for them. Microsoft has already succeeded at controlling the technology industry, and will continue to reach into other industries. I am also troubled that our justice system cannot move quickly enough to move against monopoly actions until its way too late.

Thank You,  
Robb Roaten  
Taxpayer

**MTC-00001389**

From: Campbell Krenson  
To: Microsoft ATR  
Date: 11/20/01 2:59 am  
Subject: monopolistic downward spiral

hello, I am emailing in concern of the whole Microsoft antitrust case. I have long been a supporter of Microsoft, and thought it better than Linux and/or Unix, as it was the most compatible. although, while examining the facts, in a broad sense, Microsoft is seeing that it's customers are starting to take a new and different view to it's large corporation, and it's not entirely better. in the wake of the fact that Microsoft could be split up, or hit with other serious consequences, it set out to tighten it's grip on it's users (just my opinion, but what do I know? I'm just going off of what I see). this grip has been tightened in ways you might not realize, it is getting the world so hopelessly dependent on windows, that to shut down the company would cause severe economic consequences. Stocks, businesses, and the government would be hit by such a serious action, that, it just might affect our nation's stability. Microsoft is still exercising it's monopolistic powers in some cases, such as that of the case between Microsoft and Sun, where Microsoft thought it would be better to discontinue shipping the real version of java, and put in their own little java version. sun developed java, it's not like Linux which has many different competing developers, java is sun's creation, yet Microsoft is creating their own version? this is pushing sun ( a major competitor with Microsoft)...off the table... as explained in many online articles. I now believe Microsoft is phasing the rest of the world out, and creating situations where consumers NEED Microsoft's products for things to work, such as their web page, MSN.com; they have locked any browser except IE to be able to view it. coincidence? XP is shipping with software packages that make up some companies' only product(s), they are decreasing the need on 3rd party software, in essence creating the 'Microsoft gathering' to increase the dependence on the windows operating system. if more people depend on this operating system, the less likely it is to be affected by any, shall we say, government legislation. like the new ruling does not affect Microsoft's profits within the range of 10 cents! because everything is being made for windows, it IS the most compatible, but MS has been making that more and more untrue with every version of windows that they release that doesn't support one more app. I

would say 50% is selectively and intentionally not supported, as you see in sun's case and Netscape's case. now to the privacy issue. an operating system that ships with desktop security measures defeats the purpose of being an operating system. a company that tries to 'secure' its products from its customers will lose business. I'm not talking about pirating windows itself, so much as, copying cd's, gathering useless user information and other things of the sort. what good is a product if you can't use it for the original reason you bought the software? Microsoft is also definitely setting up a HUGE database of users, and no doubt will soon be doing business with doubleclick.net, selling anonymous user profiles for money, and yes,

Microsoft would have all of this because everyone will have to have registered. And the dependence on the software will be so high, they will always have a product to sell. Personally addressed advertising will be extended to desktops, without user's notice or permission, as the government passed that INCREDIBLY STUPID FUCKING LAW.....allowing companies to share customer information freely without their permission, and the only way to get them to stop doing that was to specifically say 'don't send it'. I guess the don't send option is what made it pass, as that law totally and completely is unconstitutional and set against the founding principles for freedom, privacy and individuality that our society is so closely based upon. personally, I think it was written by people who don't really think that the internet is a big problem, nor a security issue, but that law extends WAY beyond the internet.

so does anyone see it yet? Microsoft is increasing our 'need' of windows, and the government is punishing them, which is really kicking all of the consumers in the ass. people need to pick, it is obviously not in the interests of the public to have to share information about them that is not necessary for normal business operation. so do you root for the government and all the other computer manufacturers and software programmers that Microsoft is very apparently belittling, but hiding behind the excuse that, MS makes it's own software, and therefore has a right to distribute whatever it likes with windows? Well Microsoft has transformed, once you have no healthy competition, and you have lots of business, you become a SERVICE not a business. some people are also praising Microsoft. For what exactly? Putting out 4 different versions of their operating system per year, and only changing minor things? this recent change is welcome, yet they focus on an aspect of the operating system that is not critical to the goal of the product. which is multimedia, woo hoo(yea right). If I want a rich multimedia experience, it's NOT going to be coming from Microsoft that's for sure! so Microsoft is slowly phasing other software out by trying to cover all it's bases: gaming (x box, and computer games), firewalls, imaging software, java, Linux, (and not to mention the 50 gazillion software titles it is not compatible with), and most definitely the ultimate TV system. by including these products, users feel no need to go out and

buy software, or certain hardware for that matter, causing a downturn in the economy. Nobody would be buying anything, because they already have it. maybe one day Microsoft would make their own computers, fully equipped and compatible with nothing but Microsoft's products of course!

what if the government were to shut down Microsoft? Microsoft would undergo heavy lawsuits because users that purchased windows xp, cant register their product, and therefore wont work. so the government would have to keep some aspect of Microsoft alive, insuring that the economy doesn't undergo drastic swings because current technology doesn't work right. MS certainly has made their place in the world with windows XP, NOW THEY CAN'T BE SHUT DOWN. thank you for reading my email and letting me get my point out there. thanks,

Campbell  
Graphics/IT Support  
xeronol@mindspring.com  
ckrenson@hotmail.com

P.S.—while revising this email, windows 2000 crashed with a very ugly blue screen, which froze again in the process dumping the memory, and never automatically rebooted the computer. another coincidence?

**MTC-00001390**

From: Phil Shapiro  
To: Microsoft ATR  
Date: 11/20/01 2:55am  
Subject: astounded at no penalty in settlement agreement

i was astounded to hear that there is no penalty fee in the proposed microsoft settlement agreement. the message this sends the public? breaking the law does pay.

—phil shapiro  
arlington, virginia

**MTC-00001391**

From: Jerry Pham  
To: Microsoft ATR  
Date: 11/20/01 2:27am  
Subject: This settlement is a travesty of justice. There are loopholes that allow

This settlement is a travesty of justice. There are loopholes that allow Microsoft to escape from almost every restriction placed on them. There are no punitive measures for their past violations of Anti-Trust laws. This is dispicable and I am thoroughly outraged. You can tell You boss, Mr. Bush, that I do not intend to vote for him in 2004 if this is allowed. Furthermore, I will campaign for and support his opponent, whoever it may be, from the primaries until November 11. As a conservative, I do not wish to do this, but I cannot let our Justice System be tainted, whether it be from the Left or Right.

**MTC-00001392**

From: Geers J.C.  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 4:41am  
Subject: The case

Hello,  
I'm writting you from the Netherlands. I'm try too keep uptodate with the case most of the time and from what I heard.

The sollution before you is a sollution for the future . But the case lacks a punishment for what's done in the past.

—Compaies have lost lots of profit by microsoft doings.  
 —People all over the world have been left no choice of what they use.  
 —and more

All this has been said to be true. Why isn't there a punishment for this in the settlement?? I ssems to me this is like a little kid who steals candy. And you telling the kid not to steal in the future. Microsoft isn't a kid. They're grown up. So please be a judge and not a Mom or Dad and punish MS like a adult. They know the've been wrong. Think of all the people/companies that got hurt by them.

A sollution like this one isn't fare to them.

Thanks

Chris Geers MCSE.

The Netherlands. (sorry for my poor english.)

De informatie in dit e-mail bericht is uitsluitend bestemd voor de geadresseerde. Verstrekking aan—en gebruik door anderen is niet toegestaan. Aan persoonlijke opvattingen van medewerkers van het waterschap Reest en Wieden kunnen geen rechten worden ontleend.

**MTC-00001393**

From: chas  
 To: Microsoft ATR  
 Date: 11/20/01 4:54am  
 Subject: DOJ settlement

I'm afraid that the settlement doesn't go far enough. The original focus was to break up the company. Ultimately the settlement amounted to no more than a slap on the wrist. For instance, no sooner did the settlement finalize, than MS was accused of keeping all but its own browsers from accessing its MSN network. Granted, it was remedied but it is an example of how MS flaunts its "power" in the face of the DOJ.

Time will tell.

Charles Cusumano

**MTC-00001394**

From: Barbara Renz  
 To: Microsoft ATR  
 Date: 12/6/01 2:28pm  
 Subject: Microsoft Windows software

There need to be strict actions against Microsoft. They obviously have a monopoly and it is not because it's a great operating system. Windows is a lousy operating system, but what else is there to use? Every PC I buy comes with Windows preloaded, where do I get a different OS? Have you ever tried to delete Windows Internet Explorer or Outlook from the computer? You can't do it! They have to be installed or the Windows operating system won't work! Where are my choices as a consumer? How can there be any competition when there is only one product available? If computers are going to be sold with software on them, then there should be different operating systems for the buyer to try included on the computer. If consumers did have access to different software then Microsoft wouldn't be such a big company because their software is terrible and they know it!

Thank you,  
 Barbara Renz

**MTC-00001395**

From: Bob Fila

To: Microsoft ATR  
 Date: 11/20/01 7:30am  
 Subject: Proposed settlement

As a personal and business user of both Macintosh and Windows operating systems, I urge you to insist that the Windows operating system be treated as such, i.e. an operating system only, and that Microsoft not be allowed to bundle its own software accessory features into the operating system—as users we should be allowed to select whatever accessory software programs we want to and we should not be subjected to having to figure out how to remove Microsoft's embedded programs like Windows Media or Internet Explorer nor be expected to use these programs as our first choice. An operating system is just what it says—a software program to perform the "basic" operations of the computer—consumers should always have the option of choosing what alternative accessory software they want to provide more user specific functions such as accessing the internet, downloading music files, playing streaming video, etc.

**MTC-00001396**

From: Patrick E. Mc Hugh  
 To: Microsoft ATR  
 Date: 11/20/01 6:40am  
 Subject: Get off their backs

It is with great displeasure that as an American I look at your efforts of time and money that has been expended against Microsoft, when there were terrorists plotting the killing of Americans running free and your eyes were blinded to this threat by your over zealous and partisan nature to bring down a company that has made all our lives better through more effective technology. Let the marketplace decide who has a better product that consumers want to spend their dollars on.

Patrick E. Mc Hugh

**MTC-00001397**

From: Rob Short  
 To: Microsoft ATR  
 Date: 11/20/01 5:41am  
 Subject: Microsoft Anti-trust

Thank you for setting up this feedback link to the DOJ. I appreciate the ability to respond to the topic of Microsoft's anti-trust activity. I believe we should vigorously pursue legal remediation for the following reasons:

1. Microsoft consistently demonstrates an aggressive predatory practice towards smaller, more nimble but less cash rich companies. result:

A. as a result of this practice, innovation is diminished as Microsoft slaps together proprietary means of controlling the general public's use of technology.

B. America's ability to engage in progress in the new information age is stifled as Microsoft seeks to control the markets rather than have technology move forward.

2. Any company attempting to corner the technology market this early in a new era is a threat to the well being of America's competitive philosophies. Imagine standardizing on a particular type of car at the beginning of the 20th century, or one type of boat at the dawn of the age of discovery.

3. Microsoft blurs the lines of international standards for web access and functionality. result:

An internet that doesn't always work the way it should with competing versions of JAVA and html that do not work the same way on each platform or each browser as Microsoft makes Explorer work only with certain flavors.

Internet companies with huge productivity losses as they have to design web sites with competing versions of standards in mind.

Microsoft is more than capable of competing fairly, it is time that we impose very harsh restrictions on their anti competitive practices.

Their last series of court cases clearly showed their willingness to lie in the courtroom(-telling the Federal government in a sham test that Explorer could not be seperated from Windows), demonstrated their reliance upon lawyers and delaying tactics rather than innovation, and showed the American public how smaller companies that could have made a difference in the future have been smashed by Microsoft legal hopscotch and the release of inferior products onto the market. Thanks for the opportunity to respond.

Warm regards,  
 Rob Short  
 Richmond, VA

**MTC-00001398**

From: John Droz, jr.  
 To: Microsoft ATR  
 Date: 11/20/01 7:52am  
 Subject: Microsoft Settlement  
 Sirs:

Thanks you for being open to comments on this case. As a physicist, member of Mensa, and a person who has been involved with computers for over thirty years (e.g. as a consultant with several hundred clients), I am admittedly not your average consumer. I want to briefly say that, in my opinion, the federal government's proposed settlement with Microsoft is an embarrassing sellout to a company that has had a LONG history of persistent, unacceptable and untrustworthy behavior.

PLEASE DO NOT IMPLEMENT ANY SUCH AGREEMENT!

Feel free to contact me for computer related matters.

John Droz, jr.  
 HC 1 Box 50  
 Greig, NY 13345

**MTC-00001399**

From: rand wetherwax  
 To: Microsoft ATR  
 Date: 11/20/01 7:50am  
 Subject: microsoft is bad

I have seen Microsoft bully MANY companies buying them out, stealing their ideas, making shoddy copies...

PLEASE—we need to STOP MS!  
 MICROSOFT IS A MONOPOLY!

How many times does this need to be proved?!

Do something stronger to protect us innovator!

thanks  
 rand wetherwax  
 san francisco, ca

**MTC-00001400**

From: Michael J. Mcnall  
 To: Microsoft ATR  
 Date: 11/20/01 7:36am  
 Subject: Microsoft vs Freedom  
 November 20, 2001  
 Salutations sojourner,

I do not know if I have the means requisite to adequately communicate my benumbed dismay over the egregious lack of Justice in the courts decision regarding MicroSoft. There is nearly the taint of perfidy in the air surrounding the removal of Mr. Jackson coupled with the clownish censure of him by some sycophants of MicroSoft.

The evidence presented in the trail was clear enough for a blind fool to perceive, that Microsoft is guilty. Their machinations and evasive dissimulation's underscored their guilt most aptly. In fact they are culpable of a most grievous evil against that hallowed pillar of America, Freedom. Through the wickedness of their hearts and the rapacious greed which drives them, MicroSoft has declared all shall bend the knee in servitude to their system.

I am not a slave. I will not pledge allegiance to an Evil company. I am a free man who would have all Americans and the businesses which provide services to them have the freedom to choose the computer operating system they desire, not that which Mr. Gates and Mr. Ballmer declare they must use.

It is my prayer that in this late hour of the darkening gloom some persons of courage would lift up the Light of Truth and render a judgment against MicroSoft of such a profound severity they would become incapable of ever perverting the course of the digital realm again.

Please, I beseech you, stand as Moses stood before the corrupt Pharaoh and deliver us from the tyranny of his dominion in to the land of Freedom, yet once more.

Sincerely,  
 Michael J. Mcnall

**MTC-00001401**

From: rand wetherwax  
 To: Microsoft ATR  
 Date: 11/20/01 7:31am  
 Subject: microsoft is bad to me!

I have seen Microsoft bully MANY companies buying them out, stealing their ideas, making shoddy copies...

PLEASE—we need to STOP MS!  
 MICROSOFT IS A MONOPOLY!

How many times does this need to be proved?!

Do something stronger to protect us innovator!

thanks  
 rand wetherwax  
 san francisco, ca

Hey, my email in Paris is the same old one!  
 randw@pacbell.net

**MTC-00001402**

From: Paul  
 To: Microsoft ATR  
 Date: 11/20/01 7:59am  
 Subject: Anti trust case

I feel that you let Microsoft off too lightly. It will be too long before they feel any affects of your "settlement" and it will be business as usual.

I am disappointed.  
 Paul Troyer  
 713 W. Main Street  
 Sugarcreek, Ohio 44681 —  
 Paul Troyer  
 IT Manager  
 Mahon Studios, Inc.

**MTC-00001403**

From: Mike Wagman  
 To: Microsoft ATR  
 Date: 11/20/01 7:56am  
 Subject: Microsoft ruling

To be honest I was very surprised by the settlement. I do feel it is far from complete. The main reason was the lack of respect they show by continuing their strong arm tactics while the trial was going on.

The spent 130 million to buy controlling interest in Corel, shutdown Corel Linux—changed the charter of the co so they won't start it up again. Sold it for a 65 million loss.

Microsofts defense of this was two fold. First to blame you—stating the judicial pressure forced them to sell Corel (although that does not explains the changes they forced Corel to make) so they would not control the industry.

Secondly as they lost money how could that have been illegal. Microsoft has consitantly demonstrated a desire to impeded inovation in this industry unless they have purchased the right to it. They have demonstrated a sever lack of respect for the laws of this nation. They have an insane ego—demonstrated by calling a product of theirs "me". I am a computer repair technician and consitantly see alternatives to microsoft outperform microsoft products, however no one can break the strangle hold they have on things.

**MTC-00001404**

From: Pam Niedermayer  
 To: Microsoft ATR  
 Date: 11/20/01 7:53am  
 Subject: Microsoft Settlement

And this is what monopolies do:  
 Wall St. Journal, 11/20/01  
<http://interactive.wsj.com/articles/SB1006208124410658840.htm>

I figured maybe you people have forgotten why you originally sued MS. —

Pamela G. Niedermayer  
 Pinehill Softworks Inc.  
 600 W. 28th St., Suite 103  
 Austin, TX 78705  
 512-925-9313  
<http://www.pinehill.com>

**MTC-00001405**

From: RMaring478@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/20/01 8:39am  
 Subject: Disgrace  
 Renata Hess:

You have whitewashed this case. Please rethink what you have done in the name of fair competition.

Rick Maring

**MTC-00001406**

From: aymasley  
 To: Microsoft ATR  
 Date: 11/20/01 8:39am  
 Subject: amazing!

I am simply overwhelmed and amazed at how easy it must be to buy your way out of pemalties. Things aren't going your way, lets get (BUY) a new more sympathetic administration and we will be ok! The republicans and microsoft really pulled one this time...but just wait, it all comes around. We will bring it up in the next election.

**MTC-00001407**

From: Richard C(00F4)t(00E9)  
 To: Microsoft ATR  
 Date: 11/20/01 8:29am  
 Subject: Microsoft Settlement

To whom it may concern:

As a person who's been involved in computing for over 20 years, I'm quite disappointed with how little progress has been made in the area of usability. I've been a longtime Mac enthusiast, largely because Apple Computer has maintained innovation as a core value. But as hard as a few select hardware and software developers have tried, in the face of the difficulty so many people have in using computers as a so-called productivity tool, I ask myself, "Is that all there is?"

I am very disappointed with the direction the settlement is going against Microsoft. It's a deft twist of logic that Microsoft's defense is to protect their right to innovate, when countless elements of their products are ideas that have been either outright copied from others or "dumbed-down" implementations of a similar concept.

I do have respect for the market economy. I do feel that in order to survive, any product must have the right balance of satisfying a need of a customer, and should adequately reward the developer for their efforts required in making such product available. Once innovation stagnates, however, I don't see the value to the economy as a whole in merely churning profits, particularly in the computer industry, which is still in its nascent phase. Products such as wristwatches and bicycles have long since reached a point where their chief functionality has been satisfied, and innovation is less crucial. Moreover, I don't know of many people who are particularly intimidated by either of those products — something I cannot say of the desktop computer.

It reminds me of the automobile industry some 25 years ago, which seemed rather stale until the rising quality and better cost on imports began to outflank domestic auto giants. The complacency encouraged expensive, inferior products, and once something better did arrive, the industry shift was needlessly abrupt.

I believe that Microsoft's practises have chilled competition. Today, once the Internet browser leader, Netscape, is practically a parody of itself. Java, the "write once, run anywhere" language, is slowly being asphyxiated by Microsoft's ever-changing "standards" and protests. When importing text files from Microsoft products, invariably certain characters are transposed with others—flying in the face of the ASCII character standard, which, once adopted some 35 years ago, became the foundation of modern computing. Divide and conquer.

As a Canadian citizen, I have no voting power in the United States to express my

opinion on these matters. Nonetheless, computers are the centre of my working career, and I do know that their potential as a business, educational and informational tool has not yet been attained. I do feel that Microsoft's practises have become a barrier to that end, and would like to see that they be appropriately discouraged from continuing to operate as they do.

Sincerely,  
Richard Cote  
2306-23 Sudbury Street  
Toronto, Ontario, Canada  
M6J 3W6

**MTC-00001408**

From: Frank D'Angeli  
To: Microsoft ATR,microsoft  
comments@doj.ca.gov@inetgw,...  
Date: 11/20/01 8:28am  
Subject: Microsoft Settlement Not in Public Interest

Thank you for taking the time to read this email. As a professional computer user, and avid reader of the industry rags since 1984, with extensive experience with both Wintel and Mac computers, I feel compelled to let my thoughts be known regarding the Microsoft settlement. I had noticed since 1991 that Microsoft was strong-arming OEM's and competitors. I remember then wondering why the government was letting this happen. Microsoft had a choke-hold on technology and I was beginning to resent their hold because I noticed that the capabilities of my Mac were always introduced by Apple first and then copied (and not as well, I might add) by Microsoft. It made me mad that people that only used Windows would get technologies years after I had received them from Apple yet they thought Microsoft invented them. I knew this would slow the rate of innovation in the industry; affecting me, the consumer from being able to use technology that was being stifled by Microsoft.

I heard someone say that racketeering charges should be brought against Microsoft. I agree with that. But, as for the current settlement, please do all you can to have the original remedy reinstated; breakup Microsoft. They need their OS company broken into two or three pieces so that their goal of forcing their activation scheme, .NET, PassPort, Hailstorm, is not forced on customers that want windows but don't want to sell out their freedom.

One of most embarrassing days of being an American was when Bill Gates was asked by the Republican leadership why he wasn't donating more money to them. Here was a congressman, who is supposed to uphold the law, putting out his hand to a convicted monopolist and asking for it to be greased! Unbelievable.

Microsoft tried to kill the anti-trust division; they didn't succeed but they found another way to win, by making a back room deal with Charles James, who is a disgrace. Please fight this settlement with all you have for people like me that know the truth and know that Microsoft must, must, must be stopped and punished. Thank you.

Sincerely,  
Frank D'Angeli  
57 Pinkert Street

Medford, MA 02155

**MTC-00001409**

From: Don Tillman  
To: Microsoft  
ATR,dtillman@wright.edu@inetgw  
Date: 11/20/01 8:58am  
Subject: Suggestions.. probably not the first;  
Greetings!

My name is Don Tillman. I am the Computer Engineer with Wright State University's Department of Psychology. I have been working with computers for 17 years, 12 years professionally. Over the years I have been watching Microsoft and the industry in a microscopic and macroscopic fashion. From all of my reading about Microsoft (books, magazines and journals) and from my experiences as a technician of hardware and software (Mac, Windows(PC), and Unix) I have come to some conclusions.

\*It is clear that Microsoft is a monopoly.  
\*They are a monopoly in our department because of their Office software.

\*They are a monopoly with other software developers since Microsoft owns about 90% of the market share (operating systems): Software developers hardly want to consider developing for the Macintosh (Apple Computer) or Linux(Unix) since they seem to only have such a small market share. This is a BIG problem. This only helps the monopoly that Microsoft has.

\*It is clear that Microsoft has been helping it's own application developers with it's own undisclosed documentation about it's API's and they have abused that information to beat the competition by developing faster and more efficiently with those API's.

It is clear that WE NEED a STRONG remedy for the situation.

Your current remedy is not strong enough. Here is what I propose. . .

(1) Microsoft open all of it's file format for all of it's application software for 10 years. This would include Microsoft Office et. al. This would allow developers to write competing Office software that is file compatible with Microsoft's. This is crucial since competition cannot exist without being compatible with the biggest office suite in existence.

(2) A true breakup of Microsoft. It is clear that they are abusing their power and the only way to stop that (considering that they have not been cooperative on reasonable terms) is by making the giant smaller. Peroid.

Here are the groups:  
Applications (Office etc.)  
Operating Systems  
Software development tools  
Games and gaming hardware  
Educational Software

This will force Microsoft to behave by forcing to live by the rules that it has imposed on other companies in terms of competition and access to relevant API's.

Microsoft has had years to work with you and other companies politely and kindly. They have done nothing but stonewall the process and manipulate the media and deliberately piss off Judge Jackson so that they could trash his ruling. It is VERY OBVIOUS that Microsoft seems to think that they have to answer to no one. I SAY THAT THEY ARE WRONG! A slap on Microsoft's

wrist is the wrong message. They need to be emasculated!

Sincerely,  
Don Tillman

**MTC-00001410**

From: William Wang  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,. . .  
Date: 11/20/01 8:55am

Subject: Microsoft has gotten off too easy!  
Hello I would like to voice my displeasure with the feds settlement agreement. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses? I am very saddened that the history I learned in High school and the supposed laws I learned in college don't apply to a giant corporation like Microsoft. I guess if you are a big enough corporation you can use dirty, underhanded techniques to dominate the market and become the monopoly you wish. I urge you all to do something about this situation and punish those who break the rules.

Unless times have changed so drastically this is not the America that was once advertised.

Sincerely,  
William N. Wang, M.D.  
14 South Letitia St.  
Apartment 202  
Philadelphia, PA 19106

**MTC-00001411**

From: James O'Brien  
To: Microsoft ATR  
Date: 11/20/01 8:40am  
Subject: Public Interest

The DOJ settlement with Microsoft is in the public's best interest. The competitive playing field is open and level. There are many very substantial companies which have the intellectual and financial resources needed to successfully compete with Microsoft, including Oracle, SunMicrosystems, IBM, Compaq, Hewlett Packard, Computer Associates, Intel, Dell, etc. These companies are free to offer competitive products to the public, should any or all of them choose to do so. They certainly do not need Federal or State governments to help them compete.

The average consumer has benefited greatly from Microsoft's innovation, excellent products, and very affordable prices. DOJ's settlement with Microsoft is appropriate and in the best interest of technology consumers. Continued opposition to the settlement by certain States is irrational.

James E. O'Brien  
O'Brien Consulting, Inc.  
Winter Park, FL

**MTC-00001412**

From: Michael Lin  
To: Microsoft ATR  
Date: 11/20/01 9:04am  
Subject: Microsoft settlement terrible for public

Dear Justice Department:  
I will get right to the point: your settlement with Microsoft is shamefully inadequate. Even BusinessWeek, no enemy of the interests of corporate America, firmly

criticized the settlement as doing too little, both in what it did cover and what it did not.

I will not give technical suggestions on how the settlement can be improved. I am sure you have been receiving a lot of feedback in this area. I will only raise the very important issue of deterrence and punishment. When a criminal is convicted, there is usually some punishment. If not, there is the threat of future punishment to deter repeat offenses. In your settlement, I see neither. If I understand correctly, the only punishment if Microsoft violates the five-year accord is that the terms will be extended for another two years. You mean, the punishment for breaking an agreement and rendering it ineffectual (yet again), is that they will be asked to follow the agreement for a little longer? This agreement would be appropriate only if there had been no court cases, or if Microsoft had prevailed in court. However, we, the public, through the efforts of you, the Justice Department, have won repeated rulings that Microsoft broke the law.

Given that Microsoft's willingness to commit criminal acts has been proven, strong deterrence is needed. You should insist that if Microsoft violates the current agreement in the future, it will be broken up. Nothing less than the fear of breakup will deter Microsoft from acting however it will. The fate of the last consent agreement demonstrates as such.

Please remember that you represent us, the public, who are all consumers of computer software. It is your duty to serve our interests.

Sincerely,  
Michael Lin  
Children's Hospital, Enders 250  
300 Longwood Avenue  
Boston, MA 02115  
phone: 617-355-5949/8395  
fax: 617-738-1542

**MTC-00001413**

From: David Maxwell  
To: Microsoft ATR  
Date: 11/20/01 8:59am  
Subject: vs. Microsoft

Dear Sirs:

I am writing to notify you of my support for continued prosecution of Microsoft, in order that they may be more heavily censured. At the least I hope they are pressured to reduce their heavy-handedness, and at the best I hope they are restricted from their monopolistic practices. I am disturbed by Microsoft's behavior, and consider it to fit under the definition of racketeering in many cases. I applaud your efforts to investigate this matter and to protect the consumer. Please continue pressing for more severe penalties for Microsoft in order that the consumer and marketplace can benefit.

I am a U.S. citizen, but although I currently reside outside of the United States, I believe that this issue has a worldwide effect.

Sincerely,  
David Maxwell  
Higashi 1, 21-1 Aoi-cho  
Kakegawa-shi, Shizuoka-ken  
436-0018  
JAPAN

**MTC-00001414**

From: William Wang

To: Microsoft ATR,microsoftcomments

@doj.ca.gov/inetgw,...

Date: 11/20/01 8:59am

Subject: Microsoft has gotten off too easy!

Hello I would like to voice my displeasure with the feds settlement agreement. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses? I am very saddened that the history I learned in High school and the supposed laws I learned in college don't apply to a giant corporation like Microsoft. I guess if you are a big enough corporation you can use dirty, underhanded techniques to dominate the market and become the monopoly you wish. I urge you all to do something about this situation and punish those who break the rules. Unless times have changed so drastically this is not the America that was once advertised.

Sincerely,  
William N. Wang, M.D.  
14 South Letitia St.  
Apartment 202  
Philadelphia, PA 19106

**MTC-00001415**

From: Scott Turner  
To: Microsoft ATR  
Date: 11/20/01 9:39am  
Subject: Microsoft vs DOJ

Sir,

Funny how things go, when our Governor Bush won the election, the first thing I thought was, "Well, Microsoft just got off the hook." I really had hoped that the DOJ would hold Microsoft to the same standard that others are held, but it really does appear that they bought their president. After being found guilty of violating the Anti-trust laws, you let them off with a "Please don't be a bad boy."

They didn't follow any of the agreements that they had prior to this, what makes you think that they will follow any slap on the wrist agreement now? You must apply a stringent penalty to them. If they had competed, rather than start with the rather lopsided advantage that they did, they would have had to do thing differently. Lets face it, Microsoft doesn't compete. They apply try to apply what the Soviet military called the eleventh principle of war, anahilation. Or haven't you noticed that while releasing updates to their OS they have steadily increased their price of the OS, while providing "free" their web browser. Of course it's free. You pay for it when you purchase the OS.

That is why it is more expensive.

Scott Turner

**MTC-00001416**

From: James F. Palmer  
To: Microsoft ATR  
Date: 11/20/01 9:17am  
Subject: Microsoft Settlement

To whom it may concern,

I am a professor who teaches in a landscape architecture program and does independent consulting. I use both Wintel and Apple computers. I am disappointed in the recently announced Justice Department antitrust settlement with Microsoft. The settlement seems to me focused on protecting

of the right of computer sellers to advertise rather than to stop Microsoft from controlling the software market through their dominance in the operating system market. This settlement does little to nothing that will place Microsoft on an even playing field with other software developers. Microsoft's most recent operating system release has an even more inhibiting effect on users (including myself) who might purchase third party software and on developers who might write such software.

I understand that many are pleased to just have the whole thing settled. However, the settlement misses the point and lets the offender go free.

James F. Palmer, Ph.D., ASLA  
SUNY-ESF  
Syracuse, NY 13210

**MTC-00001417**

From: Philippe Roy  
To: Microsoft ATR  
Date: 11/20/01 9:17am  
Subject: Microsoft  
To: Attorney General  
From: Philippe Roy, 7770 Oak Grove Cir.,  
Lake-Worth, FL, 33467

Object: Seeking a non-monopolistic Software and OS market.

As we can see clearly with shipment of XP, Microsoft has not changed and will not change unless you do something about this. In XP, they are currently seeking the death of MP3. Given that they can't provide a better technology, they use there monopolistic market to leverage their own technology. It is exactly that kind of behavior that makes our technological lives totally miserable. Once a smaller company produces a winning product or solution, they create something hardly comparable and blocks the original solution from their OS. This is unacceptable. Bullying shouldn't be rewarded.

I strongly hope that you will pursue the avenue of breaking up Microsoft in 2 distinct and separated companies. This is the only solution that doesn't rely on having them understanding their wrong-doing.

Good luck and, should you succeed, we will be forever be grateful about your contribution to a successful technological non-monopolistic society.

Philippe Roy

**MTC-00001418**

From: John Konopka  
To: Microsoft ATR  
Date: 11/20/01 9:05am  
Subject: re: ms antitrust case  
Sirs,

I just wanted to drop you a line to say I am very disappointed with the proposed settlement in the microsoft antitrust case. I can't speak about this legally but I wanted to tell you that I really hope there is some way to secure stronger remedies in this case. If the government can't protect us from microsoft's illegal behavior who will?

Best Regards,  
john konopka

**MTC-00001419**

From: Ace Hobby Web (038) Graphics  
To: Microsoft ATR  
Date: 11/20/01 10:09am  
Subject: not much of a settlement

If the DOJ wasn't going to punish Microsoft, then why didn't they just say so, instead of pretending to do something with this sham of a settlement. I could enumerate the instances in which they violated the law and attempted to deceive the court, but you should already know those facts.

Is the DOJ familiar with the eponym 'Quisling'?

Dan Poynter  
Webmaster, Graphics Department  
Ace Hobby Distributors, Inc.

**MTC-00001420**

From: Howard Robinson  
To: Microsoft ATR  
Date: 11/20/01 9:49am  
Subject: Microsoft antitrust case

I do not think the government really sees the real problem with Microsoft. The only way to move forward is sperating the operating system from applications. Why?

When the upgrade from Windows 95 to 98 came out, guess what. The best selling video board, best selling sound board, the Jaz 1GB backup unit would not work any more. Why? Because MS changed their software so the drivers would no longer work since these companies would not kiss up to MS. We all had to work around the problems until the drivers were reworked. MS knew this all along. What did that cost little users like me? Too much! Out of the 5 major word processors in the last 15 years, MS actions has killed three of them. All of which are better than any copy of MS Word. The fifth one did themselves in without help from MS. We are now left MS Word. It is a very poor, buggy program that can't do what the other three could do. (And I still use two of them all the time and use Word only when others require it. And then I convert Word to XY to operate.)

Why does MS operating systems crash? Because they can't or will not write a good memory manager. (Good ones like QEMM & OS2). MS does not use the memory protection levels in the Intel chips because by not using them it is easy to block other companies application programs and drivers. O, but controlling MS with slow down the great progress MS has made for us in software! If you believe that, I has some swamp land for sale for you. All during the 80's we had freeware/shareware add ons to the operating system that its still ahead of anything MS can do. (And I still use for serious computing.) Now every good fix/add-on that comes out, MS quickly makes a change in the operating system so it will not work anymore. But, it does not matter if the government solves this problem. The real world and market place will find other solutions to MS and their poor controlling software. Most of us serious computer users are finding ways around these problems and in ten years MS will not be needed anymore. The problem is it cost us lots of money and time to solve/fix the problem generated by MS continued sabotage of others software. Why should it all operate the one way MS wants it? Its a computer that can be programmed anyway we want to do things. In the end we will control it. We just don't have billions of dollars to do it like MS.

Howard Robinson

2420 Westridge  
Plano TX 75075

**MTC-00001421**

From: bobj@msn.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 9:46am  
Subject: this is fun!!

You have got to check this out!!! Its unreal!! Just click on the link....Bobbie http://go.readclick.com/refid.cgi?refid=145380

**MTC-00001422**

From: Jim  
To: Microsoft ATR  
Date: 11/20/01 9:41am  
Subject: Microsoft settlement

I respectfully submit these comments and observations. I am a technologist who has been in this industry since 1985. I currently work for a brand building corporation that uses both Windows and Macintosh systems. In a prior career I worked for Ameritech (now SBC) for 30 years, five of which were in the IT organization.

It appears that Microsoft has again accomplished its objectives and will continue now on its campaign of total dominance of anything it chooses. I fail to understand why our US Justice representatives, would once again offer a simple slap on the wrist to a company that has ignored a similar punishment in the past. Clearly, this approach has not and will not work. Microsoft has so many ways to interpret this proposed agreement that it is a total waste of paper. Were they not convicted of being an illegal monopoly? Did they not destroy competition in as many ruthless and illegal ways as they desired? Will this agreement, increase competition? Is this agreement good for our future? I believe, along with many others, that the answer to all these questions is a resounding NO.

I strongly encourage you to persist in your efforts to vigorously bring this case to justice. A justice that will encourage competition and send a clear message to Microsoft and any others who operate outside the law. Microsoft's aggressive and illegal behavior should be curbed once and for all. It is harmful to our future IT economy to allow this evil doer to continue in its illegal pursuits.

Respectfully submitted,  
James R. Felbab  
Technologist,  
Hanson, Dodge Design  
jfelbab@hanson-dodge.com

**MTC-00001423**

From: Digital Solutions  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 10:19am  
Subject: Disappointed in Microsoft Settlement

It really is a shame to see big business act the way Microsoft behaves. If all the AG's and Justice would take a hard look at the nose thumbing that Microsoft performed with XP, you would see blatant disregard for any laws. Why did the settlement come after WinXP was released? Microsoft rushed the release because once the cat was out of the bag, no one was going to put it bag in. Look at all the added software that XP has

included. This exactly the same argument as the browser tying issue.

I want everyone to take a look around themselves and examine the impact that Microsoft has on every element of society. Is this good? If you answered yes, then it will only get worse. (i.e. Xbox, Passport, MSN browser lockout, Windows Media Player music files on CD, list goes on). If you think that it is unhealthy for one company to dictate how we live and use their power to cripple consumer decisions, then the settlement as we know it must be adjusted for harsher terms.

Ray George  
Product Line Manager  
Digital Solutions  
3057 Union Street  
Bellaire, OH 43906  
740-676-8776 x222  
740-676-4441 fax  
CC:Microsoft  
ATR.attorney.general@po.  
state.ct.us@inet. . .

**MTC-00001424**

From: Oz Barron  
To: Microsoft  
ATR.consumer@mail.wvnet.edu  
@inetgw.attor. . .

Date: 11/20/01 10:19am  
Subject: Regarding the settlement

Thank you for providing the ability for the public to comment on the proposed settlement to the Microsoft case. As as been established for years, Microsoft has indulged over and over again in anti-competitive, predatory monopolistic behavior. The list of companies they have killed, and the technologies they have crushed grow longer every day.

If there were one isolated issue, or a short term business practice involved, I would agree that a soft penalty as is proposed would be appropriate, but Microsoft's history and on-going business practices show a blatant disregard for the letter and spirit of the law.

Through their illegal behavior, Microsoft has established themselves as a monopoly and they have grown wealthy at the expense of true competition and the budgets of millions of technology users. Across the board, we have seen technology prices drop, from hardware to software, except in the case of those tools developed by Microsoft. Competing products, such as word processors, spreadsheets, and even operating systems, have no real chance of competing where the basic rules are written and closely guarded by one company.

To use an analogy, it is as if Ford owned the exclusive right to produce oil. We all have to use it in one form or another, but Ford would be free to sell it for any price they chose, and to restrict its access and use in any way they see fit.

This is very similar to the current climate in the computer industry. I strongly urge you to reconsider your stance, and to apply much stronger penalties in this case. Allowing Microsoft to continue on as usual, as they will under this proposed agreement, will continue to stifle competition and innovation in the industry. After all, Microsoft has not developed ANY new technologies themselves, with the exception of the Access

database, a product so poorly written, it is given away free.

Thank you for your time.

A bit about me: I have been involved with the personal computer industry for over 20 years. I remember when MS first started. I have used every operating system on the desktop from CP/M, DOS, Windows 1.0, Atari, Amiga, Commodore, OS/2, NT, Unix, Mac OS 9, and now Mac OS X. I am not a kid with wild eyes and an axe to grind, I'm just a small business trying to earn a living, but Microsoft's predatory practices continue to cost me a significant amount of money.

Oz Barron  
6 Moraine St  
Belmont, AM 02478  
617-489-8703

**MTC-00001425**

From: Kevin Walker  
To: Microsoft ATR  
Date: 11/20/01 10:18am  
Subject: Comment on Microsoft anti-trust case

To whom it may concern:

I have long experience with personal computers, and it is clear to me that Microsoft's operating system monopoly is very harmful to consumers.

The proposed settlement falls far short of giving consumers the full benefits of a free market.

Kevin Walker  
3481 Redcliff Rd  
Moab, UT 84532

**MTC-00001426**

From: carriecarrie@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 10:11am  
Subject: Giving Away the Store

Mr Attorney General,

Is it customary to give up when an appeals court has declared you a victor? I cannot express fully the distress I feel over the DOJ mishandling the Microsoft anti-trust case. After the appeals court decision stating that Microsoft is indeed an illegal monopoly, the DOJ turns around and gives away the store.

Shame on Attorney General John Ashcroft for not standing up for the rule of law and not standing up for the American people. Janet Reno would never have denied us justice like that.

Carrie Beal  
129 Painted Post  
Bastrop TX 78602

**MTC-00001427**

From: Jacob Engstrand  
To: Microsoft ATR  
Date: 11/20/01 10:27am  
Subject: Comments

Hello,

My name is Jacob Engstrand, and I've been a professional computer programmer for over 10 years.

I'm not a lawyer in any way, but from what I understand, the settlement between the US government and Microsoft will not stop Microsoft from breaking the law and hindering innovation like it has done for several years now.

Something more than suggested by the current settlement must be done to stop their illegal behaviour.

Respectfully,  
Jacob Engstrand  
Uppsala, Sweden

**MTC-00001428**

From: Jobs(a)impactsolutions.com  
To: Microsoft ATR  
Date: 11/20/01 10:23am  
Subject: Microsoft

Hello,

The following is from www.news.com: "Microsoft, which recently reached an antitrust settlement with the U.S. Justice Department, is on the point of settling a raft of private antitrust cases, according to a report Tuesday.

The Wall Street Journal reported in its online edition that the software giant has tentatively agreed to give software and computers to more than 14,000 of the poorest U.S. schools over a five-year period, which would help resolve the majority of its pending private class-action lawsuits."

I would suggest that you mandate that Microsoft purchase Macintosh computers and software to settle this case. Forcing another 14,000+ schools to use Windows and Microsoft software isn't a very harsh punishment—Money is like water to Microsoft and you are essentially allowing Microsoft to purchase market share.

In fact, Microsoft (along with Dell) has targeted schools as a growth area—one long dominated by Apple Computer. This so called settlement allows them to buy market share, which they will later tout to the detriment of Apple Computer.

Believe me, if this proposal is agreeable to Microsoft, there has to be an upside or they wouldn't even consider it.

Does this proposal provide a school with a choice of computer platform? If a school wants Macintosh Computers, is that OK under the terms of this settlement?

I don't see how this kind of settlement prevents Microsoft from using its monopolistic power to do further damage to competitors.

Definitely worth looking into.

**MTC-00001429**

From: Ben Eastwood  
To: Microsoft ATR  
Date: 11/20/01 10:22am  
Subject: The deal

I would like to register my support for continued prosecution of Microsoft. As a user of Microsoft products, I feel that I am being for to take "new and improved" Microsoft upgrades at an unfair price. I also feel that they are indeed using their operating system monopoly to leverage their way to dominance of web access, streaming media delivery, office productivity, and many other aspects of the technology sector. Please don't let them off easy.

Ben Eastwood  
IT Manager  
wilweb.com

The above opinions are my own and may not reflect those of my employer.

**MTC-00001430**

From: Michael Scaramozzino  
To: tom.reilly@ago.state.ma.us  
@inetgw\_microsoftcomment...  
Date: 11/20/01 10:41am

Subject: Thanks for standing firm!

Dear Attorneys General,

I just wanted to commend you all on standing firm against the enormous pressure to settle the Microsoft anti-trust case. I only wish the DOJ and other AGs had as much fortitude. Microsoft found ways around previously imposed sanctions and I fear that any type of penalty, short of structural, will simply fail to sufficiently reign them in.

I've been president of a multimedia company since 1987 and I have watched Microsoft imitate and extinguish numerous innovations over the years. They see an innovation in the marketplace and quickly move to kill it, by copying it into their monopolistic Windows operating system. They then use their monopoly to erect sufficient roadblocks to competition so that their version will win out.

Here are just a few examples that come immediately to mind...

Windows itself was an imitation of Macintosh

Excel was an imitation of Lotus 123

Word was an imitation of WordPerfect

Windows Media Player and AVI were imitations of QuickTime

ActiveX was an imitation of Java

JavaScript was an imitation of JavaScript

MSN was an imitation of AOL

MS Instant messaging was an imitation of AOL's instant messaging

Internet Explorer was an imitation of Netscape Navigator

MS Money was an imitation of Quicken

Even MS-DOS wasn't "innovated" by Microsoft, it was imitated from CPM

I honestly can't think of ANY product that Microsoft invented or innovated by themselves without copying it from some other company first.

In my opinion, the only way to really level the playing field, is to separate the operating system from Microsoft's other product divisions, structurally. Prevent the new system company from colluding with the new applications company and prevent the system company from incorporating stand-alone third-party products into the operating system in the future.

Short of that, it will quickly return to business as usual at Microsoft and innovation & competition will continue to be stifled.

Thanks for standing firm,

Michael Scaramozzino

President, DreamLight Incorporated,  
Woburn MA

<http://DreamLight.com>

CC:Microsoft ATR

**MTC-00001431**

From: Peter Gray  
To: Microsoft ATR  
Date: 11/20/01 10:39am  
Subject: Microsoft.

Should Microsoft receive harsher penalties?

I am very disappointed with the Feds settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement. This settlement is to the benefit of Microsoft and not to the markets and consumers.

It seems to me that Microsoft has indulged in not only anti-trust violations but

racketeering as well. Monetary reparations will do nothing to stop their abuses that have stifled the computer industry for years and years.

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to continue this case until an appropriate separation of Microsoft entities is made.

I urge you to continue this case. Do not fold in the face of adversity. You stand for everything this country was found on. Freedom.

God Bless you.

Best Regards,

Peter Gray

155 West Concord st

Boston MA, 02118

**MTC-00001432**

From: martin.william@heb.com@inetgw

To: Microsoft ATR

Date: 11/20/01 10:39am

Subject: Microsoft settlement

Microsoft has way too much control already, over the direction that the user may take on the internet.

Many people are new to the internet, and MicroSoft attempts to limit their choices, and often the route that MicroSoft uses is of lower quality or less reliability than other choices that are available.

Nothing short of a strong hand is going to prevent MicroSoft to continue to act in a very non-competitive manner.

You are dealing with a Corporation that believes they are a special case, that they can set themselves above their competition...and even above the government offices of the United States of America.

They will look for and find any cracks and crevices, loopholes that they can exploit. They will interpret the rulings in their own favor rather than to the letter of the ruling.

Their purpose is Power and Control, rather than the betterment of the World, as they claim. Users and the internet as a whole will thrive and innovate far more, with strict controls on Mr. Gates and his company. MicroSoft does NOT innovate, by the way. They copy what others are doing, and use every resource at their command to crush those who are the real innovators, and who wish to compete in the marketplace. The marketplace will cease to exist if MicroSoft is not brought to heel with a sharp rein.

Bill Martin

13330 Blanco Rd.

1401

San Antonio, TX 78216

**MTC-00001434**

From: Carlos Edwards

To: Microsoft ATR

Date: 11/20/01 10:51am

Subject: Microsoft Trail

I am very disappointed with the outcome of the Microsoft trail. I believe harsher penalties should be enforced. Please do not back down, do not settle.

Sincerely,

Ronald Edwards

270 South 5th Street

Brooklyn NY, 11211

**MTC-00001436**

From: Dewayne Christensen

To: Microsoft ATR

Date: 11/20/01 10:49am

Subject: MS Settlement

Short and sweet: My personal opinion?

This settlement is a joke. You guys had them and blew it. My only hope now is that Microsoft will follow in IBM's footsteps and screw themselves up.

Dewayne Christensen

241 NE 59th Terrace

Topeka, KS 66617

**MTC-00001437**

From: william lane

To: Microsoft ATR

Date: 11/20/01 10:43am

Subject: Don't Quit

Please DO NOT cave in on this Microsoft thing. The proposed solution looks like capitulation by the DOJ.

William Lane

Via OSX Mail

Calgary, Canada

**MTC-00001438**

From: Kyle Crawford

To: 'Microsoft.atr(ajusdoj.gov'

Date: 11/20/01 10:58am

Subject: MS Case Settlement does not go far enough

What about the damage caused by Microsoft's monopolistic practices? Many companies have been either put out of business or reduced to a niche market.

The settlement does nothing to address the damage already done. It is too little too late. The damage is done. Microsoft is a stronger monopoly because of their illegal practices. Why wouldn't any other company practice the same crimes when they will come out ahead anyway? Microsoft needs to be held accountable for past actions and the effects of their actions.

Kyle Crawford

4 Sunset Drive

Douglasville, PA 19518

CC: 'microsoftcomments(a)doj.ca.gov', 'attorney.general...

**MTC-00001439**

From: Rawls

To: Microsoft ATR.ag@oag.state.fl.us@inetgw

Date: 11/20/01 10:58am

Subject: Comments

With respect to the proposed Consent Decree ("Decree") between the United States Department of Justice ("DOJ") and the Microsoft Corporation ("Microsoft" or "Company") in settlement of the antitrust action between DOJ and Microsoft, I must express my condemnation of the Decree in the strongest possible terms and I respectfully request that the Court reject the Decree for the reasons set forth below.

The Decree in no way serves the public interest or the public good.

The Decree approaches, but does not even achieve, a mere slap-on-the-wrist for the continuing behavior of this convicted, unrepentant abusive monopolist.

There are no penalties imposed for Microsoft's behavior whatsoever. Why are there no fines, no court costs, and no DOJ costs of prosecution being recovered? Why

are no damages of whatever type being paid? Why is the management of Microsoft—the same management that has blatantly breached previous settlement agreements—being allowed to remain in charge of the Company?

It is possible for a reasonable person to view the behavior of Microsoft as racketeering and the Company's actions should be investigated to determine if such actions in fact fit that pattern.

In summary, the Decree lacks penalties that fit the crime. The Decree will not end Microsofts monopoly abuse behavior and will encourage the continuation of such behavior in the future. I predict the government will soon be back in court with another Microsoft antitrust suit if this

Decree is accepted.

Thank you. (signed)

F. Rawls Sansone

7401 NW 85 Street, #105

Tamarac, FL 33321

CC:microsoftcomments@doj.ca.gov

@inetgw.attorney.gener...

**MTC-00001440**

From: Rob inCH@ao1.com@inetgw

To: microsoftcomments@doj.ca.gov@inetgw

Date: 11/20/01 10:56am

Subject: Racketeering

Mr. Attorney General of California:

Please do not accept the inadequate settlement being pushed by the Federal government for the Microsoft matter. As a computer-using citizen of this state ! urge you to protect your constituents from what is really something like corporate racketeering. How many small tax-paying California companies have been driven under or hobbled by Microsoft's illegal practices? That translates into less revenue for the State and higher taxes for the rest of US.

Stand your ground and demand that they pay the appropriate penalty for the damage have and continue to cause. Please protect us.

Robert Huber

20095 Nob Hill Dr.

Yorba Linda, CA 92886

CC: Microsoft ATR

??? Please get off Bill gate's back, & try catching dangerous crooks for a change!!!

Join the world's largest e-mail service with MSN Hotmail. Click Here

**MTC-00001441**

From: Stan Gould

To: Microsoft ATR

Date: 11/20/01 10:52am

Subject: MICROSOFT SETTLEMENT DOJ

In short, I think the government threw in the towel much too soon. From way back in the days of DOS, Microsoft has repeatedly demonstrated an inability to tolerate competition. A small company, whose name I do not remember, came up with a way to compress DOS files in the mid 90's. It was very popular, as it allowed for increased storage on hard disks that were very expensive at the time. Microsoft put the software in its update to DOS and crushed the company. This was just the beginning...

Recent news reports state that Microsoft invested in Corel, the company that owns the

rights to WordPerfect. Corel recently announced that they will no longer make WordPerfect for the Mac. Looks like Microsoft killed the only real competitor to Word for the Mac market. Of course, they will still allow it for the PC market, as they must maintain the illusion of competition.

And now, Microsoft wants to control the Net and forces users to call them to reinstall XP? The monopoly continues. I hope the states' attorneys general continue their lawsuit.

Thanks for the ability to comment.  
Stan Gould

**MTC-00001442**

From: stephen.varin@uniontrib.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 11:03am  
Subject: Is economic aid next?  
There is no justice in this settlement.

**MTC-00001443**

From: Charles S. C. Clement  
To: Microsoft ATR  
Date: 11/20/01 10:59am  
Subject: Microsoft settlement  
Shame on you for caving in!  
Microsoft has done and continues to do serious damage to the competitive marketplace in which they operate. Past legal actions have done little to change their behavior and nothing to change their attitude. Significant remedies are needed to keep them in check. If you need reassurance, witness the glee and excitement expressed by Gates, Ballmer, et al after the settlement was announced—they know they're getting off easy. Consider these facts:

—you and eighteen states felt strongly enough to press the case in the first place  
—numerous additional, credible charges of anticompetitive behavior have surfaced outside the scope of the formal litigation  
—it is widely accepted that Microsoft has ignored and/or flouted earlier court orders  
—the EU is pursuing several investigations of Microsoft's anticompetitive behavior

Where there's smoke, there's fire! The rush to settlement seems to have been prompted by concerns about the economy in the aftermath of September 11. The argument suggests that unshackling Microsoft can help boost the economy. This is debatable, but even accepting it as true does not make it a good idea—the short term boost to the economy has to be weighed against the long term harm caused by Microsoft's ruthlessness and the potentially huge economic opportunities created by unshackling innovation, the true casualty of the Microsoft's behavior.

It makes me sick every time I hear Bill Gates talk about innovation. Sure they've added value, but Microsoft bought or copied many of their best products. And we may never know how many great ideas/products/companies they squashed along the way. So, not only are they not innovative but they actively hinder innovation!

In the interest of full disclosure, you should know that I am a Microsoft stockholder.

If the barn door is not yet completely closed, I urge you to revert back to your earlier stand against Microsoft.

Charles S. C. Clement  
P. O. Box 882  
Norwich, VT 05055

**MTC-00001444**

From: Jeremiah Connelly  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw....  
Date: 11/20/01 10:59am  
Subject: Please do not let Microsoft get away with their crimes.

I am writing to state that it is my opinion Microsoft has illegally harmed my Kansas business and the businesses of my customers by abusing their monopoly.  
Jeremiah Connelly

**MTC-00001445**

From: Chris Ruggiero  
To: Microsoft ATR  
Date: 11/20/01 11:14am  
Subject: Don't settle!

Greetings, My name is Chris Ruggiero, and I am disgusted with this whole idea of letting Microsoft off with what appears to be a slap on the hand. I strongly encourage you to seek much harsher punishment for Microsoft's illegal monopolistic practices, we need to show not only Microsoft but any other company out there that this kind of illegal practice will not be tolerated.

Please do not let them get away with this, right now they are laughing at you all the way to the bank!

Chris Ruggiero  
573 Emerald Ave #4  
El Cajon, Ca 92020  
Chris

**MTC-00001446**

From: Mr. Gutierrez  
To: Microsoft ATR  
Date: 11/20/01 11:14am  
Subject: comments

To whom it may concern,  
I thank you for allowing the public to provide input in this matter. I would like to be brief with this. It is obvious that there is a monopoly and the justice department cannot receive enough evidence from the software developers because this would doom their businesses. In my own opinion, Microsoft needs to be broken up into three separate companies. The Internet and server software group, the application software group and the Operating System Group. This would prevent them from monopolizing the entire software market any further. Even the video game market is going to be taken over by Microsoft in the next year. The company needs to be broken up to allow for better competition which will in turn bring about better products for the customer.

The lack of competition in the OS market has left 95% of the entire computing world using the most ineffective OS in the market. Windows not only provides hackers access to personal files but allows individuals with malicious intents to create harmful and widespread viruses that end up infecting the majority of computer systems. Mac users and Unix users usually are immune to these attacks because the viruses are not written to attack these systems. Please, there must be something done to diversify the OS market and allow some competition within this segment of business. When ever some new

technology comes into our lives, one company seeks to dominate which Microsoft has. ATT did the same thing and now prices are down and the products and services have greatly improved. Please do the same for this new technology. Competition brings about change and better products for everyone. It's the American way.

Sincerely,  
Ignacio T. Gutierrez  
Director of Computer Services  
St. Augustine School  
1300 Galveston  
Laredo, Texas 78043  
956-724-8131  
director@st-augustine.org

**MTC-00001447**

From: Jim Brager  
To: Microsoft ATR  
Date: 11/20/01 11:13am  
Subject: Microsoft Settlement.

As an interested observer of the case against Microsoft, I am still, after all the years the DOJ has spent litigating this case, trying to determine where I, as a consumer, have been harmed by the business tactics of Microsoft.

When Microsoft began producing their products, they met, and continue to meet, all of my desires for efficiency and productivity in the "home computing" area. The mainframe platform is easy to use and allows me to navigate whether I'm at home, traveling, or visiting locally.

The convenience of "integration" of their products has been a blessing to my computing needs, not a hindrance.

If the firms of "Silicon Valley" are unable to compete against the Microsoft products, it isn't due to Microsoft's products, but rather their own inefficient systems that cause the marketplace not to purchase them. Rather than whining and run crying to the DOJ, Silicon Valley should invest in the personnel and R&D to really compete. After all, that's the American System— Competition! Microsoft may not always compete fairly, but that's business, as much as it is in life everywhere. Can you imagine if the San Francisco Giants were told not to put Barry Bonds into their lineup against Toronto, because Barry hits too many home runs! If you want to play the game, then compete, don't ask for someone else to lower the quality of the competition!

Bring this case to a close now with this pending agreement. Our nation needs to get back to the job of growing the economy, and as can plainly be seen, the financial health of the nation has gone downhill since this case began. It's time to end it now.

James Brager  
6502 W. Wahalla Ln  
Glendale, AZ 85308

**MTC-00001448**

From: Jeff White  
To: Microsoft ATR  
Date: 11/20/01 11:10am  
Subject: MS Case comments

I would like to add my comments on my perspective of the Microsoft case. As an educator in the state of Pennsylvania, I have been "forced" to use Microsoft Office because the State has adopted it as the

standard software. Normally, this wouldn't disturb me, but in this case it does. The reason is that in order to win the bid, Microsoft drastically subsidizes their software. What would be a \$500 product when purchased on the open market is only \$55 when purchased by schools or colleges. No other vendor could reduce their product that much in cost to compete. The result? Microsoft takes over the office software market and pushes all competition out. They are either substantially undercutting the competition's prices by selling their product below cost, or they are price gouging on the open market. In either case, they have destroyed any sense of competition.

Furthermore, but "forcing" the state to accept a "deal they can't refuse," Microsoft has brought a burden to schools. I was the former Director of Technology in a school district for over 6 years. During that time, we installed over 800 computers and purchased and installed ClarisWorks/AppleWorks on all of the machines. Now, in order to maintain the standard with the state, the district is forced to change their software resulting in a cost for the software, cost of installation, cost of training, and countless hours of instructional prep time lost to converting files to a software package that doesn't have as many capabilities. So much for freedom of choice within schools to teach following best practice principles.

Lastly, since many schools use Macintosh computers, Microsoft consistently offers late, meager upgrades to their software for Mac users. Hence, the Windows users are always ahead, which is an unfair advantage by the company that makes Windows.

In my opinion, the company needs to be broken into two separate unrelated entities.

Sincerely,  
Prof. Jeff White  
Kutztown University

**MTC-00001449**

From: Brian Clark  
To: Microsoft ATR  
Date: 11/20/01 11:23am  
Subject: Microsoft Anti-trust resolution comments

Hello,

I am disappointed that you did not go far enough in limiting Microsoft's monopoly powers with regards to bundling products with its Windows operating system. As Vice President of Information Technology for my company, I hate the fact that Microsoft has so much control over the computers and software that we purchase. As a consumer, I want choices.

I don't want Microsoft to dictate to me how and when I use their products.

Sincerely,  
Brian Clark  
Vice President  
Information Technology  
BrannWorldwide  
<http://www.brann.com>  
847-943-2100 tel.  
847-943-2101 fax

**MTC-00001450**

From: David Black-Schaffer  
To: Microsoft ATR  
Date: 11/20/01 11:21am

Subject: Microsoft AT Settlement

Hello,

I just wanted to pass on my thoughts regarding your proposed settlement with Microsoft. It is clear that Microsoft has flagrantly abused its monopoly position and I believe your restrictions will not be effective as technology changes. Microsoft has demonstrated a masterful ability to take advantage of new technological distribution channels and business models to extend its business influence and I believe it will continue doing so since the new restrictions can not anticipate all new technologies. I believe the only way to prevent Microsoft from continuing to abuse its monopoly position is to introduce competition in its sphere of influence by forcing its various units to compete rather than collaborate. If you doubt this, consider if there is any other approach which would lower the price for consumers. As things currently stand, if you sell the OS and the key applications you have no incentive to try and make users use one or the other since they will buy both.

Good luck!  
—David

**MTC-00001451**

From: Alexander Odood  
To: Microsoft ATR  
Date: 11/20/01 11:15am  
Subject: What a Shame

We had our one great opportunity to stop the bully and bring some real innovation back to the market. Instead Microsoft gets off with a slap on the wrist and is sent off to continue on its merry way to gobble up any and all remaining free markets.

As a consumer I am appalled at the governments apparent lack of balls to see this thing all the way through. Microsoft will never voluntarily give up or curb its practices. They have everything to gain and very little to lose by just plowing ahead and stomping on anyone who gets in the way. It saddens me that ten years from now when we have to go through this whole thing again we will wish that we had solved the problem when we had the chance.

alex

**MTC-00001452**

From: Carl Fink  
To: Microsoft ATR  
Date: 11/20/01 11:15am  
Subject: Time for this monopoly to end!

To whom it may concern,

It's time to weaken the grip that Microsoft has on the US and the world. Over the last 20 years they have consistently used predatory tactics against competitors. They have driven many of their competitors out of business because they own the operating system. They have effectively kept their API's secret and used them to leverage their applications. While the tactic has been effective against their competition, this is like owning the product, the railroad and the track. It was wrong in the 1900's and it's wrong now. Microsoft has laughed at past punishments and I believe they will continue to do so. The latest agreement is a slap on the wrist for some rather nasty business practices. It should not be supported. Judge Jackson was right, it's time to split the company in two.

Carl Fink  
Rochester, NY

**MTC-00001453**

From: James Reynolds  
To: Microsoft  
ATR, uag@att.state.ut.us@inetgw  
Date: 11/20/01 11:26am  
Subject: Microsoft Settlement

Since when does a judge give a killer a light sentence when the killer does not express remorse? And since when does a judge not put a killer in jail who shows an inclination of killing again? I don't see any remorse or indication Microsoft is changing their illegal behavior.

I feel that the breakup order should not have been reversed. That punishment was just and appropriate. Please come up with a punishment just as strong as a breakup. The current settlement will only inconvenience Microsoft a little, and does very little to stop their illegal behavior.

Sorry I can't provide the evidence that Microsoft is still behaving illegally. But it is widely published and easily visible if you start up Windows XP and try to use it for a little while (but don't ever type in your credit card number or soon you will be singing "Where did all my money go?").

Microsoft is greedy and indifferent and will not stop breaking the law unless harshly punished.

Thanks:  
James E. Reynolds  
1030 W. 500 S.  
SLC, UT, 84104-1314  
801-322-5259

**MTC-00001454**

From: Atkinson Computing Services  
To: Microsoft ATR  
Date: 11/20/01 11:25am  
Subject: Microsoft case  
Hello.

If you're keeping track of how the public feels about the proposed settlement with Microsoft, put me in the "not satisfied" category. It escapes me how a company can receive such a hand slap in light of their past conduct. Like the O.J. Simpson case, this settlement undermines my already shaky confidence in our system of justice. It only shows that if you have enough money and clout, you can break the law and then buy your way out of any legal repercussions.

David Atkinson  
26325 Ohio Avenue NE  
Kingston, WA

**MTC-00001455**

From: James G. Downward  
To: Microsoft ATR  
Date: 11/20/01 11:24am  
Subject: Microsoft Settlement

I am distressed that the proposed settlement is far too lenient and that Microsoft's monopoly will continue to grow leaving computer users with increasingly fewer options for desktop software and operating systems.

If you look at the new "Technologies" or "Features" which are introduced as part of Windows XP the future looks grim. We may be forced to store personal data using Microsoft's Passport in order to use web commerce, we may be restricted to only

playing multimedia sound and movies using Microsoft's proprietary media format, our desktop applications and web pages may automatically sprout unintended web links to Microsoft sponsored sites, and we will be forced to pay monthly fees to Microsoft in order to use their software.

As long as Microsoft controls both desktop applications and the operating system, it will continue to strangle innovation, force users to pay outrageously high prices for software, and behave like 500 pound gorilla.

Jim Downard  
2740 Lowell Road  
Ann Arbor, MI 48103

**MTC-00001456**

From: Steve Poole  
To: Microsoft ATR  
Date: 11/20/01 11:24am  
Subject: horrifying decision

As a long-time software engineering professional in the state of Washington I can tell you first hand that Microsoft is relentlessly predatory and unethical in its dealings with ISVs in addition to OEMs. The DOJ settlement with a proven illegal monopolist is appalling, and the ridiculous loophole of "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." in the settlement definitions is absolutely obscene. Just about the only thing I respected the Clinton administration for was taking on Microsoft. The Bush administration has betrayed my vote, and threatened my livelihood and that of thousands of other software professionals with its handling of the matter. I am disgusted and will not forget.

Steve Poole  
9512 13th Ave NW  
Seattle, WA 98117

**MTC-00001457**

From: Hotmail  
To: Microsoft ATR  
Date: 11/20/01 11:42am  
Subject: Microsoft

Dear Sir's;  
I used to be a staunch supporter of Microsoft in it's early days because they used to be very customer oriented and did what made sense. That has all changed. Now they only do things that makes sense for them and anything to take more money out of customers pockets. I, for one, hate to have a conglomeration of software loaded on my computer that I will never use and I am forced by Microsoft to have it on my computer. There is no way of removing it without major and complex jirations that even some computer consultants (like myself) are reluctant to undertake.

The more complex a program, the more likely a possibility of bugs and breakdowns. There is clear evidence of it that even Bill Gates has recently admitted to (he has promised in recent talks to "fix the PC in the next decade).

A more viable solution would be to allow the customer to choose the features that they would like on their computer at setup time much like they choose various application software now. An operating system should be just that—an operating system. The customer

should have an option to choose the applications that they wish to install and not be forced by Microsoft to install everything from them.

Microsoft has adopted a posture of forcing themselves on the customer and since Microsoft has developed a monopoly on PC installations the customer does not have a choice but to buy their system if they wish to be somewhat compatible with the industry.

I say, break them up and allow for a more competitive environment. It worked with the long distance telephone industry and the public is enjoying long distance telephone rates that are the same as or cheaper than local rates. Same thing will happen in the computer industry if you succeed in breaking up

Microsoft. There are software companies that are selling their software for \$30 to \$100 and are able to make a profit. The same thing can be true for an operating system. Microsoft has been jacking up the price of the operating system more and more as they gained more and more of the monopoly on it. Only three or four years ago they used to sell Windows for under \$40 and now they have it at \$300 and even the upgrade is at \$200. I bought the Visual Studio at \$400 just a couple of years ago now it is at \$1000.

When engineering costs are recovered a product usually goes down in price. Not with Microsoft. It keeps going up proportionately to the amount of monopoly control that they have.

I hope I had given you enough reasons to break them up. If you need more, let me know and I'll spend some time and do some research and provide you with more.

Don Schlesak—Computer Consultant/  
Owner  
Donlin Services Inc.

**MTC-00001458**

From: mstultin@csc.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 11:43am  
Subject: Very disappointing

Around here, in Huntsville AL, it seems we have given up fighting Microsoft's strong arm tactics (bordering on racketeering). It appears an unwinnable battle because of the strength of their illegally gained strangle hold on our industry.

The DOJ was supposed to help. The DOJ let Microsoft walk all over them. Microsoft representatives are surely having a hard time not chuckling when discussing their "penalties". Who does the DOJ represent? Certainly not the citizens it appears.

Very disappointing. But at least a few states are listening to their citizens.

Mike Stulting  
1919 Shellbrook Dr  
Huntsville, AL 35806  
—— Mike Stulting mstultin@csc.com  
—— CSC (256) 885-7369

**MTC-00001459**

From: bob frost  
To: Microsoft ATR  
Date: 11/20/01 11:31am  
Subject: Microsoft settlement

Dear persons:  
As an information professional and educator, I am in no small degree dismayed

by the settlement agreement recently negotiated between Microsoft and the Justice Department in the Microsoft anti-trust case. Having also been trained in the economics of industrial organization, I understand such law pretty well, and to me it is clear that Microsoft's violations of the Sherman and Clayton Acts, particularly with respect to tying and predation, are not sufficiently addressed by the remedies proposed.

I worry most, however, that the agreement does almost nothing to prevent Microsoft from repeating on the Internet what it did with operating systems. That is, by dint of its control over the PC operating system, Microsoft effectively destroyed its competition in the sphere of software applications. Using its control over operating system source code and application programming interfaces (APIs), Microsoft gained control over the entire PC platform. Here's a list: Spreadsheets: was Lotus 123, now Microsoft Excel Word-processing: was WordPerfect, now Microsoft Word Databases: was dBaseIII and FoxPro, now Microsoft Access Email: was Eudora and many others, now Microsoft Outlook and Entourage You will note, I hope, that almost all of the original competition not only lost product dominance, many such firms also went out of business or were acquired by others in dire circumstances. By a sharp reduction in the competition, Microsoft has therefore effectively quashed innovation in microcomputing applications. While one might claim, as the Bush Justice Department, that such is the way of legitimate competition, earlier findings of fact in this case indicate otherwise and no credible remedies are proposed.

With its emerging ?.NET? strategy, Microsoft is overtly planning the same strategy for next-generation Internet-based software. With the very recent release of Windows XP, that approach is overt, as, for example, Microsoft implements code that not only precludes the use of competing products (Apple's Quicktime, Real's RealAudio, and Sun's Java), it uses its market share to undermine open and global Net standards carefully and at length designed, negotiated, and affirmed by almost all relevant non-Microsoft players

Finally, in this time of heightened fears about security and privacy, I must note that consumers are systematically damaged and such damage will grow in the future by Microsoft's notoriously insecure products. Over the past several months there has been a raft of costly security holes discovered in Microsoft server software, among them the costly Nimda and RedAlert virii. Worse, just last week, Microsoft had to disable large portions of its new "Passport?" authentication service due to security concerns. Passport is, in simple terms, a repository and serving system for the personal data used in e-commerce. It is integrated into Windows XP. As Microsoft in the future will undoubtedly use its market muscle to impose Passport as the authentication standard for e-commerce, consumers will be in constant danger of leaks of their personal information. In addition, by dint of its control of the Passport database, Microsoft will become the largest repository

of consumer information in the world. Given its past abuses of law and minimal respect for others, I simply would not trust Microsoft to safeguard consumers' vital interests; rather, I can assure you that if there is money to be made in mishandling personal information by Microsoft, they will do so. In conclusion, it is my deeply held belief that the proposed anti-trust settlement in the DOJ v. Microsoft case is unacceptable. Innovation will continue to be stifled, consumer security will be compromised, and software prices will remain at high, monopoly-based levels. I beg your office to reject the agreement. Thank you for your attention in this matter.

Sincerely,

Robert L. Frost,

Associate Professor of Information

Women's mobilization: the best way to defeat fundamentalists of all kinds—Islamic or Christian.

**MTC-00001460**

From: Diana Shindorf  
To: Microsoft ATR  
Date: 11/20/01 11:46am  
Subject: Microsoft

Can you please help me? I have been trying to locate "what federal law (and sections) was Microsoft sued under in 1998?"

I have been searching and searching and am coming up with nothing on it.

Thank you,

Diana Shindorf

**MTC-00001461**

From: Rutherford, Ronald  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 11:45am  
Subject: Microsoft Settlement

Greetings. This is just a short note to say that I also believe that the proposed Microsoft settlement, as it currently stands, is unacceptable. Please keep up the fight. Thanks.

Ron Rutherford  
Seattle

**MTC-00001462**

From: sfmacguy  
To: Microsoft ATR  
Date: 11/20/01 11:44am  
Subject: ms resistance

I would hope that you would continue your courageous efforts against the criminal enterprise known as MS.

I was surprised that the JOD case made it as far as it did; not surprised that the current administration wants to offer them a wet kiss as a penalty. Shouldn't this be a RICOH prosecution for racketeering?

Maybe I've been watching too much Law & Order, but if someone tries to compel you to use their flavor or else, isn't that the same as the mob compelling corner store owners to sell their cigarettes?

Wouldn't it be interesting if white college brats who end up crooks were held to the same legal standard as uneducated, swarthy Mediterranean wise guys?

Go for the throat; this is how you make your bones!

Francis R. Kerr, Jr  
San Francisco  
415.999.5540

**MTC-00001463**

From: Ted  
To: Microsoft ATR  
Date: 11/20/01 11:56am  
Subject: Disappointed  
US DOJ:

I just wanted to take the time to show my disappointment in your position on the current case against Microsoft. I don't know how many people's pockets are being lined by this disgraceful "settlement", but I'm glad to see a few states sticking to their guns. (I notified all of them of my support.)

The tactics that Microsoft uses sicken me and cause me serious concern over the ability of future companies to compete on a level playing field. I have not only seen, but also felt the affects of their ruthless and unethical behavior. One only needs to read of the original investigations to find out the root of all this evil. Repeatedly Bill Gates and other Microsoft cronies stated emphatically that they had done no wrong. And repeatedly internal documents were produced that forced them to admit that they had indeed done exactly what they had been accused of. And without exception, people just shrugged their shoulders! How can that be! They lied to us, to their customers and to a high court judge.

I think it is high time that Microsoft reaps what it has sewn. Kudos to California and the other eight states' attorneys general. I look forward to a day when real innovation can again take place without fear of Microsoft retaliation.

Sincerely,  
Ted Rust  
750-66 Mobil Av  
Camarillo, CA 93010  
805.484.9585

**MTC-00001464**

From: Todd Stubbs  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 11:52am  
Subject: Please don't let them off so easy!

Dear Sir or Madam:

I am writing to express my disappointment over the US Justice Department's decision to settle the Microsoft anti-trust case.

I have been a professional user and programmer of microcomputer technology since 1983. Almost from the very beginning of their existence, Microsoft has been more than merely aggressive—they have been deceitful and, I believe, unethical. Their behavior as a company has always been egregious, even if it has not always been illegal. However, at that point in time when they became a monopoly, whenever that was, this pattern of immoral behavior became illegal as well.

The conundrum, of course, is what to do about it. I do not believe that heavy government involvement in regulating the affairs of Microsoft is in either the public's or Microsoft's best interest. And yet, any regulation or injunction you put forth, they will find a way around it, or merely ignore it as they have done in the past. It would seem that there is little else the Justice Department can do to but ask for some remedy that would change Microsoft's structure—nothing else will work.

Let me also debunk the myth that what is good for Microsoft is good for the economy.

It is patently false, simplistic thinking. Microsoft has squelched so much good technology so that their own, often mediocre, products will prevail in the marketplace, that the doldrums the technology industry recently faced may never have happened had the Justice department defended a true market economy several years ago when Microsoft faced a similar charge. In my estimation, the market would already be 2 to 10 times as large as it is now if it hadn't been for Microsoft's egregious behavior.

Microsoft is the single most anti-innovative force in the technology industry today. Period.

Letting Microsoft off easy would probably provide a next-quarter, short-term benefit, but would continue to restrain the innovation and growth as it has done (except for Microsoft) for the last 10 or 12 years. Please, do not do this!

Respectfully yours,  
S. Todd Stubbs  
Instructional Research & Design  
Center for Instructional Design  
Brigham Young University  
Provo UT 84602  
(801) 378-3069

**MTC-00001465**

From: Joseph Boykin  
To: Microsoft ATR  
Date: 11/20/01 11:50am  
Subject: Microsoft settlement

I am writing as a citizen of Massachusetts in regards to the proposed settlement with Microsoft. As a "computer professional" I am very familiar with the industry and Microsoft and firmly believe that the proposed settlement is unfair to numerous corporations that have attempted to develop competing products, consumers who have used or even those that have \*not\* used Microsoft products.

I firmly believe that Microsoft has engaged in numerous anti-trust violations. Their unfair business practices seems to permeate the entire company. For example, the company I was most recently at, and held the position of Vice President of Engineering, was looking to raise additional venture capital. We were courting Microsoft as one of those investors. Although the deal never went through, Microsoft required a deal where they would invest \$5M in the company, but \*required\* that we commit to buying \$2M worth of Microsoft products.

I hope that a more fair and equitable agreement can be reached in regards to this matter.

Yours truly,  
Joseph Boykin  
7 Hampton Road  
Natick, MA 01760

**MTC-00001466**

From: david lopez  
To: microsoftcomments@doj.ca.gov@inetgw.attorney.gener...  
Date: 11/20/01 11:47am  
Subject: microsoft anti-trust case

Dear Sirs/Madams:

I am glad to hear that your offices have chosen not to join in on the deal that the U.S. Department of Justice recently struck with Microsoft. Unfortunately, my home state of

New York has decided to change its mind regarding the economic evils of a monopoly power in the marketplace.

I will not go into a lengthy discussion as to why a monopoly is a bad thing. Any freshman economics major can tell you that.

I am also sure I do not have to remind you that the previous antitrust case against Microsoft went nowhere because the government chose to use conduct remedies that Microsoft subsequently ignored. As someone once said "Those who ignore history are condemned to repeat it". I am afraid that the current administration does not read their legal history books.

In case you may think I do not understand technology, I have been operating production computer systems for over 15 years. I am well versed in the single vendor versus multi-vendor pros and cons. Please do not listen to the talking heads in various magazines who overwhelmingly support Microsoft either from ignorance or perhaps monetary arguments (Microsoft as a large consumer of advertising may very well influence editorial opinion).

In closing, Microsofts arguments regarding freedom to innovate are specious. Off-hand I can not list five things that Microsoft created for the computer industry that a competing company did not pioneer. Microsofts history is that they wait till someone else creates a market, they buy a small time bit player and use a bunch of money to promote their solution and the business consumer uses it because it is from Microsoft, not because it is technically a better product. The one thing I can give Microsoft credit for is their overriding mantra of ease of use. Much of the success Microsoft achieves in the marketplace is from bundling software titles and from making existing titles easier to use.

Sincerely,  
David Lopez  
davidlopezus@yahoo.com  
Database Administrator with a major financial company

**MTC-00001467**

From: Ben Thompson  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/20/01 12:00pm  
Subject: reject the microsoft settlement

If Teddy Roosevelt were in the Whitehouse, Microsoft would have been split into at three companies five years ago. Since ours is an age in which politics is defined almost purely by money, it is not surprising that the Bush Justice department has entirely caved in the face of Microsoft's monopoly.

I applaud those attorney's general who have balked at the preposterous settlement. Microsoft must be punished for it's anti-competitive practices, it's extortion of pc makers and its racketeering to fix prices and control the digital age.

Microsoft should be forced to compete on an even laying field. This is the only way we can stop the endless production of plagiarized software (every Microsoft OS from Window 3 to the new XP (a blatant rip off of Apple's superior OS X)), application designed to cripple competing operating systems and it's relentless march to acquire and profit from the personal information on

every single pc in the world. Throughout it's history, Microsoft has indulged in not only anti-trust violations but racketeering and blackmail as well.

I hope you will continue your struggle against this behemoth.

Sincerely,  
Ben Thompson  
Ben Thompson  
917 Madeira Dr. NE  
Albuquerque, NM 87108  
v. 505-998-2100  
f. 505-998-5018

**MTC-00001468**

From: Kurt Stoll  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 12:00pm  
Subject: Microsoft deal

Sirs:

I am very disappointed in the settlement that Microsoft has apparently been able to establish with the US Justice Department. They have obviously used their monopoly power in PC Operating Systems to create monopolies in productivity software, development tools, and web browsing. And, their current .NET strategy is clearly an attempt to extend their monopoly throughout the web and into every computer.

While I always felt that breaking up Microsoft was too harsh, the monitoring provided for in the current settlement will do little to blunt their empire-building efforts. And there are no real penalties in the settlement for their past abuses. They have already established that they are willing to skirt and ignore any agreements that they come to with government agencies, continuing with their efforts undaunted.

The argument of some that harsh penalties and restraints will have a negative impact on the US economy are both specious and short-sighted. We do not forgive a woman who attempted to bomb a police car more than 20 years ago, simply because she has lead an exemplary life since. We should not forgive a company that has committed similarly grave offenses simply because they play an important role in our economy. In fact, it is because of the importance of their position in our economy that we must make certain that they toe the line; infractions on their part have a large impact in our lives.

Also, while it's true that imposing severe penalties on Microsoft may result in short term negative consequences for our economy, in the long run, our economy and consumers will all benefit from the increased competition. We do not need a juggernaut to establish standards—the web established useful and important standards that many people use on a daily basis (HTML, POP, TCP/IP, ...) without the guiding hand of a monopoly. In fact, many of these standards were established by non-profit organizations and consumer demand. Finally, while I don't mean to draw a parallel between Microsoft and foreign enemies such as the Taliban or Sadam Hussein, it is clear that we are willing to sacrifice the short-term performance of our economy in a just cause. I believe that Microsoft has committed grave offenses; it is important that they receive proportional penalties for past behavior and real restraints on future behavior. Prosecution of Microsoft

is a just cause for which I and many like me are willing to make a short term sacrifice.

Sincerely,  
Kurt Stoll  
1702 Vetta Drive  
Livermore, CA 94550

**MTC-00001469**

From: Jonathan Haddad  
To: Microsoft ATR  
Date: 11/20/01 12:03pm  
Subject: Microsoft

Greetings:

My name is Jonathan Haddad. I've been watching the Microsoft trial since the whole thing began, and I must say I'm very dissatisfied with the proposed settlement. Please do everything in your power to make sure Microsoft doesn't get off with a slap on the wrist.

Jonathan Haddad

**MTC-00001470**

From: Bafore8@cs.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 12:10pm  
Subject: (no subject)

The Microsoft is totally unfounded. What Microsoft did for the computer industry and the internet was and is invaluable. All they are guilty of is setting the stanard protocol of communication between computers and computer users whether through the internet or not. The American Consumer is free to choose whatever software or hardware we wish. Mr. Gates and Microsoft revolutionized not monopolized the computer industry. I personally have used all the available operating systems and hardware available on the market and Microsofts products superior. Simply put: if you don't like it, buy something else. Mr. Gates and Microsoft pay taxes too. And I'm sure thier taxes for one tear equal more than a blue collar citizen, like myself will earn in 5 or 10 years.

Microsoft is guilty only of producing a better product. Thank you

Mr. Kevin Biafore  
Berea, Ohio

**MTC-00001471**

From: Ostravich  
To: Microsoft ATR  
Date: 11/20/01 12:08pm  
Subject: Microsoft Anti-Trust lawsuit

I've been told I can e-mail this address to provide feedback on the Microsoft Anti-Trust settlement currently on the table. Although I am heartened by the advance in the settlement to prevent "exclusive dealing", I am very disappointed that there are no restrictions to prevent Microsoft from bundling any product into their operating system. Microsoft employees clearly stated in the e-mails used in evidence at the trial that the only reason they bundled Internet Explorer into their Windows operating system was because Internet Explorer was an inferior product and the bundling prevented competitor's products from being used. They attempted to do the same thing with Apple's QuickTime and even broke competitor's software so that it would not run properly leaving Microsoft's version of that product as the only alternative.

Now with the advent of Microsoft's XP operating system I am concerned that there

will be no competition for Multimedia products and whatever else Microsoft wants to compete in. The way it has worked in the past is if Microsoft has used technology to redirect any content to Microsoft's products for displaying that content. What they've done with Internet Explorer, they will now do with their multimedia products destroying any competition or reason for a company to make a competing product.

Let me be clear—I don't think the solution should be a financial one. The trial clearly shows that Microsoft engaged in behavior that was anti-competitive and a punitive monetary solution will not correct that. If Microsoft should not be split into an operating systems company and an application company, I would at least like to see a clear division of Applications and Operating Systems so that if a company wants to make a competing product it can be easily plugged in to the Microsoft Windows Operating System. Competing companies must find it frustrating when they invent the technology (Netscape, Real Networks, Sun Microsystems), and then Microsoft duplicates the technology and disallows those competing companies software to work correctly. This is not Microsoft being innovative—they have not invented any of this technology. They've simply embraced that technology, sometimes extended it, and shut out their competition. This means there will be no further innovations in that technology arena because there is no incentive for the companies to extend technology that will not be deployed on the Windows platform.

Please reconsider the current settlement and renegotiate the settlement to prevent Microsoft from stifling competition.

Thanks for your time,  
Greg Ostravich

#### MTC-00001472

From: Steve Linke  
To: Microsoft ATR  
Date: 11/20/01 12:07pm  
Subject: settlement terms will do nothing to stop Microsoft's monopolistic actions  
Justice Department:

The agreement is a joke. It does absolutely nothing to punish Microsoft for its past abuses, and it does little or nothing to stop them from using their monopoly position in the operating system market to abuse competitors in emerging markets that rely on the operating systems. The lack of punitive measures provides a tacit invitation to Microsoft to continue their abuses regardless of potential lawsuits. They can make more money from these abuses than it costs them to defend themselves in court, particularly since they are now conditioned that any agreements are going to be watered down and full of loopholes. In addition, the years-long delays while the suits wind their way through the courts assure that any ruling against Microsoft will only affect markets that they have already used their monopoly power to dominate. Below is a timeline that could be repeated ad infinitum if Microsoft is not punished appropriately. Note, in particular, the claim of your department in February of 1995 that the agreement you reached with Microsoft at that time would

“end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.” This is the same claim you are mistakenly making about the current agreement, but you seem hell-bent at repeating this mistake. February, 1995

The Justice Department reaches a settlement with Microsoft in a previous case closely related to the current one. The Justice Department promised in this settlement that it would “end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.”

Judge Stanley Sporkin, now retired, rejects the proposed settlement when he determines the decree was not in the public interest. He complains that, “simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.” Spring, 1995

A U.S. appeals court overturns Sporkin's decision, saying he relied on inappropriate evidence, and removed him from the case. August, 1995

Judge Sporkin is replaced by Thomas Penfield Jackson, who approves the settlement. 2000

Thomas Penfield Jackson recommends splitting up Microsoft into an operating system company and an applications company as a result of the current anti-trust case. Early, 2001

The same U.S. appeals court that rejected Judge Sporkin's decision and removed him from the previous case, rejects Judge Jackson decision and removes him from the current case. He is replaced by Judge Colleen Kollar-Kotelly. November, 2001

The Bush Justice Department significantly waters down the proposed remedies against Microsoft and assures Judge Kollar-Kotelly that the settlement, if approved by the court, would “eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat” the company faces from rivals. (Sound familiar?)

Sincerely,  
Steve Linke  
23 Travis Ct.  
Gaithersburg, MD 20879-3212  
Home: 301-947-0286  
Work: 301-496-7276  
e-mail: slinke@bigfoot.com

#### MTC-00001473

From: Greg Alton  
To: Microsoft ATR  
Date: 11/20/01 12:03pm  
Subject: Microsoft settlement

Today I read that Microsoft's proposed settlement with the government over the antitrust complaints may include a donation by Microsoft of computers to U.S. schools.

This is absurd. This goes completely counter to the original problem, e.g., abuse of monopoly power, since this settlement will undoubtedly reinforce that monopoly.

The only terms under which this type of settlement could make sense were if Microsoft were required to donate equipment (software, etc) from other companies.

Please don't let this settlement proceed as is. Alas, I fear the taste for enforcing antitrust has left the Justice department.

Greg Alton

#### MTC-00001474

From: Richard Potter  
To: Microsoft ATR  
Date: 11/20/01 12:15pm  
Subject: Microsoft Settlement

I believe the terms of the settlement are short-sighted. For one thing, it creates the impression that Microsoft is above the law. I refer specifically to the apparent perjury (Gates deposition), evidence tampering (doctored demo video), and witness intimidation (myriad companies) which occurred during the trial. Moreover, it is clear that Microsoft was only too willing to flaunt the terms of the earlier restraining order. A slap on the wrist hardly seems appropriate.

Microsoft has consistently acted arrogantly and illegally (as exemplified by the evidence and the verdict), and they can be expected to do so under the proposed terms. Economic theory and practice inform us as to what can be expected from a monopolist, and the case of Microsoft is classic confirmation. The consumer has been burdened by sub-standard, unstable, overpriced Microsoft products for years. Because there is no effective competition, they are under no real pressure to perform and, in fact, they have exploited the situation. Imagine the consequences if the AT&T monopoly hadn't been broken up: today we would have perhaps a half dozen models of telephone available to the consumer, no cell phones, stunted use and development of fax technology, sky-high long distance rates, and no Internet. You can rely upon the fact that Microsoft's domination has resulted in similarly constrained technologies and opportunities in the computer marketplace.

The most frightening thing, however, is the ability their unfettered operating system monopoly confers for creeping into and taking over other markets (multimedia, servers, music downloads, Web browsing, e-mail, office productivity). We now have the X-Box creeping into the living room along with Microsoft's digital recording service for TV. And, then, there is Microsoft's Passport security, the ultimate intrusion and stranglehold.

Where does it all end?

Your proposed settlement reeks of a politically motivated whitewash. Microsoft's money and lobbyists have apparently had their way. The fullness of time will undoubtedly show what a blunder this is and how poorly the citizenry of America has been served.

Richard C. Potter  
117 Heritage Drive C-2  
Stevensville, MT 59870

#### MTC-00001475

From: Clyde Crossland (Telepress)  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 12:15pm  
Subject: Microsoft Settlement

Watching in awe at all of the big companies becoming fewer yet bigger by “joining” I really wonder if Government is able to be in charge. In the Microsoft case, the Justice department has directly sold the small “average guy and gal” consumer out. Lack of competition pretty much gets us a dictatorship type of market. They produce or provide what they want and we have to buy

it if we want anything at all. Plus they get to change it at will whenever they want more \$\$ as we don't get a choice if we want to maintain a viable use of a current product. We don't get a choice to use only a portion of their product, buy all or get none!

Our country was built on small to medium Bsns giving a freedom of choice. You have further choked off the spirit of innovation and small to medium size guy having the opportunity to provide innovative advancements. Look only to the price of medications that are currently prohibitive for many seniors and you get a good idea of "cornering the market". I am not foolish enough to believe all answers are really simple, but I can't be moved to believe that endorsing monopolies and choking out the future hopes of aspiring innovators is what we are about in this country. You basically have rolled over for them!!

**MTC-00001476**

From: Dave Yost  
To: US Dept of Justice-Microsoft anti-trust comments,C...  
Date: 11/20/01 12:14pm  
Subject: Microsoft settlement is far too weak.

I'm in the computer industry. I know one of the first 8 Microsoft employees, who also attended Harvard with Bill Gates. I read the book. I think Judge Jackson was if anything too lenient. And I know first hand the chilling effect that Microsoft's bullying monopoly has on competition, which is killed before it starts by fear of Microsoft's domination and illegal tactics.

David Yost

**MTC-00001477**

From: Ann Hendricks  
To: Microsoft ATR  
Date: 11/20/01 12:14pm  
Subject: Too easy

Please add my comments about the Microsoft settlement. It is far from punishing Microsoft's monopoly and should be reconsidered- they are getting off too easily and the settlement reeks of power and money on Microsoft's part.

Thank you.

Ann Hendricks  
1376 Mary Lee Way  
San Jose, CA 95118

**MTC-00001478**

From: jrock@mail2go.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 12:26pm  
Subject: Antitrust remedies for Microsoft

Dear Sir or Madam,

I am writing to express my dismay at the proposed settlement between the Department of Justice and the Microsoft Corporation. After 4+ years of legal wrangling and an equal amount of time chilling innovation and financially destroying good companies, the industry needs an effective solution without delay. The settlement proposed by a number of the states provides, on paper, reform in several areas. There is, however, enough leeway in the proposal for debate. This would result in Microsoft continuing to flagrantly disregard the law and another 4+ years in court while the industry continues to suffer.

The only solution that will provide for real change in the industry is one that provides real and definite punishments for Microsoft's past behavior and provides for a strict adherence, by Microsoft, to open and established industry standards. All protocols, formats, and API's used by microsoft products must be legally bound to open, published, free standards to allow true interoperability with any competitors who wish to enter the market. This would negate some of the economic and technical advantage they have established through the exercise of their illegal monopoly.

I ask that you take my opinion into consideration while dealing with this case. I work everyday with both Windows and UNIX software. My company develops software for mission critical applications. Microsoft's OS's do not provide for the real-time data processing and are not stable enough to support our applications. We are forced, however, to use Windows as well as UNIX because the corporation that has invested heavily in our company uses it and there is no way for other OS's to reliably interoperate with it. That corporation uses it because they need to interoperate with all their business partners who run it, and because when buying a computer it is cheaper to get one that comes with Windows than to get one without any OS at all. This situation is unacceptable.

Thank you for your time.

Sincerely,  
Joseph Rock  
1447 Geneva Rd.  
Ann Arbor, MI 48103

**MTC-00001479**

From: Sherry  
To: microsoft.atr(a)usdoj.gov  
Date: 11/20/01 12:19pm  
Subject: DON'T SELL OUT!

Dear Renata Hesse, Trial Attorney:

I'm a 55 year old CPA, whose first computer course was Fortran II (in the Jurassic days of punch cards), former IRS agent, MS in Taxation, and writer. I've used every MS o/s system except CP, which I will never use. I currently have two systems at home, both I built myself. My husband's has Me and mine 2000. I've watched how intrusive MS has become, with the last bit of arrogance being the inclusion of IE and Outlook in both OS system. I don't want to IE or Outlook Express, nor do I want MS deciding what I have on MY desktop. I use Lotus Smartsuite, Opera 5.1 as a browser; however at times, I'm forced to use IE, especially when downloading MS updates. One of the tricks I especially dislike is the rerouting of URL's to MSN affiliates. Also they deliberately include code which negates the use of non-MS equipment. For example, I use a Logitech TrackMan mouse. When I loaded SP 2 for Win 2000, mainly to obtain antiSirCam virus protection, my system crashed. I later discovered from a John Dorvak (sp) column that SP2 isn't compatible with Logitech Trackman. No where in the MS literature is that mentioned. I got my system running again, without SP2. These are only a few examples of why the DOJ needs to pursue MS.

Sincerely,

Sherry Stigge  
CPA  
720 Dawn Way Gilroy, CA  
408 848 4158.

**MTC-00001480**

From: R. Stacy Smyth  
To: Microsoft ATR  
Date: 11/20/01 12:19pm  
Subject: Microsoft Anti-trust case

I understand that this email address has been created for public comments on the Microsoft antitrust case.

By its recent actions in the case—dropping the request that Microsoft be broken up—the justice department has shown itself to be completely under the thumb of an administration which cares only about the interests of big business, to the exclusion of anything that could be called "justice." This is especially, glaringly obvious because the justice department was on the right track—going after Microsoft as hard as it could—under the previous administration.

This is a travesty, a national disgrace, and a course of which the staff of the justice department should be personally ashamed.

Stacy Smyth  
10 Grove Place  
Albany NY 12203  
CC:patrick Smyth,cvs@nc.rr.com  
@inetgw,joan@gnra.com@i...

**MTC-00001481**

From: Patel Lokanath  
To: Microsoft ATR  
Date: 11/20/01 12:36pm  
Subject: Microsoft Settlement

Enough damage has been done to the US economy and to Microsoft as a company. Microsoft has already been punished to the maximum and the company (MS) should be left alone and its time to move on. There is nothing wrong if a company is moving forward in the name and principle of innovation. There are more important things to do in life e such as feeding the hungry, national security, and how to fix the economy. Thank you.

Sincerely,  
Lokanath Patel  
PatelLokanath@JohnDeere.Com  
Dubuque, IA  
563-589-6328

**MTC-00001482**

From: Sean Branney  
To: Microsoft ATR  
Date: 11/20/01 12:36pm  
Subject: MS Anti-Trust

Dear Department of Justice,

As a long time member of the IT community, I have watched with horror and dread as Microsoft has extended its tendrils throughout the industry, wielding its monopoly with self-serving glee. I was very pleased to see the United States stand up to their illegal practices and enforce the law.

While I'm not familiar with all of the intricacies of the case, I've followed reporting on the settlement in the news. I must say that the settlement seems absurdly lenient to Microsoft, and I have no doubt that if the settlement is agreed to, Microsoft will continue to misuse their position of dominance in the industry and some future

government administration will be forced to find a meaningful settlement.

Stop for a moment to consider what a genuinely incredible tool the Internet is. It is genuinely changing the world in a meaningful and positive way. However, Microsoft has positioned themselves to co-opt the Internet itself and make it little more than a profit center for them. Consider that most of the world now accesses the Internet through their tools. There's an ever-dwindling number of options available as they eliminate their competitors. Microsoft alone has the clout and influence to set the standards as to how the Internet will work in the future. Will they select the "best" technology that best serves mankind or will they select standards that will serve Microsoft shareholders?

Obviously Microsoft will pursue their profits. However, the point of the anti-trust litigation, it seems to me, is to eliminate unfair practices and break up a monopoly which has the power to affect the very future of humanity. The proposed settlement terms seem like a weak and ineffectual gesture rather than a meaningful stand to protect the Internet as a dynamic, diverse, robust marketplace for human ideas and communication.

Thank you for soliciting public input on this matter.

Sean Branney  
Glendale, CA

**MTC-00001483**

From: Seven  
To: Microsoft ATR  
Date: 11/20/01 12:32pm  
Subject: Re: Microsoft

I'm not in the least satisfied with the proposed settlement with Microsoft. Nothing in the proposals opens up the marketplace for significant new players, and indeed, leaves MS open to similar behaviour in the future. The playing field is very far from level. I'm a very small software developer based in Toronto.

Morley Chalmers  
7Office Inc.  
595A Church St #4  
Toronto, Ontario  
M4Y 2E6  
Seven@7Office.com  
Morley Chalmers  
for the 7Office team  
Seven@7Office.com  
416/926-9296

**MTC-00001484**

From: Denis Letelier  
To: Microsoft ATR  
Date: 11/20/01 12:28pm  
Subject: Microsoft case

Microsoft is probably one of the most unethical companies in the country. I hope they can be stopped, especially, their latest bullying request, the onerous, invasive, illegal, Passport. It is now impossible to register a product in the regular manner, now Microsoft requires to sign up for Passport before anybody can register one of their products. One shudders to think what they are going to do with the information and contract they end up with, by having the unsuspected public sign up for their Passport.

Denis Letelier

**MTC-00001485**

From: David O'Rourke  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 12:42pm  
Subject: Missed the point?

Am I am correct in that the agreement does not include making Microsoft's file formats available to competitors? If that is correct then we have we have missed the most important remedy.

Sincerely,  
David W O'Rourke

**MTC-00001486**

From: karcher@bl.gov@inetgw  
To: Microsoft ATR  
Date: 11/20/01 12:39pm  
Subject: Microsoft Settlement

I can hardly express my dissatisfaction with the settlement. Microsoft was found guilty of unfair business practices, and is still showing those tactics in new products such as XP. How is it possible that they got off without any real censure.

The department of justice is supposed to be responsible to the people. Just because Microsoft is a supporter of our president should not mean they can break the law with impunity.

Please reconsider your position in the Microsoft case.

Armin Karcher  
1054 Tevlin Ave  
Albany, CA 94706

**MTC-00001487**

From: Martin Sandberg  
To: Microsoft ATR  
Date: 11/20/01 12:38pm  
Subject: Stiffer penalties

It is time and past time to start actually undoing the damage that Microsoft has done. Currently it is impossible to secure Venture funding for any desktop application development. One could argue that this drove far too much money into the internet—Microsoft wasn't there, so you could actually build a company without it being destroyed by Microsoft. Far from harming the economy, a truly effective set of sanctions (I favor breaking them into at LEAST 4 companies with the exact same rights to all the code) could bring the desktop back to life, prevent them from destroying the internet and produce a huge boom!

Martin  
Happy Mac developer

**MTC-00001488**

From: Charles Houghton  
To: Microsoft ATR  
Date: 11/20/01 12:57pm  
Subject: Severe displeasure

I am horrified that the DOJ is not pursuing any MEANINGFUL settlement in the Microsoft anti-trust case. Their anti-competitive behaviour destroys companies and innovation at an alarming rate.

I strongly support continued legal effort by State's Attorneys-General a concerned US Citizen and Registered Voter,

Charles Houghton  
317 W 99th St #7d  
New York, ny 10025

**MTC-00001489**

From: Terence McKinney  
To: Microsoft ATR  
Date: 11/20/01 12:52pm  
Subject: After MSN debacle...DOJ still doesn't get it?

Sirs,  
After MSN blocking and killing other browsers very recently, you SHOULD have gotten a clue about what is going on. Please get some competent technical help in the DOJ who understands the implications of Microsoft smothering the entire technology field.

It's not what they bring to the table at low cost, but what we will never see developed. A case of what could have been many times over with new technology.

Terence McKinney  
Internet Developer

**MTC-00001490**

From: Michael Brook  
To: Microsoft ATR  
Date: 11/20/01 12:51pm  
Subject: Settlement

I oppose the settlement with Microsoft.

1. The settlement gives the company the ability to seek restoration of a microsoft configuration beginning 14 days after purchase. There is no restriction on this practice in the settlement. This means that the company can if it wishes, cause a window or other notice to appear suggesting that I use the Microsoft middleware each and every time I attempt to use another company's software.

2. The company has the ability to prevent me from using chosen software if it fails to implement a reasonable technical requirement. This technical requirement is not specified, and the decision is left to the company for its discretion. This gives the company broad discretion to prevent the use of non-Microsoft products on the argument that it fails to implement this unspecified technical requirement.

3. It allows Microsoft the discretion to decide which portions of code and API compromise security giving the company the ability to shield massive amounts of code from developers in order to favor Microsoft products.

4. It allows Microsoft sole discretion to determine what is Windows and what is software. This goes to the heart of the initial case. Users were prevented from removing a simple web browser from their computer because the company had determined that it was part of the OS. I can foresee Microsoft determining that ALL of its software is part of the OS, including such things as word processors, spreadsheets, etc., and forcing users to use these products rather than competitors products.

5. It prevents users from removing Microsoft software from their computer. While users can remove the icons it provides no guarantee that end-users can remove unwanted programs from the drive, but rather allows Microsoft to hide the programs so that they can remain untouched on the drive, and allows the company to constantly remind the user that it would prefer they use the Microsoft product.

All of these aspects allow the company to continue to behave in the way that has

hindered innovation in computer software for nearly a decade, and allows the company even greater freedom to suppress third-party software developers at the expense of the company's own software.

**MTC-00001491**

From: David Schwab  
To: Microsoft ATR  
Date: 11/20/01 12:45pm  
Subject: some thoughts on MS

Hello,

I've been using computers for a number of years as a source of income. I'm a graphic artist by trade. Since computers are my livelihood, I have a keen interest in all things related to this field. I have been following the Microsoft trail, and I keep noticing that certain facts never get brought up. So here is my take on how Microsoft runs it's business.

One of the most obvious things they did to try and kill competition in a field is with web browsers. Microsoft was late to the game, and was worried that Netscape would make the Windows operating system less important by using Sun's Java for browser based applications. Microsoft did not have a web browser of their own, so they did what they always do, they bought one. Or more precisely they stole one! They went to Spyglass and made a proposition to license the Mosaic browser. The deal was that Spyglass would get a percentage of every browser sold. But then Microsoft gave it away for free! This way, no money to Spyglass, and who wants to pay \$35 for Netscape when you can have a browser for free? Interestingly, Mosaic was the original version of Netscape. The analogy here is what if Coca Cola opened their own chain of supermarkets. With every purchase you got a free six pack of Coke. A lot of people would take the free Coke, even if they might prefer Pepsi.

Another one. I use an Apple Macintosh computer, and not a PC running Microsoft Windows. Windows is obviously a copy of Apple's OS and NeXT Step from NeXT Computer. Apple's new OS is named "Mac OS X" ... Microsoft just announced their new OS... "Windows XP." Why the "X" in the name? I think this is to confuse consumers, who have been reading and hearing a lot of positive things about Mac OS X. In Apple's case, the X is the Roman numeral for the number 10, since this is version 10 of the Mac OS. In MS's case, it means nothing. It's really Windows 5, maybe. So why not "Windows V" then? Apple's new graphical interface is named "Aqua" because it has a shimmering liquid look, and a lot of blue. MS decided to name their new interface for Windows XP "Luna" because... well I don't know, except that it has four letters, ends in an "a" and sounds a bit like "Aqua." Plus all the reviews say Windows XP looks a lot like Mac OS X (which was out since March 2001).

Once more, they can't make a better product, so they want to confuse consumers. it's a smoke screen to take the spotlight away from a competitor. They don't innovate as Bill Gates like to remind us so often. They merely copy and steal other's products, change them to their own design, and then drive the products that they copied out of the market. Why? To make a better product, or to have World Domination? This is the real

question. As a consumer I know my choices are fewer because of Microsoft. I am writing this on Microsoft Outlook Express, because there are so few choices of email programs for the Apple Macintosh. Being a much smaller market, it's just not worth it for companies to make a product that has to compete with a Big Company that gives away free software. Also it came bundled with the computer. So MS even has a hand in Apple's pie.

More... they made Windows XP so that the popular audio format, MP3, would not play back with high quality, unless you pay more money for an add-on. This is to make their own Windows Media Player the standard format, and thus giving them undue control over the market place. If they get their way Windows Media Player will become ubiquitous. Forget MP3, and Real Audio, and QuickTime. Every one will have to license the MS format. This is the same thing they tried to do with Java. Add so much of their own proprietary code as to wrestle the control away from Sun, and make their version the standard.

And with them bundling all this stuff... who needs to spend money buying a word processor, when your new PC have MS Office, and everything else you need. True, you might like Word, but maybe not. And removing this software might be very hard. Just look at trying to remove MS Internet Explorer from Windows. I think the DOJ needs to look at a company like Apple Computer, to see the way it should be done. Every program can be removed by just dragging the folder to the trash. And Macs don't come with a lot of software... because Apple wants their developers to make money too!

What I think needs to be done is to make MS release the code and API "hooks" that software developers need to make their products work better with Windows. The way it is now, for instance, parts of MS Office and Internet Explorer are built into the operating system. This makes MS' own products run better then the competition, and I feel gives them an unfair advantage. They claim this is "innovation," and if this is true, let others use it too.

Since MS does not have competition in the PC operating system market, what difference would it make to let another company's web browser have full access to the guts of the OS, and it's build in HTML rendering engine.

Since MS makes no money on Internet Explorer, and they don't have to worry about people buying a different OS, they have no excuse!

Thanks for the opportunity to speak my mind on the matter.

Yours truly  
David Schwab  
4 Walnut Place  
Montclair, NJ 07042  
973-509-8978  
www.david-schwab.com

**MTC-00001492**

From: PETIT@aa.edu@inetgw  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov @inetgw,...  
Date: 11/20/01 12:59pm  
Subject: FW: reject the microsoft settlement

If Teddy Roosevelt were in the Whitehouse, Microsoft would have been split into at three companies five years ago.

Since ours is an age in which politics is defined almost purely by money, it is not surprising that the Bush Justice department has entirely caved in the face of Microsoft's monopoly.

I applaud those attorney's general who have balked at the preposterous settlement. Microsoft must be punished for it's anti-competitive practices, it's extortion of pc makers and its racketeering to fix prices and control the digital age.

Microsoft should be forced to compete on an even laying field. This is the only way we can stop the endless production of plagiarized software (every Microsoft OS from Window 3 to the new XP (a blatant rip off of Apple's superior OS X)), application designed to cripple competing operating systems and it's relentless march to acquire and profit from the personal information on every single pc in the world.

Throughout it's history, Microsoft has indulged in not only anti-trust violations but racketeering and blackmail as well.

I hope you will continue your struggle against this behemoth.

Sincerely,

Ann Petit

Director of Educational Services  
New Mexico Media Literacy Project  
505.828.3129 phone  
505.828.3142 fax  
www.nmmlp.org

"The basis of our government is the opinion of our people" Thomas Jefferson

**MTC-00001493**

From: Donald Kasprzak  
To: Microsoft ATR  
Date: 11/20/01 1:00pm  
Subject: microsoft issues

Dear Sir or Madam,

I would like to write to ask you to consider harsher penalties against Microsoft. My role in various IT departments over the past 14 years has lead me to realize that the company has aggressively participated in criminal business practices.

While working for a competitor in 1992 I was shocked to learn that Microsoft would bundle for free their office application with any system sold running windows 3.x, while our product could not begin to bundle that software for free.

Today this has been repeated by missing the .net in the breakup of the company. While this was ignored during the discussion of breaking the company into separate business units, it is the train barrelling down the internet track that we cannot avoid.

Please feel free to contact me for any further information you may need or may want to request.

Regards,

Don

Donald A. Kasprzak Technology Manager  
William F. Eisner Museum of Advertising  
and Design

208 North Water Street, Milwaukee  
Wisconsin USA 53202

e: kasprzak@eisnermuseum.org  
w: http://www.eisnermuseum.org  
p: 414.276.7889.269f: 414.291.8077

**MTC-00001494**

From: Alex.Christ@colorspan.com@inetgw  
 To: Microsoft ATR  
 Date: 11/20/01 1:00pm  
 Subject: Microsoft settlement opinion

I would just like to voice my opinion on the Microsoft case. I would like for Microsoft to give up control of the operating systems that are placed on a hard drive by the original equipment manufacturer (OEM). OEM's should be allowed to ship Intel-based hardware without an operating system, or install another OS if a customer requests it and the OEM sells it. I have purchased a number of computers from IBM, Dell and HP and all "MUST" ship with Windows (Gateway even told me I have to purchase Microsoft Office or another Microsoft product in order to purchase a computer. I did not buy from Gateway). I use FreeBSD (UNIX) and used BeOS (they are now defunct because they were not able to gain marketshare on PC hardware), so I pay Microsoft for software licenses I do not use (generally \$99 for Win98 and \$199 for WinNT... those were the prices for OEMs when I purchased the computers about five years ago).

Perhaps the easiest way to eliminate or minimize OS-monopoly control for any software manufacturer is not to allow OEM licenses with hardware vendors. If a customer requests Windows XP, the OEM must sell a full retail version of the OS (at retail cost) with the hardware. If a customer requests Linux, the OEM sells a retail version of Linux. BeOS... retail version. This would eliminate the control because now the customer/consumer demands what OS they want to use. Microsoft would have to be more competitive. Think about it, most Linux and Unix distributions are \$49 to \$79 at CompUSA. WindowsME is about \$99-\$120 and Windows2000 is about \$199-\$299. Microsoft would be forced to play at the Linux/Unix prices since they view them as the main competitors.

In short, don't allow OEM relationships between OS manufacturers and hardware vendors. The only way around this would be for the OS manufacturer to become a hardware manufacturer too (i.e. Apple Computer, Silicon Graphics, Sun Microsystems, IBM, etc.—none of which have a monopoly).

Thanks,  
 Alex Christ  
 Consumables Lead  
 MacDermid ColorSpan R&D  
 6900 Shady Oak Road  
 Eden Prairie, MN 55344 USA  
 ph. (952) 943-3243  
 fx. (952) 944-9461  
 alex.christ@colorspan.com

**MTC-00001495**

From: print2@gmx.net@inetgw  
 To: Microsoft ATR  
 Date: 11/20/01 1:15pm  
 Subject: Microsoft

Another crime far larger than Microsoft's is the utter waste of my American dollars. The dollars spent on this trial is ridiculous and then such a ridiculous settlement. SPLIT Them up period, fine then till it hurts real bad. Microsoft has committed serious crimes

against the American people. Now, punish them severely.  
 Larry Vogel

**MTC-00001496**

From: Tom Carr  
 To: Microsoft ATR  
 Date: 11/20/01 1:10pm  
 Subject: Setelment concerns

Dear Sirs,  
 Being a professional in the industry, I just wanted to say the settlement with Microsoft is just what I expected from our Federal Government, a complete sell out! Who Got bought?

You have wasted years of our time, and millions of our tax dollars, to accomplish what? NOTHING! You are just letting them go, basically...anything short of a breakup and total disassembly of the monopoly they hold on the industry is a sell out that will cost the American people ten fold for years to come. Way to go feds!

THANKS FOR NOTHING!

**MTC-00001497**

From: Oscar Myre  
 To: Microsoft ATR  
 Date: 11/20/01 1:09pm  
 Subject: Microsoft Justice

Hello,  
 I wish to commend you on taking a stand against the practices of Microsoft. I feel that they powered their way to a weak settlement. I don't wish for a cruel ruling. My wife and I will pray for justice. Microsoft needs to know that they will be held accountable for their actions just like everyone else.

God Bless,  
 Oscar & Michelle Myre IV  
 127 Terumi Lane  
 Longview, WA 98632  
 360.575.9839

**MTC-00001498**

From: Hull, Joseph F  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/20/01 1:03pm  
 Subject: Microsoft Settlement—The

settlement, in its current form, is not in the best interests of the country nor ordinary citizens.

To U.S. District Judge Colleen Kollar-Kotelly, the Solicitor General, Attorneys on the Case and Whomever It May Concern:

I am a computer professional with over 30 years of professional experience. I have been a computer professional since before there was a Microsoft Corporation and have watched Microsoft's unprecedented growth of influence in the computer industry with both excitement and alarm. I am writing as a private citizen, albeit one with some expertise in the matter at hand, not as a representative of any company or organization.

In my opinion, Microsoft has made major positive contributions to our industry and our country and has been greatly rewarded for them, both financially and in reputation. However, as Microsoft's influence has grown, its business practices have both become more pernicious and increased in the burden they place on "the rest of us." It is time for Microsoft to cease and desist. Just as behavior that should be tolerated but discouraged in an adolescent should not be tolerated at all

in an adult, it is time for the community, represented by the US Department of Justice, to demand, in the form of a court order, that Microsoft grow up.

"The marketplace of ideas," not unbridled capitalism has ever been the American way. Legitimate business and economic competition should not tolerate abuse of monopoly power (remember, this has already been adjudicated). Microsoft has demonstrated, both over time and recently, its intention and willingness to continue its aggressive repression of all companies and products that it sees as competitors for its products. Microsoft has demonstrated, both over time and recently, its intention and willingness to exploit any loophole, any flaw in wording, any explanation, however outrageous. The settlement, in its current form, ignores this evidence. It is clear that Microsoft will continue such behavior until it ceases to provide financial benefit to the company.

The remedy is likewise clear. Microsoft must be divided into 2 or more corporations: 1 which holds the rights to all of Microsoft's computer operating systems and forbidden to develop other kinds of computer products; the other(s) holding the rights to all other computer software and forbidden to develop computer operating systems, at least for the near future (much as the Baby Bells are forbidden to develop long distance telephone service products until they open their signal delivery systems to competitors. Gee, do you suppose it would be beneficial to commerce and the country as a whole if the Baby Bells were divided into service delivery companies and retail sales companies. Hmmm.) The county's experience with the breakup of AT&T, from Judge Greene's initial order to the Telecommunications Act of 1995, should be a caution to you.

In my opinion, the settlement, in its current form, is a flagrant attempt by Microsoft to continue its repressive business practices. In my opinion, it is your job, as an organization of our representative government, to oppose this with every tool available. The current settlement must not be accepted.

Regards,  
 Joseph F. Hull  
 NAS Software Architect  
 Digital Media Center  
 AT&T BroadbandVoice: 303-267-7176  
 4100 E. Dry Creek Rd.FAX: 303-267-6760  
 Littleton, CO 80122Email:

Hull.Joseph.F@broadband.att.com  
 e-Week

November 19, 2001

Judge Should Assess Settlement

After years in the courts, the proposed settlement of the United States of America and nine states vs. Microsoft is as toothless as the consent decree of 1995 Microsoft again must make only nominal behavior changes. In return, it gains legal protection for many practices that landed it in court. The holes in the proposed settlement are gaping.

First, OEMs looking for non-Microsoft options that better meet the needs of customers may still find Microsoft impeding third-party products that sold fewer than 1 million units in the United States the year before.

Second, Microsoft may keep secret and refuse to license any APIs or protocols to would-be competitors that "compromise the security of ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems." These are the very stumbling blocks for those trying to compete with native Windows components for multimedia, e-commerce, messaging and file sharing.

Third, competitors must then, at their own expense, submit their software to a third-party testing organization to ensure compliance with Microsoft protocol specifications.

Fourth, the agreement specifically excludes servers, PDAs and handhelds and may even exclude tablet PCs, which Bill Gates, in his Comdex keynote, said will be the most popular computing platform in five years.

Fifth, Microsoft now has legal protection to add whatever it wishes to its operating systems, offering the same preload and default invocation benefits as before. OEMs have new freedoms to change these defaults, but how many real alternatives will be available?

Sixth, Microsoft is not required to disclose the format of locally stored data files, such as document, address book, mail or stored music formats, that leverage the Windows desktop monopoly to tie users to other Microsoft software as much as APIs or network protocols do.

Finally, the agreement lacks any penalty for Microsoft's gains in market share and revenue as a result of past illegal behavior. The proposed settlement won't protect the marketplace from Microsoft's product- and service-tying, nor will it encourage new competition. The agreement needs to be toughened to provide substantive remedies for substantive violations.

The nine states, plus the District of Columbia, that have rejected this settlement should hold their courses, as should the European Union. We call on U.S. District Judge Colleen Kollar-Kotelly to use the upcoming 60-day public comment phase to carefully determine if this agreement is, in fact, in the public interest.

CC:'jfh'

#### MTC-00001499

From: Davis, Kelly  
To: Microsoft ATR  
Date: 11/20/01 1:23pm  
Subject: Anti-Trust settlement

Dear Sirs:

I read with great dismay the continuing effort of the Justice Departments efforts to settle with Microsoft. I realized that the United States is at a critical juncture internationally and politically, but I am having a hard time understanding why the Justice Department thinks it is such a good idea to settle with Microsoft at this particular point in time.

The thing I am concerned about is that the only thing Microsoft has ever been inventive at was in finding new ways to destroy their competitors. They are a company that has been built upon the premise that they own, or can buy or steal any type of innovation that comes along. Far from being the most innovative company in the 20th century they

are the late twentieth century equivalent of "Robber Barons." They are good at marketing and they are good at recognizing what it is most consumers are willing to live with. What they are not, however, is innovative.

As lawyers who work for a pro business government you must see Microsoft as a wonderful panacea for the future of the United States. As a software engineer who programs using Microsoft tools, on a platform that Microsoft designed, over a network that Microsoft is striving to own, I see Microsoft as a monopolist bent on making my life more difficult. By agreeing to settle with Microsoft you, who should know better, have inadvertently given Microsoft the ability to track more personal data about people in the United States than the U.S. census has ever known. This is what we get with .NET technology.

Please reconsider the settlement with Microsoft. It is a bad idea. It is bad for America. It is bad, even, for Microsoft.

Kelly Davis

#### MTC-00001500

From: Ben Carroll  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 1:23pm  
Subject: Regarding the Microsoft Settlement

To the Offices of the California Attorney General and the U.S. Department of Justice, I would like to convey my dissatisfaction with the U.S. Department of Justice's settlement agreement in the Microsoft anti-trust proceedings. As I understand it, California is one of the states which has refused the settlement as it stands and I am glad to see that my home state is attempting to do the right thing against pressure from above.

My principal complaint about the agreement, detailed in today's Wall Street Journal, is that it is not a penalty for Microsoft. It is merely an investment and a sanctioned furthering of their monopoly in a place where it may be seen as political suicide to stand against it. The idea is that Microsoft is always trying to find ways to seed the market to their benefit, to build user dependency on their OS and software products. To permit them to pay their debt to society by donating \$1.1 billion of their own software to schools in need will just make the students of the 14,000 eligible schools into future customers of Microsoft. They will make back that \$1.1 billion in spades over the next few years.

To use a metaphor that the schoolchildren affected may understand, Microsoft is a wolf, and the USDOJ has just handed them a finely tailored suit of sheep's clothing.

The other problem with this sort of a "penalty" is that it lends itself to questionable accounting practices. For example, if Microsoft donates a copy of their new Office X program, does that count against their penalty for the full retail cost, or just the cost of delivery for the unit itself. If it is the former rather than the latter, then Microsoft is getting off with a truly light sentence. Using the example of Office X, the retail price is in excess of \$400.00. The cost of delivery, including the box, full documentation, and a handful of CD-ROMs could not possibly exceed \$20.00.

I would like to propose an alternate settlement with only slight changes which would still have the effect of bettering school environments in economically challenged areas. Rather than permitting Microsoft to seed the market with its own products, the penalty which would be more appropriate would be to have them donate products from competing companies.

What I would like to see Microsoft donate to these schools is something along these lines:

- 1—100,000 iMacs and 50,000 G4 desktop machines
- 2—150,000 generic PCs (using AMD chips, rather than Intel, but that's another issue altogether) with RedHat Linux pre-loaded instead of Windows
- 3—1,00,000 PalmOS-based PDAs (no Windows CE systems)
- 4—14,000 (one per school) Sun Sparcstations
- 5—14,000 licenses for Oracle database software
- 6—140,000 (ten per school) Sony PS2 and Nintendo Cube game systems (no X-Boxes)

I think that this would have the dual effect of penalizing Microsoft while also bolstering the competition enough that a somewhat more competitive environment would be the result.

The people who run Microsoft may be fine people, individually great business people. However, their work in concert has produced a bully of a company. And bullies, if not properly reprimanded will simply go on to become bigger, meaner bullies. I hope that some appropriate action such as I have described can be encouraged.

Sincerely,  
Benjamin I. Carroll  
CC:Microsoft ATR

#### MTC-00001501

From: Paul Whitewood  
(091)Corp.Engineering(093)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 1:17pm  
Subject: Every time I think of my tax dollars being used to assault Microsoft, I

Every time I think of my tax dollars being used to assault Microsoft, I cringe. Stop the waste of the tax payers money and settle with Microsoft. Please move on to productive activities. Free market principles of supply and demand are still alive and well in the US.

#### MTC-00001502

From: Alex Perry  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 2:30pm  
Subject: Class Action comment

According to a RedHat newsletter article, DOJ is soliciting feedback on the proposed settlement of the class action suit. If this is not the case, feel free to discard this message. I recommend against accepting the proposed settlement on four grounds: (1) It does not compensate the individual consumers who overpaid (2) It has a significant detrimental effect on the school system (3) There is zero net financial impact to the defending corporation (4) It does not discourage the defendant from repeating the act.

As a consumer who has involuntarily purchased Microsoft's product, and paid the

higher prices for the product after the company has driven a fledgling competitor out of business with a dumping tactic, it would be really nice if the class action settlement could provide me with some benefit (even if tiny) for the cost and hassle incurred. Since I have no children, I therefore receive no direct benefit of the provision of Microsoft computers in the school system. However, we must consider the other people with children, and also the potential indirect benefit that I might accrue by being in a country with a better educated workforce. Is there a benefit to the schools?

Historical data shows that schools, when given a real choice, will purchase Apple's Mac series of computers because they are easier to learn and have a wider range of educational software available. Therefore, the court system is proposing to give these schools something that they would rather not receive; would it not be better to have Microsoft apologize for its price fixing and monopoly position by providing each school with one computer, with the school having the option of choosing the manufacturer and operating system it runs?

Separate to the benefit to the school budget is the impact on the students. While Mac software is designed to educate and encourage its users to explore the information available, the goal of Microsoft software is to entertain (at home) and support business (at work). The purpose of attending school is to learn, not to use a computer that is optimized for video games and pay-per-listen multimedia. In every way, Microsoft aims to separate its user community from any understanding of how the computer works and is achieving the user's requests. As such, I believe that providing these systems will—reduce—the technical and scientific capabilities of the school's graduates and ensure they are better able to function as untrained consumers. That certainly doesn't match my employer's staff needs.

If the school uses its small budget to purchase educational software that will make the computers useful for their teaching goals, an additional problem will manifest a few years in the future. When the existing licensing on the Microsoft-based operating system and software expires, the school will be forced to pay a lot of money that is likely to ruin the slim budget available for software. Several groups have argued that, at that time, the school can choose to either not upgrade or to switch to a different operating system (such as Linux). Neither of these options are viable and need to be eliminated from consideration for the following two reasons. Microsoft's software, as made available at the present, ceases to function correctly after a few years in order to force the upgrade. If the school chooses not to upgrade, the computer will degrade into unusability. Since Microsoft denies independent software vendors (ISVs) the right to sell new software that runs on old Windows versions, the school would also be unable to purchase any software. As an example, I suggest attempting the impossibility of purchasing Microsoft's Visual Basic development environment that runs on a Windows 3.11 based computer. This is analogous to the situation that the schools will find themselves in, in the near future.

As the provider of the computer system, Microsoft can choose the hardware contents very carefully. Many hardware manufacturers, due to the monopolistic situation, have been forced to sign odd agreements. These provide information needed about their hardware to Microsoft—and—prohibit that manufacturer from divulging that information to any other organization. In this way, it becomes impossible for the competing operating systems to run correctly on that computer system, even if the hardware manufacturer would like to do so. Therefore, it is trivial for Microsoft, while complying with this settlement, to deliver computers which will never ever be able to run any non-Microsoft operating system.

The school system is actually one of the few market segments in which Microsoft has not yet succeeded in driving out the competition. Conventionally, a settlement requires the defendant to contribute to a cause that would impair its future sales revenue, instead of increasing its future revenue ... and recovering the settlement cost.

Historically, the marketing value of having its computer, or software, or allied product in an educational setting is shown to be sufficiently high that many computer manufacturers have freely donated millions of dollars in kind, without any pretence of being 'forced' to do so by a US court. For example, when I was in university, I was using one of the highest performance computer systems available from IBM, provided by them in order that I would learn to use it and potentially purchase their systems on graduation. Market studies have shown that the return on investment by these generous acts was better than any conventional marketing campaign. Thus, I find it disappointing that the settlement provides the defendant with a large future revenue opportunity and also forces the existing market segment dominating company to operate at a significant disadvantage for the next decade. Is it really the case that the DOJ wishes to encourage Apple to go out of business?

Finally, the publicity campaign I have been observing recently has described the settlement by Microsoft as an act of generosity with no implication in their media statements about any apology or wrongdoing to the general public. This does not seem to set the stage for avoiding a repetition of their error in future.

I am a PhD Electronic Engineer, involved in the development of Concealed Weapon Detection systems for DOJ and DOD components. The monopolistic status of Microsoft has enabled a deterioration in the quality of its products, such that they are unsafe for use in a critical safety product (as a CWD portal must be), yet the monopoly forces their use in the systems we deliver. I am in the process of attempting to migrate the product to Linux, to provide a safe system to our customers, but the tactics documented in the other lawsuits make this difficult. My involvement in the software industry dates back to 1981, so that I have observed the creation, growth and business tactics of Microsoft ... and their impact on other companies.

In conclusion, I request that the court either (1) Implements my 'school choice' suggestion above, or (2) Accepts the concept proposed by RedHat et al, or (3) Settles but prohibits Microsoft from school donations

Sincerely,  
Alexander Perry.

PS. This comment is submitted as a personal opinion, and I am neither requested nor authorized to represent my employer.

?? : Quantum

?? : Magnetics

?? :

An : Advanced Magnetic Systems

InVision Technologies :

Company : Alexander Perry

: Principal Engineer

QUANTUM MAGNETICS : Group Leader,  
Advanced Sys

7740 Kenamar Court :

San Diego : Tel: 858.566.9200 ext 404

CA 92121-2425 : Fax: 858.566.9388

www.qm.com : alex.perry@qm.com

#### MTC-00001503

From: Marc Alayon

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/6/01 2:28pm

Subject: Not a good idea

This agreement will not punish MS but extend its monopoly into an area where they currently do not dominate.

MS should be forced to change there business practices.

Try to purchase an Intel based computer with Red Hat linux installed. Companies are required to sell the computer with Window installed. So, if I want a computer that runs RedHat linux I must purchase a pc with Windows installed. Delete Windows and install RedHat.

I am forced to purchase Windows even though I do not want it.

I have more complaint if you need them.

Cordially,

Marc G Alayon

US Citizen

#### MTC-00001504

From: Stephen Smiroldo

To: Microsoft ATR

Date: 11/20/01 1:29pm

Subject: Microsoft's Anti-Trust case

I am at work, so I need to make this short.

I support your decision for more stringent anti-trust prosecution against Microsoft.

I believe Microsoft has broken numerous anti-trust laws and have practiced questionable and immoral business tactics in the past as well as in the present. Please keep defending this nation against monopolistic companies such as Microsoft.

I hope that the truth of how Microsoft has practiced it's business will be dealt with proper justice. Please do not allow justice to take a backseat to politics and economics.

Thank you,

Stephen Smiroldo

299 Cambridge Drive

Daleville, VA 24083

540-857-3371

CC:consumer@mail.wvnet.edu

@inetgw,uag@att.state.ut.us...

#### MTC-00001505

From: C. Alexander Cohen

To: Microsoft ATR

Date: 11/20/01 1:28pm  
 Subject: Settlement comment  
 To Whom It May Concern:

It seems to me that the proposed settlement is nothing short of a government cave-in. The terms neither correct the egregious behavior of Microsoft, nor contain any punishment for their past bad acts, nor any restitution for those businesses wounded or even killed by Microsoft's heavy-handed tactics.

Further, the proposed settlement enshrines forever Microsoft's 'right' to use their proven monopoly power to roll over the competition by imitating their technology, bundling it within the operating system and claiming it is necessary (when it isn't)—witness RealPlayer for example, and making it difficult to obtain competing products. Their new system (XP) even forces the user to use the Microsoft product even when the customer has gone through the trouble of obtaining and installing other software, again on the bogus claim that it's necessary for some trumped-up reason! The "Board of Wise Men," being under Redmond's thumb will have no real effect. The terms of the settlement are written in such an opaque way as to obviate any real responsibility adhering to Microsoft.

Additionally, the new Passport promises to block out (or at least steer the user away from) any but Microsoft's partners for non-related products reached by internet. Add to this, the methodology which will no doubt convince inexperienced users that it is required to send all manner of personal information, including credit card numbers, to Microsoft—whose security lapses are legendary!

Even after the settlement was announced, Microsoft blocked all browsers but their own (Internet Explorer—"IE") from accessing their portal site. Later, they 'relented' and allowed the most minor players (such as the browser Opera) access. They are, to this day, trying to block anyone from releasing information about the security holes in their software; on the excuse that it will lead someone to exploit them, meanwhile leaving the vast majority of users vulnerable. Microsoft has no care for the user—only the users' money. Microsoft is a corporate thug of the worst (or nearly worst) kind. True, they are a cornerstone of our economy; but that should not relieve you of the responsibility; nor them of the onus to correct the situation. Remember that breakup in no way harmed the children of Standard Oil or AT&T.

The proposed settlement should be junked and Microsoft should be punished commensurately for their acts, both past and continuing.

Anything less is a sell out.  
 Sincerely,  
 C. Alexander Cohen  
 39 South Pine Street  
 Dover, NH 03820

**MTC-00001506**

From: Timothy Cox  
 To: Microsoft ATR  
 Date: 11/20/01 1:29pm  
 Subject: Citizen's view of the Microsoft case settlement.

I have read several reports that claim the current settlement of the Microsoft case

might unfold in such a way where Microsoft provides free technical support, software, and training to school systems.

PLEASE DO NOT ALLOW THIS TO HAPPEN! Who could compete in the education technology market when Microsoft is flooding our schools with free (monopolized) products?

In short, you don't fight a monopoly by making them flood the market with their own product.... Even if it is for free! They did this with Internet Explorer remember?

Just remember, history books will be written about this case and if Microsoft gets away with this monopoly, you will join the ranks of those people who are remembered throughout history as the bumbler of justice.

If you do not stop this company now, who will?

Tim Cox  
 Taxpayer

**MTC-00001507**

From: Roger Gliebe  
 To: Microsoft ATR  
 Date: 11/20/01 1:27pm  
 Subject: Settlement Worthless

As an IT worker for the past dozen years, I have observed the many violations of the law that Microsoft has done. They have forced their OEM customers into paying for operating system products they never sold and have offered discounts to customers who would exclusively sell their operating systems. They have also tried to either buy up and destroy their competition in various software products, or force them out by bundling a competing product that they wrote with their operating systems.

The remedy proposed by the DOJ does nothing to punish Microsoft for these past wrongs, including the perjurious testimony and falsified evidence provided by Microsoft during the trial. A large fine equivalent to the estimated amount of business they have illegally destroyed would be good for starters. This fine should be equitably distributed among the many companies that were hurt by their illegal actions after paying for the government's cost of these legal proceedings. Microsoft needs to be prevented from doing similar illegal acts in the future. While allowing third party developers to view Windows code may help them write software that is as optimal as Microsoft software, it does nothing to address the crimes mentioned in the first paragraph. Microsoft needs to be divided up into separate companies so that the operating systems are divorced from the applications written to run on those operating systems. Microsoft (the OS part) also needs to be prevented from bundling their own applications with the operating system without paying royalties to the new Microsoft applications company. They need to be forced to offer other developers similar bundling opportunities, and this should be supervised by a court appointed magistrate. There are many software companies writing good software for Microsoft OSes, and they need to be given an equal opportunity to Microsoft to sell their software in the free marketplace. As far as agreements with computer hardware companies (OEMs) are concerned, Microsoft should be prohibited from offering discounts

for exclusive deals and should only be allowed to charge for actual number of copies that the OEMs ship to their customers. Microsoft should also be forced to provide a fully usable copy of their OS with every OEM sold computer, not a limited restore CD that only works on that one computer. End customers should be free to transfer their license to any computer they wish to use it on.

Forcing Microsoft to give away their products to schools and offer reduced pricing to schools does nothing to address any of these issues and it merely propagates their monopoly. This settlement appears to be crafted by someone at Microsoft to further entrench their products in a monopolistic way.

Roger Gliebe

**MTC-00001508**

From: Scott Harrison  
 To: Microsoft ATR  
 Date: 11/20/01 1:33pm  
 Subject: Proposed Microsoft Settlement Comment

The proposed Microsoft settlement with the Department of Justice is a sweetheart deal for Microsoft. The DOJ wants to get on to more important duties like confiscating nail clippers at airports, so the deal looks good to them. But to those of us who got our legal education from old episodes of "Law and Order," the deal stinks.

How does it restore competition? What does it do for those hundreds of competitors who are no longer even in business because of Microsoft's monopolistic tactics? Well, those outfits—if they exist and if they can find the money to do so—can file civil suits. But most of them won't. I would like to see a class action lawsuit against Microsoft. What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife. It is important to understand that Microsoft management does not feel the slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that \$36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.

Microsoft has to open-up certain Windows communication APIs to other developers, but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs,

many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself. Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and screw the opposition one year after they stop distributing it separately. These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights.

Bill Gates would want us to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET. But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft. Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft. .NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved. Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open. These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about "innovation," this is what they mean. Nothing is going to change. My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products.

**MTC-00001509**

From: Bradley Hawks  
To: Microsoft ATR  
Date: 11/20/01 1:30pm  
Subject: Microsoft Settlement

Greetings,  
I was appalled at the most recent proposed settlement of the case against Microsoft. Everyone agrees at this point that Microsoft is guilty, yet they continue to practice questionable if not outright illegal business practices. The department of Justice seems content to just stand by and let this happen though. You are servants of the public good and it is your duty to redress grievances against the American people, yet you seem content to let Microsoft get away with breaking the law without any punishment whatsoever.

Microsoft needs to be punished for it's actions, not just told that they are "bad boys" and let off. Please pursue this action until justice is done, and Microsoft suffers real punishment for it's illegal actions. Our government is the only organization powerful enough to confront the Microsoft monopoly for us.

Please, for the sake of all of us, do not settle this action until Microsoft has been punished for it's actions, and there are guarantees that it will never act in this way again. Thank you.

Brad Hawks  
System Administrator phone: 585-5801  
Physics Department fax: 581-4801  
University of Utah brad@physics.utah.edu

**MTC-00001510**

From: Casey Tschida  
To: Microsoft ATR, attorney.general@state.mn.us@inetgw  
Date: 11/20/01 1:29pm  
Subject: Microsoft Anti-trust Debate

Hi  
I am an individual living in central Minnesota that is largely involved in the computer community. I have done a large amount of research during my high school period, continue with updated news and rumors, and of course own and use computers daily. Now I am an Apple Macintosh enthusiast. But the Microsoft anti-trust debate influences many businesses, even worldwide. I have never had support for Microsoft because of their shifty ways. Ever since the beginning of their time they have copied ideas that seem to have a great future. Anything that looks like a good idea they snatch up in a second. Many of these ideas came from Apple's technologies. Such as Microsoft's Media Player closely resembles Apple's QuickTime and Windows XP is a poor stolen idea of the new Mac OS X. Now there are many more examples out there and not all have included Apple. They have also gone much farther than the illegal standpoint. They offer particular; interesting, innovative, profitable looking; companies large amounts of money in order to steal certain shares of the market. A recent example was when Microsoft acquired Bungie Entertainment, a dual platform gaming company. They removed the upcoming release of HALO, planned to be ported to the Macintosh, and specifically forced their new subsidiary to make it

exclusively for the brand new X-Box. I agree Bill Gates and the rest of the higher officials at Microsoft should be punished highly and restricted in the future from such activities as this high priced, dollar spending monopoly will do anything to get whatever is profitable and good. I thank you for your time!

Casey(Cheetah)  
Casey Tschida  
(320) 259-7724  
1277 15th St. NE Apt. 108  
Sauk Rapids, MN 56379

**MTC-00001511**

From: Thane Norton  
To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/20/01 1:36pm  
Subject: Microsoft Settlement Commentary

To whom it may concern,  
I am writing to let you know my opinion on the Microsoft Settlement. I feel that they have, with forethought and intent, stifled competition and reduced consumer choice. Many of the avenues they have chosen would be legal for a company that was not a monopoly, but that is not the case here. I also feel that they will continue to do things like this, and will use new 'innovations' (such as the X-Box and .NET) to further corner the market. As Microsoft has shown that they are unwilling and/or unable to police their own practices, the only remedies that will actually prevent further abuses are either division of the company or installation of some sort of oversight panel.

These opinions are mine, and do not reflect those of Wacom, it's parent company, or affiliates.

V. Thane Norton III  
Software Engineer  
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WACOM (wah'-kum)

Towards the Harmonious Development between Human and Computer

**MTC-00001512**

From: Wildthingfever@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 1:35pm  
Subject: Microsoft AntiTrust Lawsuit

This settlement is ridiculous. It does nothing to Microsoft, which is what Microsoft and Bill Gates wants, because they think they didn't do anything wrong. And this latest development, where Microsoft is giving \$1.7 billion in software to schools, is just another attempt to sidestep the issues. Microsoft and Bill Gates wants to control everything the consumer buys, from your computers and software to eventually your T.V., phone service, washer/dryer, toaster, etc. Microsoft and Bill Gates are terrorists to consumers.

A child came home from school and asked his mother if he could go out and play. The mother asked did he do all his homework. The child said yes. So the mother let him go out and play. The next day, the child's teacher calls the mother and says the boy hasn't been doing his homework for weeks.

So when the boy came home from school, the mother said, "You told me you did all your homework." The boy said, "I thought I did do my homework." And the mother said, "And how about the previous weeks, how come you didn't do your homework?" The boy said, "I didn't think it applied to me, because all the other kids at school like me. Mom, can I go out and play now?" The mother said, "Well, go clean your room for 10 minutes and give me 2 dollars, then you can go do whatever you want." So, of course, the boy agrees.

**MTC-00001513**

From: M.S. Braccio  
To: Microsoft ATR  
Date: 11/20/01 1:34pm  
Subject: microsoft

do NOT let microsoft get away with this 'settlement'!!! the company's attempts to buy off the remaining states by paying their legal fees is disgusting. corporate america and we individuals who must deal with microsoft everyday have had enough. please work to exact a more just and tough settlement. DO NOT SELL OUT!!!

a concerned user in WA  
VSMoore  
Seattle, WA  
polarbear8@home.com

**MTC-00001514**

From: John Wilson  
To: Microsoft ATR  
Date: 11/20/01 1:34pm  
Subject: Don't let MS off the hook

If all you were going to do was slap MS on the wrist, why did you even bother taking them to court in the first place. Forcing MS to act the way it should have acted all along is NOT a remedy. Breaking the law usually involves PUNISHMENT! Fines, jail time, community service, etc. MS got away with murder, and the federal government of the most powerful country in the world simple says: "Keep your illegally gained profits, keep your illegally gained market share and customer base, but don't do anything illegal again."

This is crap!!! Thieves don't get to keep their loot; they give it back then they go to jail. Have you forgotten how criminals are supposed to be treated?

John Wilson  
1034 Town and Four Pkwy Dr.  
Creve Coeur MO, 63141

**MTC-00001515**

From: Frank Lowney  
To: Microsoft ATR  
Date: 11/20/01 1:47pm  
Subject: this settlement is too weak

What happened to DOJ resolve to protect us from an abusive monopolist, specifically Microsoft? We consumers are now more vulnerable than ever now that MS has learned how to circumvent our only hope of federal protection.

As in ancient times, divide and conquer still works magnificently.

Dr. Frank Lowney flowney@mail.gcsu.edu  
Director, Electronic Instructional Services,  
a unit of the Office of Information and  
Instructional Technology,

Professional Pages: <http://www.gcsu.edu/oiiit/eis/>

Personal Pages: <http://www.faculty.de.gcsu.edu/flowney>  
Voice: (478) 445-5260

We don't make instruction effective, we make effective instruction more accessible.

**MTC-00001516**

From: Ellen Breyer  
To: Microsoft ATR  
Date: 11/20/01 1:47pm  
Subject: Settlement Unacceptable  
Hi:

The proposed settlement is far too lenient and entirely unacceptable. Microsoft, convicted as a predatory monopolist again and again, must pay for its repeated transgressions against consumers.

Far more limits on its conduct, especially tying, must be implemented. A breakup into 3 companies would be satisfactory: operating systems, applications, and internet.

In addition, heavy penalties MUST be assessed, to punish Microsoft's past illegal behavior and to serve as a warning to others contemplating criminal actions against consumers.

Get tough on this criminal!

Thanks,  
Ellen Breyer  
Seattle, WA

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

**MTC-00001517**

From: Mike Cebulski  
To: Microsoft ATR  
Date: 11/20/01 1:44pm  
Subject: What are you guys doing!?

You had a tyrant in your grasp and you let him go. I currently use Microsoft products and have for many years, not because I find them better or like them in any way, but because they have such a grip on everything that I can't use the products I like. To use other products would alienate me from the many others who use the same products, most for the same reason I do. It's a vicious cycle that is supported by every effort of Microsoft because they know their products don't really support themselves. Yeah, it's good business practice, for them, but it really sucks for those of us who want to leave their products by the roadside but can't.

The next time you have Microsoft in court, and there will definitely be a next time now, please bring the hammer down on them.

Michael Cebulski  
Burlington, WI

**MTC-00001518**

From: John Arends  
To: Microsoft ATR  
Date: 11/20/01 1:37pm  
Subject: microsoft

I really think Microsoft has gotten off too lightly. It's gotten to the point where its impossible to do well in an academic setting without it. Due to Microsoft's domination of the market, students are forced to either purchase grossly expensive MS Office, or make illegal copies of it, just to pass classes in a university setting. Profs require powerpoint presentations, and oftentimes send word files to students, or require students hand assignments in word files.

Because of the domination, students have to keep buying office, and using windows,

and just further microsoft's hold on the market. Some serious changes need to be made with this company.

Thanks for your consideration.  
John Arends  
8039 Kenton  
Skokie, IL 6007

**MTC-00001519**

From: Tony Wren  
To: Microsoft ATR  
Date: 11/20/01 1:48pm

Subject: I don't understand the logic  
To Whom It May Concern:

I have been listening to comments in the trade journals, and among my friends and colleagues both in an out of the computer industry. The general consensus among those who actually understand the technology is that the Justice Department pretty much snatched defeat from the jaws of victory, and struck a blow for white collar criminals everywhere. How ironic that an administration that espouses competition and free enterprise should come to an agreement that stifles these two cornerstones of America's commercial might.

This is not my view alone (as someone who has been involved with the industry since 1976) but the view of essentially all the observers of note who have written extensively on the subject since its announcement.

Dissent in the industry against these criminal actions has now ceased, for fear of retribution... for, have no doubt, Microsoft now has no fear of the US judicial system. It can do as it pleases. It has proven twice that corruption, criminal behavior and corporate misdeeds are rewarded, not punished. How sad.

Competition in technology over 20 years fueled our economy. By surrendering competition to Microsoft rule, we now give the mantle of innovation to others.

Sincerely,  
Anthony Wren  
tony@bctv.net

**MTC-00001520**

From: berniearmstrong@juno.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 1:52pm  
Subject: Settlement!

My opinion of Microsoft is that they want total control of my computer and everything I do! I cannot use Netscape as my browser as Microsoft has made enough hoops to jump through to make it a continuing frustrating experience! Hindsight is of course better, but a few years back Bill Gates promised more freedoms...now they are all gone when dealing with the Explorer, it only hooks you onto Gates gadgets!!!!

What kind of settlement would I want? To be able to use my computer without Microsoft always leaning over my shoulder!

Thanks  
Linda Armstrong

ps—I think Microsoft should have to fund all schools that fall below and behind. And while Gates is at it, pay the salaries of the special computer teachers that will be needed. This is a HUGE need!!!!

**MTC-00001521**

From: Peterson, Guy

To: 'microsoft.atr(a)usdoj.gov.'

Date: 11/20/01 1:49pm

Subject: Microsoft settlement

I find it appalling that we as a country whose fundamental beliefs in its government are being tested right now would be willing to let a company like Microsoft bully, buy and lie its way out of being penalized for its legally acknowledged violations of the anti-trust laws.

Would such allowances have been made for any other company? Would we allow only one manufacturer of automobiles or aircraft have a 90% share of the market? Especially when that company had illegally stolen that share of the market?

What kind of moral lesson is going to be learned from this by other companies and the people who manage them? That as long as you can kill off your competition before being convicted of a crime, and are rich enough, that no "real" crime has been committed? To hide behind statements like: "it is for our customers benefit" or that "any break-up at this time in our country's struggles would be inappropriate" are despicable.

I firmly believe that Microsoft has destroyed the development and implementation of many real advances in this industry. I work with PC and Macintosh platforms and use a variety of software for both. The amount of truly new and creative applications has been dramatically reduced because of Microsoft's stifling, anti-competitive practices.

The proposed settlement with Microsoft has so many ambiguous and ill-defined terms that it is worthless. The history of this company speaks for itself—it will drag out as long as possible any potential future litigation to the point where that judgment is meaningless. The fact that Microsoft has so much control over the oversight of its "punishment" is verging on the unbelievable.

To have my government lose its strength of will and vision of fair play is truly disappointing.

Do not settle with Microsoft.

We will all lose.

Sincerely,

Guy Peterson

Visual Communications Manager

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#### MTC-00001522

From: Andy Barrus

To: Microsoft ATR

Date: 11/20/01 1:55pm

Subject: Penalty, What Penalty?

I'm not sure why this forum is here but feel compelled to write. I am appalled at the injustice done to the American people with the recent settlement in the Microsoft anti-trust case. Here is a company that willfully violated previous agreements and penalties and now they can keep doing business as usual.

Where is the penalty? Please take a look at how many companies are no longer in

business (or not a factor) as a direct result of Microsoft's business practices. Netscape, WordPerfect, Novell, Claris...I'm sure the list is quite extensive.

Please don't buy into the Bill Gates rhetoric that his company should be free to innovate. The only innovation Microsoft can take credit for is taking monopolistic business practices to a higher degree than any company previously. The majority of "innovations" Microsoft takes credit for were already in place by Novell, Apple, and other companies.

What about the court findings? Weren't they (Microsoft) guilty this time as they were in previous proceedings? The soft penalties did not stop them in the past; what makes you think it will stop them this time? I am glad our criminal court system at least puts convicted murderers and rapists behind bars and doesn't just slap their wrists when they say we won't do it anymore.

#### MTC-00001523

From: Greg Hammond

To: Microsoft ATR

Date: 11/20/01 1:53pm

Subject: Microsoft Case

The law protects the Small as well as the Big. Should the Small do harm to the Big, the Small would be punished with little effort from the Big. And it should be the same if it were the opposite.

This does not seem to be the case with Microsoft. They harmed Smaller companies with their practices. They need to be fined and that fine should aid the Small in their efforts to compete fairly with the Big. They (Microsoft) need to be monitored because they are on parole, they did break laws, they did inflict harm.

Just because the impact to the Small did not reach as far in some states as in others the law should be levied equally across all. Not state by state.

Open source for Operating System—Yes! (Fair competition) No competition in Applications with unfair advantages—Yes! (No proprietary codes.)

Microsoft Monitored for 10 years—Yes (Appoint team 2-3 year terms.) Fined \$20M a year for 10 years to support startups in application design. Managed by the same people who will monitor MS. (Admin expenses not to exceed 10%)

Microsoft to pay Legal bills for anti-trust case. (Payment over 10 years.)

This whole thing is just blown way out of scope. Think small but effective. Think fair so that no-one feels cheated or picked on. Think about a cure.

Good Luck,

Gregory Hammond

System Coordinator—Los Angeles, Ca

#### MTC-00001524

From: march@ican.net@inetgw

To: microsoftcomments@doj.ca.gov@inetgw

Date: 11/20/01 1:53pm

Subject: Microsoft civil damages?

Is the Microsoft Civil suit offer of value? I don't know the details & I can only surmise that Microsoft has few options:

pay a fine

lose face publicly

lose opportunity to build market share

or  
build market share  
build a database of personal user  
information

build (perceived) dependence

build (perceived) goodwill

do it for free (use money already lost?)

—I believe microsoft knows they would

lose & pay

—the poor schools likely couldn't afford to be customers any way

—the coming .net strategy has similarities

to cigarette addiction—pay per use

—software duplication is cheap beyond the current installed base

—used, functional computers (p100s,

Macs, etc) are practically being given away now

I use many OSs inc W95, DOS, Win 3.1 & choose Mac—it is more productive for me, easier, just plain better & costs MUCH LESS TO KEEP RUNNING... For one I don't worry about viruses, ever...

Microsoft is being sued by the Government while Apple was designated as a "national treasure"... Does the 'state' lead by example in their purchasing? Or is microsoft dependence just another form of glorified UI?

Why is this so difficult for people to understand & to think beyond the lobbyists...

Dependency can lead to vulnerability—ie. the old adage 'strength in diversity'...

A couple of current articles:

<http://www.junkbusters.com/news.html>

<http://www.theregister.co.uk/content/39/22952.html>

Good luck,

Bruce March Architect

Toronto, Canada

CC:attorney.general@po.state.ct.us

@inetgw,ag@oag.stat...

#### MTC-00001525

From: Joe Bergeron

To: Microsoft ATR

Date: 11/20/01 1:52pm

Subject: Microsoft Settlement

I am far from satisfied with the settlement reached in the Microsoft anti-trust case.

Microsoft is pernicious and must be reined in to preserve some semblance of competition in the computer operating system market. Their claims of "innovation" have never been anything more than laughably cynical. They are getting off far too easy in this case.

Joe Bergeron

Apt 52, 121 N Gateway Blvd

Ridgecrest CA 93555

#### MTC-00001526

From: daniel freeman

To: Microsoft ATR

Date: 11/20/01 2:00pm

Subject: Antitrust settlement

I demand as a taxpaying consumer that my rights be protected from an acknowledged monopolist. I know that arguments have been made by Microsoft that to split them up would damage the US economy, however, we have already had a court determine that Microsoft is using its monopoly position to do damage to the US economy by overcharging and stifling competition. We should not be talking about theoretical damage but in fact damage. How can the

potential damage outweigh the actual past and current damage done to the US consumer and economy by reducing the productivity gains from faster, better, cheaper than open competition bring. Who knows where we might be right now if Microsoft hadn't killed so many budding competitors who would have forced Microsoft to be more efficient and cheaper for consumers.

Microsoft needs to be split up to ensure that the economy can recover from the damage they have done and continue to do.

Daniel Freeman  
181 B Landers St.  
San Francisco, CA 94114

#### MTC-00001527

From: JonKai@aol.com@inetgw

To: Microsoft ATR

Date: 11/20/01 2:00pm

Subject to: U.S. District Judge Colleen Kollar-Kotelly...

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Judge:

Thank you for this opportunity for the public to give comments on the MSFT settlement... I am about as public as they come, I have no connection to MSFT or the DOJ or the States, or any Computer or software companies ..... I am an Architect in Boulder, CO. I have bought software from many different companies, including MSFT. My words are True .... and direct., please read this with all due understanding and importance that this issue brings to our form of capitalism. Without a proper solution, our economy will suffer unbelievable harm from the extinction of true innovative companies that no longer exist because of MSFT ....

There are four things wrong with this settlement ....

1. It does not address the most important one of the 8 injuries found by the appeals court where MSFT was found to have violated the Sherman Anti trust act in 8 separate violations.

2. It does nothing to keep MSFT from doing the same thing to other companies, including RealNetworks, as it did to Netscape .... (which is the cause of the antitrust suit in the first place)

3. The Settlement was brought about because of macro political motivation.

4. Half of your plaintiffs (half the states) do not agree with the settlement... See bottom conclusion for an easy solution to a proper remedy ....

1) The appeals court found that MSFT illegally commingled application software with its OS to use the OS as leverage in gaining a new market .... (see violation of antitrust acts, by Appeals court). MSFT's new OS, WindowsXP, still uses this illegal method of commingling code, in direct violation of the Appeals court decision, the settlement does not address this at all ..... nor does it address the Tying issue which is related, and the appeals court asked you, the lower court, to consider this tying issue ... the Settlement does not address this even in a cursory way ..... This is a grieves error, and what the entire trial was about, without addressing this, you will find yourself back in court with MSFT as a defendant, while

they try to justify another complete decimation of another market, like Netscape's market was destroyed earlier ....

2) The whole trial was about how MSFT, scared that Netscape's product, would subvert the OS, used its Monopoly to take over a new market .... whether the DOJ or MSFT wants to admit this, this is what it is all about .... Netscape innovated and created the Browser market, and had 80% to 90% of the market, until one day, 7 MSFT execs came into a Netscape Board meeting, and said: paraphrasing "give us a piece of your business, and a board seat, or we will put you out of business" .... (this did happen, quoted from a book by Michael Lewis) and sure enough, MSFT did put Netscape out of business, (Netscape's had to be bought out by AOL, after its market share dropped to less than 20%) after MSFT used its OS to tie this new market product too, and then gave this product away for free ..... now we will never see another innovation by Netscape because its main source of revenues was taken away from it ..... All of this is illegal to do when you have a monopoly that you can leverage .... and this is what the finding of fact and Conclusion of law found, yet the settlement does nothing to address this ..... Worse, it is happening again, this time to RealNetworks .... MSFT is doing the exact same thing to RealNetworks, MSFT has illegally commingled and tied its "Media player" application software to its OS, as it did with "Internet Explorer", and now RealNetworks will suffer the same fate as Netscape, and the settlement does nothing to stop this ..... RealNetworks actually created the consumer demand and Market for streaming video, now they will lose everything, and we will never see another innovation from RealNetworks again, because they will have to declare Bankruptcy within a year or two or they will be taken over like Netscape was ..... mark these words down .... This is a good way to see how really bad this settlement is, when another company is being completely decimated by what the appeals court has already ruled illegal to do, yet the settlement does nothing about .....

3) The DOJ had asked for tougher penalties during different administrations .... and The DOJ had asked for tougher penalties before the start of a War ..... nothing has changed between now and then, except the political climate ..... however important this war is, it does not give the DOJ carte blanche to completely cave away from the people's needs at home .... The DOJ had asked for tougher penalties even before the appeals Court handed the DOJ a victory in nearly every area, the only exception is the area you are deciding today...the remedies .... a good way to judge this political situation is that the only people you can consider non political, are the 9 judges who have already heard this case .... and ALL of them, including the 7 appeals court justices have decided unanimously that MSFT has broken laws which this settlement does not address .... there is no reason why the DOJ should cave with ineffectual remedies including not even considering the Tying issue and not dealing with commingling .... there is no reason except that the macro political climate has changed drastically, including a start of

a war ..... this should not be a reason for deciding this issue .....

4) you cannot have a settlement, when half of the people involved (half of the states) are against the settlement .... The states have legitimate concerns, yet The DOJ excluded them from settlement talks so that there would be no interference in this settlement, a settlement that gives all and complete victory to MSFT, which everyone who is neutral agrees that the DOJ has handed them .... the DOJ did not act in good faith by excluding the states from something that the States had worked so hard on .....

Conclusions...

The solution or remedy is really quite easy to address, I'm not sure why the states wanted MSFT broken up, and I'm very sure why the DOJ wants to levy such easy remedies on MSFT, but the true solution is easy ....

There would be no disruption to the economy with this solution, MSFT would have very little regulation hanging over its head, and the solution is easily implemented .....

All you have to do is have MSFT unbundle and unmix its application software from its OS, so that MSFT has to sell the OS on one CD, and the application software on another CD..

(mediaplayer,IE,instantmessaging,MSN..etc) .... with no ties between these two separate marketing efforts .... MSFT does not need to be a separate company to do this .... which means zero cost to the economy, and tiny cost to MSFT, and if a consumer really wanted MSFT's apps, and their OS, they would buy both CD's, and by the time they loaded both CD's, the consumer would have exactly the same product as they would have by buying Windows XP .... A win win for the consumers choosing MSFT, and MSFT themselves .....

This would solve all that is wrong with the settlement ..... the settlement does have some good points, like the OEM's must be able to control their own "desktop" meaning they can't be told by MSFT that if the OEM's want the OS, then they have to have these apps on there too .... or that they cannot have other companies app software ....

With this solution above other companies can sell their CD's to these OEM's and the OEM's can have both MSFT's apps or CDs and other companies apps or CD's along with MSFT's OS .....

If you want some punitive remedies too, (which MSFT deserves, if you read the findings of fact and conclusions of law, and the appeals decision), you can tell MSFT that they can no longer invest in other companies for a period of five years, and they must divest from other companies that they own less than 50% of ..... This would be a punitive remedy, and MSFT would think twice about breaking the law again .....

A very simple solution if you think about it .... And I really hope you think about it, because true innovation, and the fate of real companies with real products are at stake, RealNetworks will cease to exist with this settlement as it is today ..... think about it, a company who actually created the streaming video market put out of business by a company (MSFT) that actually copied

RealNetworks' product, and bundled this copy with an existing monopoly and then destroyed RealNetworks' market the one that actually brought the innovation to market in the first place .... a sad state of affairs ... and this settlement, as it is, will do nothing to remedy the situation .....

Thank you,  
jon.

**MTC-00001528**

From: Ray Thompson  
To: Microsoft ATR  
Date: 11/20/01 1:58pm  
Subject: Microsoft Settlement

I wish to express myself on the weak agreement that has been set forth for Microsoft. I have been involved in the computer industry for more than 20 years and have watched Microsoft obtain great market shares and technologies time and again in less than fair or honest ways. Please do not put a road block in the growth of this industry by letting Microsoft continue to break the law and break the backs of any new competition that arises. Already they are taking advantage of the situation and are beginning to raise the cost of licenses for both education and corporate customers because they have been so successful at crushing the competitors illegally. They will only take greater advantage as time passes and they move into areas, and use their monopolistic power to dominate.

Thanks for your time  
Raymond E. Thompson

**MTC-00001529**

From: Ultramac Consulting (CCS)  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 2:05pm  
Subject: Settlement disagreement

I have to say that I am extremely disappointed in the settlement offered by the government in the Microsoft antitrust lawsuit. I live and work in silicon valley and have seen first hand a number of companies that have had to close their doors over the past 6 years due to "competition" with Microsoft. They did not close down due to mismanagement, lack of startup capital, or poor product design. On the contrary, their products can now be found "integrated" into a number of Microsoft products.

I work on multiple operating system platforms including Windows, MacOS, and UNIX and have worked on hundreds of software programs over the years. I have yet to see an innovative program that Microsoft has not tried to copy and replace with one of their own. Of course they should be allowed to create a competing product for anything out there, but they always do so in the vein of eliminating the competition. Microsoft has some wonderful products, but rarely is theirs the first or even the best. In most cases, their product is actually pretty poor, but with the weight of their other products and business tactics, they eliminate the competition and slowly improve their own products after the competition is gone.

I ask you now, what email client are you using? How many choices do you have? What browser do you use? Again, what are your choices? Word processor, spreadsheet,

operating system, the list goes on. Microsoft is an illegal monopoly. They were convicted of that a while back. The punishments in the past for companies like Microsoft have been pretty stiff and effective, why are they different? The settlement, as offered, will not slow them down one bit. I wish I had an appropriate penalty to offer that would work to eliminate the abuses that Microsoft has perpetrated, but I don't. That is not my job, it is yours. I just hope that the remaining Attorneys General continue the fight against an illegal monopoly that is strangling innovation, progress and fair competition. I thank you for your time and consideration.

Patrick J. Wolpert  
Computer Consulting Services  
San Jose, CA 95136  
(408) 307-2064  
(253) 681-8178 Fax  
CCS@ultramafic.com

**MTC-00001530**

From: Chris Ray  
To: Microsoft ATR  
Date: 11/20/01 2:05pm  
Subject: Microsoft anti-trust suit

We need to be protected from Microsofts pursuit of it's own interests. The Federal Government has declined to protect us. I applaud our state Attorney Generals for taking up the anti-trust suit in a serious way instead of rolling over as the Federal Government has.

—Chris Ray  
4 Hill Drive  
Petaluma, CA 94952

**MTC-00001531**

From: Nick Kohn  
To: Microsoft ATR  
Date: 11/20/01 2:02pm  
Subject: settlement

I am writing to you to ask that you seek harsher penalties against Microsoft. It is undeniable that they have committed numerous acts breaking the law. Many of them have not even been named in the trial. If the US government does not seek stiffer penalties (i.e. breakup), Microsoft will continue to break the law. In addition, other companies will follow Microsoft's example, knowing that there are no consequences to breaking the law. Thank you.

Nicholas Kohn  
nkohn@umich.edu  
934 S. State #2  
Ann Arbor, MI 48104

**MTC-00001532**

From: Talos Tsui  
To: Microsoft ATR  
Date: 11/20/01 2:00pm  
Subject: microsoft case

To whom it may concern,

The settlement is letting them off the hook too easily. I am supporting the nine states who against the settlement and move forward to the case. Microsoft, brought Bungie Software last year, because they want exclusive games for their own Xbox gaming platform. They spend extra money in front of companies and make sure they have exclusive for their own system. Bungie announced they are working on the game, "Halo", first on Macworld Expo Summer of 1999 for both Mac and PC. As a mac user,

I want that game, now I have to wait god knows when before it comes out for the mac because of Microsoft. Sure, they (Microsoft) have the money, and they don't care about others.

Yours,  
Talos  
Talos Tsui  
The Iconfactory  
talos@iconfactory.com  
http://www.iconfactory.com  
icon design  
user interface design  
interactive design  
website design

**MTC-00001533**

From: Donald Mastriano  
To: Microsoft ATR  
Date: 11/20/01 2:13pm  
Subject: \$1 billion worth of software.....not what you think

As a professional business person I recognize the proposed \$1 billion settlement as nothing serious to Microsoft, and instead, a coup of a PR and marketing assault on young minds. Imagine all those poor kids having to use monopolistic software given as a "gift" or "punishment", whatever, now they get hooked on it, Microsoft is squealing in delight as it seriously tries to not giggle in your settlement meetings.

Wake up.  
Donald J. Mastriano, Ed. D.

**MTC-00001534**

From: Stephen Dampier  
To: Microsoft ATR  
Date: 11/20/01 2:07pm  
Subject: Microsoft Case

Hello,

I'm a professional web developer who works in a corporate environment. 95% of our software is made by Microsoft. 98% of our computers run Microsoft operating systems. I am the sole Macintosh user although there are several Linux users here.

It is very difficult in the environment to use anything but Microsoft operating systems and software such as the Office suite of applications including Excel, Word, PowerPoint etc. It is also very difficult to use an email client that is not Microsoft branded since other clients will not interface with the server software. Most people use Internet Explorer, another Microsoft product. More and more websites offer only Microsoft centric video formats.

We are essentially unable to exercise our freedom in this country to choose a computer and operating system, web browser, email program, office software etc from other manufacturers other than Microsoft. I recommend that Microsoft be required to provide the specifications and source code to their operation systems, office software, email server programs, web browsers, and media software so that everyone is playing on the same field and can actually write their own software that is compatible with ALL Microsoft products. Essentially, Microsoft products should be made open source. There can be no open and free market until this happens. Further, the companies leaders should be punished for their lack of cooperation, out right lies told to the court

and their anti-competitive practices that they have practiced and continue to practice. A jail term would work better than mere fines since money means very little to the richest men in the world.

You should take all care to prevent Microsoft from squashing other technology based markets such as the gaming consol market etc. We need restrictions put into place that will prevent big boys like Microsoft from coming in and JackBooting all over the competition.

Sincerely,  
Stephen Dampier  
Finaplex  
208 Pennsylvania Ave, Suite 202  
San Francisco, CA 94590

**MTC-00001535**

From: aflower@themis.ncifcrf.gov@inetgw  
To: Microsoft ATR  
Date: 11/20/01 2:06pm  
Subject: Proposed Microsoft Settlement

I am writing to express concern over the details of the proposed settlement in the Microsoft antitrust case. While it is debatable whether Judge Thomas Penfield Jackson's original breakup order, which has since been vacated, was too extreme, the appeals court unanimously accepted his findings of fact and affirmed that Microsoft is an illegal monopolist.

My concern is over how weak the current settlement is. Microsoft has in the past completely ignored consent decrees, which is what the new settlement amounts to. That aside, I would support a consent decree which actually allowed for significant penalties for non-compliance; however, the only penalty for engaging in future monopolistic behavior seems to be an extension of the "enforcement" period by two years, which essentially leaves the company free to continue on its current course of controlling the market by any means available. Many individuals I've spoken to seem to harbor the opinion that the Justice Department has sold out on this settlement proposal.

I do not know how to go about fixing the situation without the probability of further lengthy appeals. I do, however, know that the current proposal lacks any sort of real punitive muscle, and some real punishment and/or enforcement is needed to prevent a continuation of the status quo. If a structural remedy is seen as too harsh, at least some significant financial penalty (a minimum of 5-10% of the company's net worth) should be applied. Furthermore, at the very least given the company's past behavior under a consent decree, the current proposed settlement could be acceptable provided that there are severe penalties for non-compliance.

Sincerely,  
Andrew Fowler  
Andrew Fowler NCI—Frederick  
Postdoctoral Fellow PO Box B, Frederick,  
MD 21702  
afowler@ncifcrf.gov 301-846-6951 (work) /  
301-846-6231 (fax)

**MTC-00001536**

From: Rohan Samahon  
To: Microsoft ATR

Date: 11/20/01 2:16pm  
Subject: Windows has become a Public Good

The suggested remedies thus far have been far insufficient in remedying the problem at hand. Microsoft has grown large and so powerful that even the government can't make a fair impartial ruling on the problem. You are probably all typing up your reports and decisions on Windows based PCs. The fact of the matter is that Microsoft's Windows operation systems have become the standard and the system that more than 95% of PCs use. Software must be tailored to work on this platform. In essence Windows is comparable to our roads, a public good and resource. How can one company dictate how the roads will be designed and simultaneously create cars (software) that will run on those roads? The two interests are conflicting interests to the consumer. Microsoft has grown so immensely large that they can afford to give a software program away for free, ie: Internet Explorer, hotmail accounts, Windows Media Player, etc... because it receives major revenues from its operating system sales. Meanwhile companies that rely on the revenue of their one product ie: RealPlayer, Netscape Communicator, etc.. are run out of business. Once they're gone Microsoft can now control the price of that industry: ie: video playback and also its innovation or the slowing thereof. This is so frustrating as a consumer that the US govt. is overlooking this for the benefit of Microsoft. This company has abused its marketplace position over and over again. As soon as any of their products hit critical mass they control that market too. We've seen this over and over again. Wake up DOJ.

Rohan P Samahon  
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107 Carpenter Drive, Suite 100  
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http://www.aibs.org

**MTC-00001537**

From: Yawn, Gary  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 2:15pm  
Subject: Please settle this case so this economy can get back on its feet. Notice the

Please settle this case so this economy can get back on its feet. Notice the economy began to falter about the time the DOJ started rumbling about Microsoft's antitrust atrocities. Further notice the economy is gaining steam now that the end is in sight. Continue to delay the outcome, and I think you'll find the economy begin to delay its return to greatness.

However, that is not my only concern. I do not think I ever heard the public complain about this "monopoly"; only competitors. To me, this would indicate Microsoft is a fierce competitor, but not necessarily a monopoly. The hundreds of thousands of people who use Macintosh computers, Linnux operating systems, Palm operating systems, Unix, etc. don't buy into that "monopoly" game. Microsoft is NOT the only game in town.

Thanks,  
Gary Yawn  
2368 18th Ave  
New Virginia IA 50210  
515-979-5451

**MTC-00001538**

From: Jim Hassinger  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 2:13pm  
Subject: Justice Department soft on digital monopolism

I was very disappointed to see the recent settlement of the case against Microsoft. The "punishment" meted out simply does not fit the crime. It's as though we caught Osama bin Laden and let him off with a couple of years in reformatory. Microsoft has engaged in monopolistic practices for years, and now is being excused by those people whose view of software is not sufficiently developed to understand what the monopoly is doing, nor why it is important for government to step in.

Let me explain my position. I think that the breakup of the company into operating system/other software/and other investments was a proper part of the reconfiguration of the software world to foster competition, always an important part of American capitalism. I would go further in legislative and regulatory initiatives, not to punish Microsoft, but to make sure that no new Microsoft can emerge. First, I would make it necessary to publish the specs of all file formats. In other words, my new, whiz-bang application saves a file. The specs of that file must be open, so that developer B knows how to treat the data in his application, which may alter it in some way, or in fact, "Save as..." that exact file format. That would go a long way to guaranteeing interoperability, which has great benefits to all consumers.

Secondly, internet standards need to be enforced. Many of the standards developed by the scientific and non-profit bodies, by the American taxpayer, in fact, are being altered—so that only the users of one platform, or the users of one operating system, will be able to access some new service on the internet. Of course, true innovation should be encouraged, but a mere technical trick—locking out users of Real streaming video, for instance, not by adding anything significant to the service, just by tweaking the interface enough to lock out competitors, for instance—should be punished in civil and even criminal courts. If someone comes up with a meaningful advance, it should be protected only to the extent that it benefits all.

Again, the government should require the publishing of details of the new standard, so that a new technique should be swiftly available to all. At the moment, if Microsoft (the most obvious candidate for monopoly, but not the only one) tweaks their treatment of sockets, or java, or ActiveX, so that other developers cannot access it, it's game over. Publication must come simultaneously with the development, or else the natural advantage of an innovator in the digital era becomes an unfair monopoly.

I am disappointed, but not surprised, by the leniency of the Justice Department vis a vis a prime campaign contributor. The American people deserve better.

James Hassinger  
jimhass@pacbell.net  
<mailto:jimhass@pacbell.net>  
1149 Coronado Ter  
Los Angeles, CA 90026

**MTC-00001539**

From: Damien Sorresso  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/20/01 2:21pm  
Subject: Microsoft/Department of Justice  
Settlement

I am writing all you Attorneys General and the United States Department of Justice to express my extreme dissatisfaction at the "settlement" that the Department of Justice has reached with Microsoft. I am not a resident of any of the states I am writing to, but my life will be affected by the Department of Justice's cave-in as much as anyone else's. I feel that, as a registered voter and American, my voice should be heard.

Microsoft was ruled to be an illegal monopoly. It's settlement with the Department of Justice does not take even the smallest amount of what are, in my opinion, requisite actions against Microsoft to ensure that it does not tighten its stranglehold of the computing industry.

The new settlement, unlike the one proposed by Judge Jackson, does not require Microsoft to disclose its API's to third parties anymore. Section J1:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

Section a allows Microsoft to get around disclosing API's and other information by claiming that its security is threatened. This allows Microsoft to continue its closed, monopolistic way of setting new "standards" in the computing industry. This settlement will not change anything at all.

Section b offers Microsoft government protection for its monopolistic acts. It allows for Microsoft's non-disclosure to be enforced by the government. This is totally unacceptable. Microsoft has been ruled a monopoly, and these terms seem more like the government wants to protect Microsoft's monopoly, rather than doing what it should and break it up.

In spite of the fact that it has been ruled a monopoly, Microsoft continues monopolistic and domination-like actions. I shall list some recent actions taken by Microsoft that belie its monopolistic nature:

1: Upon opening the new MSN website, users of the Opera web browser were unable to view the site. Users of Opera were directed to "upgrade" to Microsoft's own Internet Explorer web browser to properly view the content. Microsoft, when questioned about

the incompatibility, accused Opera of being non-compliant with the XML standard specifications. Opera immediately shot back that they prided their web browser on standards compliancy, and submitted an XML standard test of MSN that showed it to not be compliant with the XML standard specifications, thus identifying MSN as the culprit. Microsoft then fixes the problem so that MSN could be viewed by other browsers. Had Opera not made public MSN's non-compliance to the XML standard, Microsoft's attempt to coerce users of Opera into using Internet Explorer would have gone unnoticed. Microsoft has no shame in continuing it attempts to dominate the internet.

2: Windows XP and the latest version of Internet Explorer do not ship with Java support. Java is one of the key components for the internet, because it works with every operating system that can run a Java Virtual Machine. Why would Microsoft not want to support this standard? Because it is a roadblock in Microsoft's attempts to saturate the internet with Microsoft-only standards and products. Java works with every operating system, and Microsoft is attempting to replace it with a Windows-only standard that would force any desiring to be on the internet to buy a Windows PC, rather than a Macintosh or Linux machine.

3: Microsoft's proposed security procedures are based on "security through obscurity." Microsoft disallows the publication of any security holes than may be found in its operating systems or applications for at least 30 days after the said hole was found. Even then, security companies are only allowed to release very general information that is not helpful to system administrators wishing to develop a temporary work-around for the problem while Microsoft works on a patch that fixes the hole. The fundamental problem with this approach is that it leaves the security hole completely open and unguarded for a period of one month. Microsoft is essentially taking the chance that no rogue hackers will discover the flaw and exploit it in 30 days. After making the public aware of the problem after 30 days, system administrators must wait for Microsoft to release a patch. The public release of information cannot contain the information required to exploit the security hole, so system administrators cannot test the problem on their own networks, nor can they isolate and deactivate the part of the network that is flawed. For most companies, this means an indeterminate time of over one month in which their network is vulnerable if it is running Microsoft software as its backbone. Taking the network offline is simply not an option in today's e-commerce-based industry.

Of course, many may say that the alternative is to simply use Linux or UNIX in place of Microsoft's software. However, Microsoft already has enough of a presence in business networks that a transition to Linux would cost a great deal in the short-term in the purchase of new servers and the training or hiring of certified and UNIX-knowledgeable network administrators to replace MCSE-certified ones. While a large company like IBM can make this transition

without worrying about cost in the short term, the large number of startup companies that have sprung up that are using Microsoft's products do not have this option due to lack of revenue and sales. They must use the money they have to maintain their existing network and pay Microsoft outrageous licensing fees.

4: Microsoft is now beginning to try and extend its influence and power to every aspect of the technology market. The recent release of the X-Box to the game console market, coupled with Microsoft's Ultimate Media TV and the presence of the Windows Media Audio format on copy-protected Compact Discs, should be enough to show that Microsoft is not satisfied with mere domination of the computer operating system market. They wish to impose their closed-standard and secretive approach on any technology market that they can.

5: Microsoft continues to write new "standards" for the computing industry that conveniently only work with its operating systems, instead of embracing real standards. Real standards are written by committees which openly-publish their work so that anyone can use it. The Motion Picture Experts Group (MPEG) writes the MPEG standard for the industry, and any wishing to comply with this standard can obtain a license and make it work with any operating system or media player. Microsoft's standards are not available to the public, and they can only be used by Microsoft products. No version of Windows comes with built-in servers for telnet, FTP or any other open standard. All Linux distributions and Mac OS X come with built-in support for these open and accepted standards. Microsoft forces you to buy a Terminal Server application that uses a closed and proprietary communications protocol.

Microsoft is a monopoly and should receive harsher penalties, such as a break-up or forced-disclosure of the source code for Windows. Private organizations should not be able to bully the government into protecting their monopolies and have the government passively approve of such bullying tactics against other companies that offer even the smallest bit of competition.

Please know I desire harsher penalties for Microsoft, and I support any reasonable action taken in seeking these penalties.

Damien Sorresso  
CC: Dominic Sorresso, Michael  
Sherry, contribute@macosru...

**MTC-00001540**

From: Larry Herfindal  
To: Microsoft ATR  
Date: 11/20/01 2:18pm  
Subject: Microsoft Settlement—NO!!!!!!!!!!!!

The feeble settlement that is being proposed by the Justice Department is not in the best interest of the consumers. Microsoft blatant disregard for the law and malicious actions towards it's competitors must be addressed. Just as Judge Sporkin stated in the 1995 U.S. Appeals Court case against Microsoft: "simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained". Microsoft has proven repeatedly that it can not be trusted. The settlement

must prevent Microsoft from using its monopoly against the industry. The only way Microsoft can be trusted is to separate the operating system from the applications software by breaking the company up into two separate companies.

I feel that Justice Department has sold us out!! If we can't count on the Justice Department to look out for our best interest then WHO????? What is good for Microsoft is not always good for the industry!!

Thank you for your time,  
Larry Herfindal

**MTC-00001541**

From: Ralph J. Luciani  
To: Microsoft ATR,webteam@ag.state.ia.us  
@inetgw,ag@oag...

Date: 11/20/01 2:18pm  
Subject: DOJ settlement re: Microsoft monopolistic practices

To Whom it may concern:

I would like to strongly object to the terms of settlement in the DOJ/Microsoft case. This was a total capitulation on the part of the DOJ where Microsoft was clearly shown to be in violation of anti-trust practices. It is now up to the state attorneys general to correct this miscarriage of justice. It is vital that the American judicial system sends a strong message to Microsoft, and any multi-national corporation that involves itself in unscrupulous and unlawful behavior that such conduct is unacceptable.

Ralph J. Luciani  
1322 Clearview Drive  
Oakville, Ontario  
Canada  
L6J 6X6

**MTC-00001542**

From: amy lee tyler  
To: mailto:microsoftcomments@doj.ca.gov@inetgw

Date: 11/20/01 2:29pm  
Subject: I support further prosecution of Microsoft in the Anti-Trust case

I am a resident of Austin, Tx. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue to prosecute. Microsoft's latest action, the 'donating' of \$1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please continue the fight for equality.

Amy Tyler  
http://www.amytyler.com  
512.527.0415  
9617 Great Hills Trail #512  
Austin, Texas 78759

**MTC-00001543**

From: amy lee tyler  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 2:23pm

Subject: I support further prosecution of Microsoft in the Anti-Trust case

I am a resident of Austin, Tx. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue

to prosecute. Microsoft's latest action, the 'donating' of \$1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please continue the fight for equality.

Amy Tyler  
http://www.amytyler.com  
512.527.0415  
9617 Great Hills Trail #512  
Austin, Texas 78759

**MTC-00001544**

From: Bob Eliason  
To: Microsoft ATR  
Date: 11/20/01 2:22pm

Subject: Re: settlement

Microsoft has broken the law and continues to extend their illegal practices. The operating system must be broken away from the software business to protect the consumer. They are already eyeing digital television, game boxes, and Internet access and have made major inroads in creating a "standard" that they can control.

Just in the Internet realm, they adopted JAVA, attempted to change the standards by modifying their server software to only use their version, and then dropped it completely from Windows to eliminate it. Not a surprise since it is a potential competitor. Netscape plug-ins were eliminated to disable Quicktime. Hotmail has new "security" that disables other e-mail programs.

Innovation is not taking place. You now even have to get their permission and provide personal data just to use your computer that is running their software. There are better operating systems but the consumer is not given a choice or when there is a choice, the other platforms are not supported by Microsoft servers, services, or equivalent features. We could all just buy a Macintosh but it will be dead on the day that Microsoft stops making Office for the Mac (which doesn't have feature parity now).

Correct this sad settlement and create a punishment. It is a shame to hide behind September 11th. The consumer deserves better.

Bob Eliason  
eliason@cville.net  
2685 Milton Hills Drive  
Charlottesville, VA 22902

**MTC-00001545**

From: Dave Coker  
To: Microsoft ATR  
Date: 11/20/01 2:30pm

To whom it may concern :

I am totally appalled by the current MicroSoft settlement. For years they have without restraint of any kind practiced a predatory form of business. They have effectively increased costs and limited consumer choice, all in the course of their efforts to control and increase market share.

I plead with you to revisit this decision as soon as possible, before it is too late.

In closing, as a Computer Professional with over twenty years experience I am obliged to point out that many lay people don't really know what they are being deprived of because of Microsofts practices.

Please correct this wrong.

Dave Coker

**MTC-00001546**

From: Larry McMunn  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

Date: 11/20/01 2:35pm  
Subject: Microsoft Settlement

Having been involved in the computer industry since 1984, I have been witness to many trends and developments.

It cannot be in the interest of the American public (or the world's public, or any state's public) for one company to monopolize the computer operating system software and be a major developer or supplier of application software as well.

Microsoft should be two discreet companies—one company dedicated to supplying the Operating System software only, and the other company (applications and productivity software) competing on the same level playing field as other suppliers of computer applications software.

All computer manufacturers should be guaranteed access to the Operating System software regardless of any other software installed on their product.

Furthermore, while I don't think that the government should set the pricing of software, all manufacturers should pay the same for the Operating System as others at a similar manufacturing level. For instance, all manufacturers producing up to 100,000 units per year might pay XX amount, those who make up to 500,000 units might pay 90% of XX, up to 1,000,000 annually maybe 80% of XX, and over 1,000,000 units per year might be at 70% of XX. This would guarantee that computer makers could not be pressured into taking a sister company's product, freeing them from "software extortion".

Sincerely,

Willard L. McMunn,  
President  
McMunn Associates, Inc.  
900 Haddon Avenue, Suite 302  
Collingswood, New Jersey 08108  
856.858.3440

Good Scripting! :)

Larry McMunn  
President

McMunn Associates, Inc.  
Specialists in automated Data Visualization  
thru Apple products  
Collingswood, NJ  
(856) 858-3440

**MTC-00001547**

From: Daniel Bliss  
To: Microsoft ATR  
Date: 11/20/01 2:32pm

Subject: Microsoft settlement

Keep up your efforts with trying to rein in Microsoft. The proposed settlement leaves gaping loopholes for them to continue monopolistic practices, especially with regard to software that is bundled with the Windows operating system. I see the settlement as being a particular threat to competing (or open source) technologies such as:

—RealPlayer (a key Microsoft competitor that is being pushed off the Windows desktop with the bundling of Windows Media Player)

—Open GL (the open source game acceleration technology that's being pushed out by Microsoft in favor of DirectX, a move that could freeze the Macintosh out of games and other 3D applications because while Open GL is available on both platforms DirectX for now is not)

—Java; the open-source architecture that drives a huge number of web sites and Internet applications (Microsoft is cutting back support for Java from new Windows software including Windows XP and Internet Explorer) customers will have to manually install a plug-in. That's a move that not only undermines Java's designer, Sun Microsystems, but causes serious trouble for businesses across the country that have built Internet commerce on Java)

—the Internet itself, where Microsoft has engaged in questionable practices in the past on web sites it controls with regard to support for Netscape web browsers, and where the company is very ambitious about expanding its presence.

In more general terms, as a Macintosh user, I'm also concerned about the impact that a continuing increase in Microsoft's power would have on users of platforms other than windows. You take away non-Microsoft 3D acceleration, you take away Java and you corral the Internet, and in three strokes you have effectively ended the average consumer's ability to routinely use anything other than Windows, and indeed anything other than Microsoft products for all but the most specialized uses.

I find it very interesting that the Microsoft Office updates brought out during the anti-trust investigation (Office 2000 for the PC, Office 2001 and Office v.X for the Macintosh) have broken from Microsoft's recent practices and allowed full backwards compatibility with the file formats of the previous versions (Office 97 for the PC, Office 98 for the Mac); I think if Microsoft gets off as lightly as the Department of Justice wants them too, we'll go back to the bad old days of significant incompatibility between each new update of Office. We already see a situation in which Apple, which has to work hard for its customers, enables in some cases ten year old applications to use its new OS X operating system through the "Classic" interface that comes included for the \$129 price, while Microsoft, which charges \$200 to \$300 for comparable versions of Windows XP, has dropped support even for applications that are just two or three years old.

Moreover, I'm also concerned about a case in federal court Maryland where Microsoft is trying to get judicial approval for a deal to dismiss more than 100 private lawsuits related to overcharging for Windows by donating used computers—a million of them—to poor school districts. If this settlement fails to specify which platform, Mac or Windows, these computers should be, or worse yet specifies that the computers be Windows-based, Microsoft's "penalty" would be to hook even more people to the Windows operating system in what is the most important market for Microsoft's only serious mainstream competitor in the operating system market, Apple Computer; in any case, it is a deal that would seriously undermine an already beleaguered computer

hardware industry while having a minimal impact on Microsoft with its almost \$40 billion cash reserve. If this is approved, it effectively makes the company even more of a monopoly than it already is. Microsoft already has more than 70 percent of the education operating system market and 95 percent of the market as a whole, a situation that raises anti-trust issues by almost any definition.

Overall, I urge you to keep up the battle to hold Microsoft accountable, because without it, consumer choice and indeed the economics of almost every business other than Microsoft will suffer.

Sincerely,  
Daniel Bliss

#### MTC-00001548

From: John  
To: Microsoft ATR  
Date: 11/20/01 2:31pm  
Subject: Sirs,  
Sirs,

As a interested observer of the proceedings against Microsoft, I can't imagine that Microsoft is any different than Intel, Sun Microsystems or Oracle. And I know there are a lot of other companies who dominate there specific industries.

Unfortunately Mr. Gates tends to rub people the wrong way, so right or wrong he both lost and won the case.

I think you did the right thing by settling the suit, now if you could get the "Greedy" to settle theirs, maybe life could go on and even maybe Microsoft would buck the current trend and Hire employees back instead of letting them go.

Respectfully  
John G. Yuzzolin  
john@townco1.com

#### MTC-00001549

From: chrismh@wcnnet.org@inetgw  
To: Microsoft ATR  
Date: 11/20/01 2:40pm  
Subject: Microsoft case

Dear DOJ,

In the past, when some lawsuits were settled with terms "lightly" in favor of Microsoft, they sometimes have continued to thwart the law and continued to commit unacceptable business practices. As a tech coordinator for a school district that uses both Macintosh(R) computers and PC's running Windows(R), I can tell you that the vastly superior user experience for students and consumers is on the Macintosh platform. If Microsoft is allowed to remain a "whole" entity, then they will never stop destroying consumer choice and restricting a fair and balanced computer industry. Please do what you can to see that they are split up into two companies, one designing the operating systems, and the other to design applications that run on ALL viable operating systems. In my opinion, Bill Gates should be removed from any position of power in both companies as it was proven in the anti-trust trial that he was and is the chief catalyst for anti-trust and non-competitive business practices

Sincerely,  
Chris  
Hamady

#### MTC-00001550

From: Scott M. Hoffman  
To: Microsoft Anti-Trust  
Date: 11/20/01 2:42pm  
Subject: Civil Suits Settlement

I'm not sure if this is the appropriate address to send this to, but I had to voice my opinion, so here goes:

Regarding the recently annouced settlement of civil suits in the Microsoft case, I am appalled. While donations to charitable organizations could be useful, it is unbelievable that the DOJ is perpetuating the Microsoft monopoly. It's as if the judicial system has confirmed that they are a monopoly, and someone has decided that it's okay.

Where is the remedy for the people? I can't believe that the last three years of judicial proceedings has been to give Microsoft a slap on the wrist and a pat on the back!

Something else must be done! Is there a forum where remedies are discussed without the counsel of the convicted?

Thanks for your time,  
Scott Hoffman

#### MTC-00001551

From: Allison and Casey Weeks  
To: Microsoft ATR  
Date: 11/20/01 2:39pm  
Subject: microsoft settlement

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I ask that we the people quickly settle our suit against Microsoft with minimal punishment. My biggest argument is you can always buy an Apple.

Casey Weeks

#### MTC-00001552

From: Bob Wishnefsky  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw  
Date: 11/20/01 2:36pm  
Subject: Unhappy with Microsoft settlement.

I am unhappy with the Microsoft settlement. I do not know if the government cares about citizens views, but I felt that I must share them.

It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?

Robert Wishnefsky  
1852 Oakwood Avenue  
Glendale, CA 91202  
(818) 244-5833

#### MTC-00001553

From: Patrick McDonald  
To: Microsoft ATR  
Date: 11/20/01 2:52pm  
Subject: Keep them on their toes

To whom this may concern,

I just can't believe you're ready to let Microsoft off the hook so easily, and so conveniently for the company. This settlement really looks like it was politically motivated. Whether it was or wasn't, I honestly can't say, of course. But it sure looks like Microsoft swallowed the DOJ whole, and quite easily, too. As far as the DOJ is concerned, it's game over. You loose. No

amount of press release blab can hide that conspicuous fact. Or the fact that M\$ repeatedly and demonstrably lied to you in court, which is uncomfortably close to laughing at you.

Soon enough, Microsoft will get back to doing what it does best, i.e. being a brutal and abusive monopolist. And expect them to be back at it with a vengeance. For M\$ has just been reminded that strangling competitors using a combination of legal and illegal means is a hugely worthwhile and profitable enterprise that far outweighs the relatively modest price to be paid.

In the name of many consumers from the US and abroad, who mistakenly thought that the DOJ (if anything) might force Microsoft to play by the rules... thanks a lot. You really let us down.

Pat McDonald

#### MTC-00001554

From: Lionel.B.Dyck@kp.org@inetgw

To: Microsoft ATR

Date: 11/20/01 2:49pm

Subject: Comments on the AntiTrust Case

I would strongly encourage you to consider that Microsoft has inflicted significant pain and abuse on the office and home pc user over the past 20 years. They have incorporated features and functions into their base operating system which they made available for free and which caused other vendors of retail software that competed to go out of business (or they were basically forced to sell to Microsoft). They have misled business partners and their customers (reference what Microsoft did to OS/2 for example).

Any settlement must include a brick wall between the operating system, applications, and web divisions of Microsoft and there must be monitors in place with sufficient authority to correct abuses. These comments are my own and do not necessarily reflect the views of Kaiser Permanente Information Technology.

Lionel B. Dyck, Systems Software Lead  
Kaiser Permanente Information Technology  
25 N. Via Monte Ave  
Walnut Creek, Ca 94598  
Phone: (925) 926-5332 (tie line 8/473-5332)

E-Mail: Lionel.B.Dyck@kp.org  
Sametime: (use Lotus Notes address)  
AIM: lbdyck

#### MTC-00001555

From: Richard C. Haight

To: Microsoft ATR

Date: 11/20/01 2:44pm

Subject: Break it up!

Microsoft will never reform. It constantly crushes competition both for applications & operating systems. Microsoft programmers can (and do) tip the playing field strongly in their favor. Their new "Passport" service will give them more information about PC-using public than the Government has. Through clever PR their own deplorable internet security loopholes have been blamed on the Web as a whole.

I spent my 40-year working career in software development, mostly at Bell Labs. I have watched Microsoft closely since the early '80s. Every day the average PC/Mac

owner pays more and receives less in return because of Microsoft. The are the "Big Government" of software. Nothing approaching their monopolistic grip has been tolerated in the U.S. within the last 100 years.

Check out Robert X. Cringely's articles in Microsoft. See <http://www.pbs.org/cringely/pulpit/pulpit20011101.html> as an example.

Richard Haight

#### MTC-00001556

From: Mike Rocus

To: Microsoft ATR

Date: 11/20/01 2:58pm

Subject: Comments on Microsoft Case

I am against Microsoft being able to spread it's monopoly by a court ordered settlement. As stated in this web page: <http://news.cnet.com/news/0-1003-200-7928195.html> "Under proposed terms of the settlement, Microsoft would donate software, services, training and licenses for reconditioned computers—an array valued at more than \$1 billion—to 14 percent of the nation's poorest schools, said lawyers representing consumer plaintiffs."

Rather than forcing the schools to use the Microsoft OS (and further Microsoft's goals of monopolizing the operating system market), the ruling should allow schools to choose the operating system that best suits the needs of the school and force Microsoft to purchase what the schools say they need. By forcing the schools to use the Microsoft operating system, the schools will be trapped into future purchases of the same system by default. This isn't a punishment, it's a gold mine for Microsoft!

Sincerely,  
Michael E. Rocus

#### MTC-00001557

From: David Barto

To: Microsoft ATR

Date: 11/20/01 2:58pm

Subject: Microsoft and Monoply power

I find it interesting that the proposed 'solution' to the anti-trust trial is almost identical to the previous sanctions applied to microsoft in the prior bundling case.

The net result from the prior sanctions applied to microsoft was that nothing happened and microsoft continued to use its market power and position to prohibit inovation and limit acceptance into the market any product which could possibly weaken microsofts position on the desktop.

Since the DOJ has given up any hope of controlling microsoft, it is hoping that microsoft will control itself. Prior actions show that microsoft has no intention to control itself, and has every intention to push any technology which is not microsoft controlled out of the space microsoft wishes to be in.

The courts have ruled that microsoft is a monopoly. This is not contested by anyone except microsoft.

Prior monopolies were broken up. Standard Oil comes to mind... How much market share did it have when it was finally separated?

The same remedy should be applied to microsoft. Anything less will only be giving microsoft the opening it requires to complete pushing all other companies from the market.

When we only have one company to choose from for desktop software, it is too late to try and fix the problem. The time is now, and the only thing which makes since is to apply the 'Standard Oil' solution to microsoft. David

Bartobarto@ucsd.edubarto@visionpro.com

From a Marketing type: Don't give me any technical reason why something can't be done. If you really believed in the product you'd make it work.

#### MTC-00001558

From: Kyle Hoker

To: 'microsoft.atr(a)usdoj.gov'

Date: 11/20/01 2:56pm

Subject: Short and to the point

I am a Microsoft Windows user both at work and at home. I have no ill feelings toward the company, yet I wanted to address this issue of a remedy to the Microsoft case. Would a Microsoft breakup hurt the economy?

The answer, concisely, in no. Realistically, it would be a major boon to the technology sector. Short answer, no one can compete with Microsoft. Even those that have had success with products outside of Microsoft's control are immediately either purchased outright or carbon-copied into 'extended functionality.'

Consider this: Microsoft, for all their 'innovation,' has never actually created anything substantial save 'integration.' Microsoft did not bring us a Word processor, or a spreadsheet. They did not bestow upon the world a graphical user interface. Even the web browser escaped their notice for several years. They were not the first to pioneer video and audio compression for streaming media. They have never been trailblazers of security.

Simply put, Microsoft has always had the freedom to 'innovate,' however they have never actually done so. What they have is the forced power to 'integrate.' Isn't that the heart of what is at stake?

Dividing the corporation is the only remedy that makes any sense. Level the playing field as it were. No one can compete with Microsoft's integration. By the time 3rd party developers get a hold of the code by which to plan their strategy, Microsoft has had ample time to integrate the applications seamlessly into the OS.

No company can financially target any Microsoft-established market. Look where Microsoft's integration has brought us to date; The abandonment of cross-platform standards such as Java (to be replaced with a nearly identical, yet Windows-only language of C#), the secret 'hooks' in the OS that only Microsoft is privy to, allowing 'integration' between the OS and applications that simply cannot be matched by those who might wish to compete, the OEM agreements that have historically punished a vendor for attempting to give a consumer any choice as to what operating system their computer might be shipped with.

Split up Microsoft. Plain and simple. If the products they offer the world continue to dominate then it will be on their own merits. Force Microsoft to consider a much more open stance, force them to acknowledge alternatives. Allow for competition, which in

turn will drive the marketplace, and thus jump start a fledgling technical sector. Innovation comes from competition, and competition comes from rules. Enforce the rules that have made this nation strong for over two hundred years. It is a far too dangerous gamble to concede that one company has the power to lead the world into the 21st century.

Sincerely,  
Kyle Hoker.

**MTC-00001559**

From: JBAJ 27  
To: Microsoft ATR  
Date: 11/20/01 2:53pm  
Subject: More Training on Microsoft Products for the Unemployed.

Greetings,

My only comment on the recent Microsoft decision is that some of the 1 Billion dollar settlement be put into furthering the educations of the Unemployed. Some of the money should be used to fund more training on Microsoft products at the State level.

As a recent beneficiary of the Unemployment system here in Michigan, I can fully understand the need for more computer training. Oh there is training on Basic use and functions of Microsoft Office, but there isnt any Intermediate and Advanced classes on the use of Microsoft NT, SQL Server, and some of their other products.

Thank you for your time and attention.  
Sincerely,  
Gerald P. Baj

**MTC-00001560**

From: Dorothy Craig  
To: Microsoft ATR  
Date: 11/20/01 2:59pm  
Subject: Microsoft Settlement

I think what you have done over these many years to Microsoft has been great for the lawyers but a disgrace for you. Would Japan do this to Sony or Germany to Siemens??. Microsoft is a national treasure for Americans to be proud of and appreciative for all it has contributed to making the U.S. #1 in the world in technology.

Because Larry Ellison came crying to you because he couldn't stand the competition you caused millions of taxpayers dollars to be wasted aside from diverting Mr. Gates time from innovating and causing him unnecessary stress. Don't you understand how rare such a creative brilliant person is? That our government should try to destroy him and his work is really evil.

Unfortunately you are powerful enough to destroy anyone and any thing wasting the taxpayers money. I am so ashamed of the Dept of Justice. Did I say Justice ?? Where is the Justice? Are you going to reimburse the tax payers or Mr. Gates? No, your buddy lawyers have it all in their fat pockets and we are all poorer for your activities.

You were not protecting us. You would have better spent these years getting Universities to inform you when students from terrorist countries disappeared. You could have sent illegal foreigners out of our country. Illegal means nothing to you when it is a foreigner breaking our laws but you attack one of the greatest Americans to come

along. How is it that a Mexican can illegally cross our border and have a baby and it is a legal citizen? You have lost your mind and care not for the law. How do these illegal foreigners get so privileged?

Lets hope you will spend our tax money protecting us from real danger—terrorist not a great national asset such as Microsoft  
Dorothy Craig

**MTC-00001561**

From: oldeez  
To: Microsoft ATR  
Date: 11/20/01 2:59pm  
Subject: Microsoft Suit

My personal opinion is, this suit should never have happened. It was bogus from the get go. This is not a "public Utility" that needs corraling—this is private enterprise. Let the competition gear up, think up, plan up, but don't penalize Microsoft for their wonderful OS that brought millions of people into the home computer market. (People such as myself, a 78 year old widow).

Sincerely,  
Jean LeComte,  
St. Petersburg, Florida 33707

**MTC-00001562**

From: mdw@swoodinc.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 2:59pm  
Subject: What to do with Microsoft

I believe it would be in the best interests of the computing and software industries to break up Microsoft into a system software company and an applications company.

Then each company's products can compete on their own merits instead of the proprietary links they now enjoy. Competing companies must have access immediately to any information shared between the two new Microsoft entities.

Failure to adhere to this rule would result in a multi-billion dollar fine, (to be determined) such that it would actually make a difference to Microsoft if they had to pay it.

Each of the two companies would be prohibited from writing contracts that preclude installation, nor require the removal of, any other software vendors products from any given hardware product. Failure to adhere to this rule would result in a multi-billion dollar fine, (to be determined) such that it would actually make a difference to Microsoft if they had to pay it.

Microsoft should pay the maximum legal penalty NOW for it's transgressions. This is in fact a punishment. Not a wrist slap.

**MTC-00001564**

From: Dick Rucker  
To: Microsoft ATR  
Date: 11/20/01 3:06pm  
Subject: Microsoft settlement

I'm a long-time user of Microsoft products on both the Macintosh and on the PC. I use them because I have to, whether I want to or not.

I urge that the court reject the Justice Department's negotiated settlement as inadequate because it is unlikely to restore healthy competition in the marketplace, and Microsoft is very unlikely to change those practices that have served them so well in the past. A three member panel for which

Microsoft has chosen 1.5 of its members is likely to be firm as warm butter. If you want details from my own experience with Microsoft and its products, I'll supply them, but I suspect you have all the anecdotes you need.

Richard A. Rucker  
10426 Darby St.  
Fairfax, VA

**MTC-00001565**

From: Darby Lee Darrow  
To: Microsoft ATR  
Date: 11/20/01 3:05pm  
Subject: Microsoft

I am a consumer that has been effected by the anti competitive practices of Microsoft. A lot of really good work has been done to hold them accountable for their actions. However a lot of work remains. It is obvious from their actions since their last consent decree that they hold the court systems in contempt and the only method of getting their attention/compliance will be through more severe penalties. Perhaps breaking them up is our only hope.

Please keep this in mind when deciding your course of action in the coming weeks/months.

Darby Lee Darrow  
12717 Via Sombras  
Poway, CA 92064

**MTC-00001566**

From: Gordon C. Hawkins  
To: Microsoft ATR  
Date: 11/20/01 3:01pm  
Subject: Microsoft Case

I don't have a lot of time to write you a long-winded letter telling you all the reasons why you shouldn't settle the Microsoft case, but I'll leave you with this impression.

I work in the computer industry—I hate Microsoft. They are the worst thing that ever happened to computers. I am not saying that I dislike their operating systems, I do think they make the occasional good product, but there is NO COMPETITION. Their pricing is overvalued, and their licensing agreements wouldn't be signed even if the Spanish Inquisition was still in control. Even though my e-mail address is a Canadian address, I am an American and I do vote, and I urge you—BREAK UP MICROSOFT.

I know the DOJ has fought hard in this case, and there is a lot of good work being done by the DOJ in this case—BUT DON'T QUIT NOW. PLEASE. Consumers need a future where they have choice. Open standards will always prevail over proprietary standards—MS does not support open standards. Consumers need security. Microsoft has continually failed in providing the industry with secure products—or support furthering security on the Internet in a collective manner. For instance, IPv6—Internet Protocol Version 6—is a standard that has been developed, and if implemented would make the Internet much more secure. MS has done nothing to promote or implement this standard. Just a quick thought, with the recent rash of virus threats, why hasn't Microsoft 'strong-armed' their channel partners to bundle their software with Anti-Virus software instead of their Internet Browser?

Microsoft deliberately mis-engineers products in order to sell expensive upgrades later. Case in point—Windows Millennium Edition, possibly the worst OS ever created, was released less than a year before “Windows XP (eXtra Pain).” I would propose that Microsoft DID THIS ON PURPOSE, so that consumers using Windows ME would be dying for an upgrade when their systems disintegrate due to a neutered driver base, or networking stack, or complete lack of functionality that was in Windows ME. Why create Windows ME? Grab some quick cash from unsuspecting consumers and then force them to upgrade to Windows XP later.

I could really go on and on, but I must close with one last thought (a repeat)—

KEEP THE FIGHT UP. BREAK UP MICROSOFT.

Gordon C. Hawkins  
Vancouver, BC, CANADA  
(originally from MARINA DEL REY, LOS ANGELES, CA)

**MTC-00001567**

From: Lorin Rivers  
To: Microsoft ATR  
Date: 11/20/01 3:11pm  
Subject: Microsoft is anti-competitive

The proposed settlement, as I understand it, is the slightest of wrist-slaps compared to the damage this company has done, and will do given the opportunity, to the competitive landscape. They've proven they will do anything to “win”. Any settlement that does not include a heavy fine and close inspection of their future business dealings will result in a total domination of the computer and personal electronics industry in a matter of years by Microsoft.

**MTC-00001568**

From: Daniel Freed  
To: Microsoft ATR  
Date: 11/20/01 3:16pm  
Subject: Microsoft Monopoly

I feel as though the agreements made by the DOJ and Microsoft will not stop Microsoft's abuse of monopoly powers. You are wrong to completely eliminate breaking the company up as an option. Go back to trial and use the overwhelming evidence to once again do the right thing. Prevent them from damaging competitors by illegal actions.

-Daniel Freed  
Web Designer  
3114 Timanus Ln.  
Baltimore, MD 21244  
lm—dan—freed@yahoo.com

**MTC-00001569**

From: brian tester  
To: Microsoft ATR  
Date: 11/20/01 3:15pm  
Subject: Microsoft case

To whom it may concern—  
I am a Minnesota citizen who uses both the Macintosh operating system and Microsoft Windows on my computers. I make my living using both platforms. However, I am disappointed with the federal government's proposal to settle in the Microsoft anti-trust case.

I believe that Microsoft are indeed acting against public interest in the way they seek to propagate what some might describe as an operating system monopoly.

I urge you to pursue more stringent prosecution in the interest of penalties against Microsoft that more accurately reflect their crimes, real and attempted.

Thank you for your time and consideration. I know you will follow the letter of the law and in the end, do the right thing.

Sincerely,  
Brian Tester  
411 N. Wheeler  
St. Paul MN 55104

**MTC-00001570**

From: David Dellinger  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 3:14pm  
Subject: Settlement

Hello,  
I completely support your actions to continue the anti-trust suit against Microsoft.  
David Dellinger  
9332 Hazelbrook Drive  
Huntington Beach, CA 92646, USA  
Phone: +1 714 378-6112  
Fax: +1 714 377-2333  
CC:Microsoft ATR

**MTC-00001571**

From: Mcdonald, Richard  
To: Microsoft ATR  
Date: 11/20/01 3:12pm  
Subject: As a taxpaying citizen, I'm miffed  
I'm miffed at how our elected officials have decided not to take action against the illegal practices of Microsoft. This settlement is a shameful display of lack of backbone on the part of the DOJ and I am extremely disappointed. I will back future action to elect officials who will look out for the consumers of this nation, not the shareholders of Microsoft.

Thank you for nothing.  
Sincerely,  
Richard McDonald

**MTC-00001572**

From: DYMOND Christopher S  
To: Microsoft ATR,ag @oag.state.fl.us  
@inetgw.attorney.g...  
Date: 11/20/01 3:26pm  
Subject: Microsoft Anti-Trust  
I am very disappointed with the Feds settlement of the Microsoft Anti-Trust case. Microsoft should not be allowed to continue predatory behavior and should pay substantially for past predatory behavior. Please pursue what ever legal action you can to block the consolidation and subsequent abuse of market share power in the software industry.

Sincerely,  
Christopher Dymond  
Salem, Oregon

**MTC-00001573**

From: norybee@spice.cc.utexas.edu@inetgw  
To: Microsoft ATR  
Date: 11/20/01 3:18pm  
Subject: Agreement way too soft...

This is a joke. Clearly the Justice Department (at least under our big-business friendly president) isn't taking Microsoft seriously. The failure to zealously pursue an injunction against the release of Windows XP (which only serves to expand Microsoft's monopoly by integrating additional features,

forcing competing products out of the market) is ridiculous.

DOJ must pursue stronger penalties against Microsoft than what the agreement currently provides for.

Byron Barry  
906 Hermitage Dr  
Austin, TX  
78753-5716

**MTC-00001574**

From: Dr. David A. Zatz  
To: Microsoft ATR  
Date: 11/20/01 3:17pm  
Subject: Proposed Microsoft settlement

I must ask you to reject the proposed settlement with Microsoft. By agreeing to a toothless settlement with Microsoft, you would condone a variety of illegal practices which have bankrupted many companies and sent many people out of work, while suppressing superior technologies. You would also send a clear message to the world—that in America the law is a tool of the wealthy, that if you have been successful enough, your crimes will be forgiven. Certainly that would be the case with Microsoft—essentially destroying WordPerfect, Lotus, Netscape, and, to a degree, Apple (not to mention many others) would be forgiven, if Microsoft would promise to hold itself mostly to the law in the future. That's pretty weak, and given how well they've fulfilled their promises in the past, foolish as well.

Given Microsoft's contributions to the current administration during the election, we suspect the world would consider a settlement like this to be payback, as well.

Microsoft can stand real penalties. What's more, some real prevention would be handy at this time. Microsoft, which owns or has substantial in many media outlets, is soon to take over most of the world's authentication through .Net and Passport. It is practically forcing MSN down users' throats, and I would be surprised if MSN did not pass AOL within two years, given the sheer number of times a new user has to turn down MSN service.

That's too much power for one company—especially one with a history of abuse.

Please make the settlement workable and enforceable, and extract some penalties, or reject it out of hand.

**MTC-00001575**

From: Van Secrist  
To: Microsoft ATR  
Date: 11/20/01 3:32pm  
Subject: Make MS carry a JVM

Dear Sirs,  
I am an entrepreneur working on a software/web application. I am extremely worried with the current proposed settlement with Microsoft. The company has a long history of squashing any form of competition. I and many other developers are terrified of Microsoft's wrath. There is a genuine fear in the developer community of getting in Microsoft's gun sights. There are so many loopholes in the current settlement that will allow Microsoft to continue their lying, cheating, conniving ways. The settlements need to be far more air-tight.

At the very least, there is one huge concession that Microsoft should be forced to

make. This concession would increase software availability AND compatibility across multiple platforms. It would also lower the costs of software developers in developing new products, because they could write code once and simply recompile that code for the various platforms. This concession would create a proliferation of software titles on all platforms.

What is this concession? Force Microsoft to bundle a Java Virtual Machine with their shipping OS. Java is a language designed to be platform independent. Microsoft tried to usurp control over the Java language from Sun a couple of years ago. A court ruled that Microsoft violated their contract with Sun by introducing code that would "optimize" Java performance on Windows. In reality, Microsoft "polluted" the Java language and ruined Java compatibility across multiple platforms. But hey, it played great on the PC. Recently, Microsoft said they would NOT support Java at all. Why? Because they see this as a threat to Windows dominance.

To reiterate, forcing Microsoft to distribute the JVM (hell, force them to build support into the OS) would allow developers to write software ONCE. They could then recompile that code to work on Windows, Mac OS, Linux, BeOS and Unix. Imagine writing code one time and having it available to ALL platforms! THAT WOULD REINTRODUCE COMPETITION IN THE SOFTWARE INDUSTRY!

I implore you not to settle on the current terms. Should you wish to discuss this, I am enclosing my contact information. For the record, I have no affiliation with any of Microsoft's competitors.

Sincerely,

Van Secrist 3888 Elderbank Drive Los Angeles, CA 90031 323.227.9888 (h) 310.917.2584 (w)

#### MTC-00001576

From: Paul Carroll  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/20/01 3:32pm  
Subject: Concerned Citizen Unhappy with MS Deal

Dear Sir or Madam,

I am writing to you today because I am very dissatisfied with the deal Microsoft is striking with the DoJ. Everything I have read indicates that while all courts have upheld the contention that Microsoft has used anti-competitive and monopolistic practices, they will only be given a slap on the wrist with a very vague bargain. Not only do I believe that the deal is detrimental to the consumer, but I also believe that the deal will end up costing the taxpayers money as they fund future attempts to make sure Microsoft obeys nebulous guidelines. I want a clear cut decision against Microsoft in this case, and am willing to suffer through the trials necessary to get it right. We are willing to fight a war against terrorism for as long as it takes to guarantee our safety, we should be willing to act similarly to guarantee our competitive freedom. It has reached the point in this country that it is practically impossible to buy a computer without buying a Microsoft product, even if we have no intention of ever using the computer with a

Microsoft operating system. Would we stand still if we could not buy a car without buying a Microsoft trailer along with it? What if you could not buy ground beef without buying a Microsoft hamburger bun?

I would have been happy with the original court order splitting Microsoft, and feel that it makes sense. It was easily understandable to the general public, and clearly showed that monopolistic behavior would not be tolerated. Unfortunately, Microsoft got out of that one on a technicality - simply because the judge talked to reporters, the decision was thrown out. Higher courts have upheld the findings of the lower court, but now the penalty is paltry. I can understand (if not agree with) arguments that splitting the company was too drastic, but surely people of reason can see that the proposed deal is too lenient. Please pursue this case with utmost vigilance. Make sure that Microsoft does not threaten freedom again.

Thank you,  
Paul Carroll

#### MTC-00001577

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR,antitrust@ftc.gov@inetgw,Ralph@essen...  
Date: 11/20/01 3:27pm  
Subject: Microsoft Hegemony: Jackpot Over Justice CC: letters@latimes.com@inetgw,letters@sjmercury.com@i... Re: Microsoft Unveils \$1B Settlement  
But Hausfeld said he felt it was the government's job to find a way to curtail Microsoft's power, and that it was unrealistic to expect that a better deal could be reached for such a large class-action group.  
Justice is unrealistic? The Microsoft prosecution has done nothing but solidify the avalanche of jackpot over justice.  
"It is will of almighty Dallah, you know, ka ching ka ching, that lies win over truth, jackpot over justice..."

#### MTC-00001578

From: Steve Jencks  
To: Microsoft ATR  
Date: 11/20/01 3:42pm  
Subject: Travesty of a corporate monopoly  
Dear Sir or Miss,  
Please consider that the Microsoft penalties as currently listed in the settlement are a weak slap on the wrist at best. Microsoft continues to have the power and ability to control much of the technology world and seeks to control the access of information and services with it's .Net initiative. I'm afraid that the DOJ will find too late that Microsoft will become bigger than government influence can contain and will stronghold the technology companies to whatever suits it's needs.  
Steve Jencks  
East Lansing, MI

#### MTC-00001579

From: J H  
To: Microsoft ATR  
Date: 11/20/01 3:41pm  
Subject: Microsoft Settlement  
I feel that the settlement proposed with Microsoft is BOGUS. Refurbished equipment? They'll use old pc's with a few new parts and skate the issue. They need to have a baseline for this type of settlement. I mean, if it was

I that got this deal, you bet you'd be getting Pentium 166's or less. This is too broad for justice. With this kind of settlement, the equipment can wind up costing as much as \$20.00 or should I say as little as.

It appears that the more money you have the more laws you can break, and you write your punishment. A good example of our Judicial system at it's best.

Microsoft got away with bankrupting companies and alienating others..this is merely a slap on the wrist.

Do something you can hold your head up for!

#### MTC-00001580

From: ron  
To: Microsoft ATR  
Date: 11/20/01 3:38pm  
Subject: microsoft has to be delt with  
To whom it may concern,

I wish to express my thoughts regarding the impotent federal settlement with the Microsoft monopoly.

As a computer industry professional I've had to deal with the problems and—intentional—incompatibilities—that Microsoft has designed into their software. Not only is the market dominance that this company has used to reinforce the perception that the Microsoft way is the only way to conduct business. Limiting the consumers perception what is possible ( as I'm sure is many lawmaker) but it also crushes, buy outs and or pirate's the innovative concepts of other business that would promote compatibility... Right now people don't have a option as to what they can buy and use if they wish to conduct business or gain employment due to the intentional incompatibilities with non Microsoft products.

There are many other issues both of common sense and of the technically inclined as to why the monopoly has to be broken up and severely weakened. If not for the general benefit of the society in regards to creative though patterns but to promote a healthy business environment where competitive ideas and technology can enter the marketplace and take root. Not only for the short term but for also the long term benefit of both business and society.

How many billions of dollars have been wasted both nationally and internationally by the dependency upon Microsoft products ? Is not the predominant (if not exclusive ) targeting from both virus and computer worms upon Microsoft software not reason enough to diversify the consumers options?

Not only for private and business security but for also of Government? If Microsoft didn't have this monopoly there would never be a foothold for these costly and damaging viruses to gain a foothold much less spread so easily?

I urge you to take severe action against Microsoft: Breaking it up into at least 3 different companies that will be unable to coordinate their efforts ( In accordance to both state and federal law).

Severely Fine the company for its practices of using its monopoly to prevent free market competition and needless incompatibilities with both its operating systems and its software.

Require the company to publish its code and adhere to recognized international standards for all its software and forbid it to use its market dominance to pervert such standards to read "into the system" but send out as an industry incompatible Microsoft monopoly standard now unreadable by those "accepted standards".

Thank you for your time in reading this I hope that I've expressed myself clearly so that my perceptions may be known and appropriate action taken. If there are any questions please feel free to contact me at my home (619.294-6631)

Sincerely,  
Ron Bueno  
owner  
Bueno Advertising

**MTC-00001581**

From: David POWERS  
To: Microsoft ATR  
Date: 11/20/01 3:38pm  
Subject: against settling, against sole-source internet

microsoft's intentions for its monopoly on personal computer operating systems are clear: to leverage it into a control of networks and of software distribution.

any software they have under their roof is nearly impossible to compete with. any computer standards they gain majority control over quickly become impossible to keep up with for other vendors, unless they agree in contract to accept the piece of the pie microsoft has reserved for them.

it astounds me that a conservative republican administration is settling a case of such clear anti-competitive ramifications. there will be things, basic important things, about networking, about using computers, about LIVING in our era, that people will not be able to do unless they are working for microsoft. this is a bad way to ensure flexibility in the future of the network, and the computer. this is a violation of your job to enforce anti-trust law.

/ dtp /  
David POWERS  
230 Oak St #31  
San Francisco CA 94102  
tel/fax 415 487.9663  
<http://chromo.home.mindspring.com/>

**MTC-00001582**

From: Cedar McKay  
To: Microsoft ATR  
Date: 11/20/01 3:48pm  
Subject: don't fold to big money

please stand up for the consumer and demand real penalties from microsoft, not this watered down non-penalty.

John McKay  
Seattle  
Washington

**MTC-00001583**

From: Keys Curry  
To: Microsoft ATR  
Date: 11/20/01 3:46pm  
Subject: Microsoft Settlement

My comments:  
I feel that the US government gave away much of the necessary penalties and regulatory oversights in the Microsoft settlement. I gather that this was done

primarily because of the perilous state of the economy after 9/11.

The operating system clearly has the features of a common carrier and, as such, requires that significant efforts be made to prevent Microsoft from using their ownership of the OS to disadvantage other companies. Microsoft has clearly done this in the past and they will continue doing it into the foreseeable future without more significant restraints. In a few years, they will dominate many other areas (the Internet, PDA's, telephone software, etc.). The Justice Department will be forced to take them to court yet again. The results will be more costly and, ultimately, more disruptive than if the Justice Department had stuck to its guns during this round.

I'm very disappointed and I don't look forward to watching Microsoft take control over the Internet.

Keys Curry

**MTC-00001584**

From: Robert Ambrose  
To: Microsoft ATR  
Date: 11/20/01 3:44pm  
Subject: injustice

Hello,

I would like to add my voice to those who oppose the settlement (which I am tempted to call "sell-out") with Microsoft, which leaves monopoly power untouched despite overwhelming evidence that the catalog of illegal activities engaged in by Microsoft that prompted the anti-trust case are and will continue to be the guiding strategy for the monopolist. What is justice, if it bows to the wealthy while baring its backside to the rest of us?

**MTC-00001585**

From: Eric Bailey  
To: Microsoft ATR  
Date: 11/20/01 3:42pm  
Subject: Harsher settlement needed

Microsoft has been a belligerent bully in the business world for years. The current penalties don't begin to atone for what that company has done. I by no means have a perfect solution to the problem, but I'm sure those directly involved with this case have something in mind.

Thank you very much for your efforts in this matter,

Eric Bailey  
1020 Sevier Ave.  
Menlo Park, CA 94025

**MTC-00001586**

From: Thomas Hutchins  
To: Microsoft ATR  
Date: 11/20/01 3:50pm  
Subject: Microsoft settlement

Hello!

I find it utterly amazing that this so called settlement could even be considered.

This does nothing to control Microsoft illegal behavior and only cements their monopolistic position.

The deal might be worth considering if Microsoft paid for other companies products to be installed in the schools.

If this were not so serious it would be could be considered a joke. One wonders if there is money floating around in this deal. This MUST be stopped!

Thomas Hutchins <tah@teamh.se>  
R?djursv?gen 28, 466 32 Sollebrunn,  
Sweden  
Tel +46 322 83250—Fax +46 322 93995

**MTC-00001587**

From: Martin Leaney  
To: Microsoft ATR  
Date: 11/20/01 3:50pm  
Subject: AGAINST THE SETTLEMENT  
From: Martin Leaney <mleaney@mac.com>  
Date: Tue, 20 Nov 2001 13:48:53 -0700  
To: <Microsoft.atr@usdoj.gov>  
Subject: SETTLEMENT

I hope it is not too late but I feel the settlement does not go far enough and is too hard to control.

Microsoft is trying to settle the Private Suit against them by giving Windows computers to under-privileged people—which only gets Windows software into more places and is little more than advertising—not a penalty.

After Microsofts actions during the Anti-Trust trial I think most people can see what lengths MS will go to in trying to protect the cash machine they have built.

Martin Leaney

**MTC-00001588**

From: Yorgey, Dean, American Legion  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 3:48pm  
Subject: settlement

I never thought that Justice had a case to begin with, however, the settlement is fair and more beneficial to our schools and students. Good Job!

**MTC-00001590**

From: Restless Natives  
To: Microsoft ATR  
Date: 11/20/01 3:50pm  
Subject: A bad settlement

The proposed settlement of the Microsoft Anti-Trust Trial is bad for business and bad for America. Since it allows Microsoft to continue to illegally stifle competition it also a travesty of justice. It also signals a failure to keep politics out of the judicial system. Rescind it now!

John Anderson  
President, iNatives, inc.  
John@iNatives.com

**MTC-00001591**

From: Kalaydjian, Marty  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 3:57pm  
Subject: Microsoft Settlement

Dear Sir or Madam:

I want to commend you for reaching a reasonable compromise in this matter, and putting a final end to the Clinton Administration's "War on Business." If our Federal Government had fought terrorism during the prior administration with half the zeal they fought "big tobacco" and Microsoft, 5,000 Americans might be alive today. It is really wonderful having a new administration with some common sense.

Thank you for putting this shameful example of abusive government behind us.

Marty Kalaydjian  
521 Briarwood Drive  
Eden, NC 27288  
Phone: (336) 623-4650  
Cell: (336) 613-0027

email: mkalaydjian@mbco.com

**MTC-00001592**

From: PenDensham@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 3:55pm  
Subject: About the DOJ vers Microsoft ... And District Judge J. Frederick Motz

Sirs,  
The DOJ's feeble attempt to settle with Microsoft is the worst of cash power politics at the expense of the consumer... the voter. Microsoft is a repugnant technological cancer. Ruthlessly run as an illegal monopoly.

And now I wish to oppose a settlement that has the company spending a billion dollars on seeding it's products in schools. It's like asking a drug dealer to give away more drugs to hook more victims! Microsoft should have spent a billion dollars on APPLE products for schools to endeavor to repair Microsoft's damage to the American technology environment!

Thankyou.  
Pen Densham.  
Citizen and Apple User  
CC:ag@oag.state.fl.us  
@inetgw,microsoftcomments@doj.ca...

**MTC-00001593**

From: Jerame Davis  
To: Microsoft ATR  
Date: 11/20/01 3:54pm  
Subject: Microsoft

I am appalled!! I cannot believe you allowed Microsoft off with such a slap on the wrist. That slap on the wrist is a slap in the FACE to the American Consumer. Microsoft is an abomination and needs to be stopped. What you have done is created a worse mess for someone else to clean up in the future. They will gloat and begin to think they are invincible. That even the US Government can't even take them down.

It's a disgrace to your post to allow such a blatant and bold monopoly to go unchallenged. Microsoft is an affront to the computing industry. You are more worried about the effect on the almighty dollar than you are protecting the American Consumer. I am an American Consumer and I'm outraged. I have NEVER bought a Microsoft product, and I never will. They don't need my money. They have everyone else's money.

You really dropped the ball, and I hope you don't continue making such outrageous mistakes.

Jerame Davis  
3715 N. Meridian St. 1A  
Indianapolis, IN 46208  
317-924-4746

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

-Benjamin Franklin

**MTC-00001594**

From: Jonathan  
To: Microsoft ATR  
Date: 11/20/01 3:51pm  
Subject: Dismay at Microsoft farse!  
To: DOJ & States

I just wanted to express my extreme dismay at the total & complete cave in that the DOJ & many states agreed in the

Microsoft settlement. I mean if you were going to back down so much why'd you even bother with the big trial for the last 2 or 3 years?

What a disappointment. Ohwell perhaps the E.U. has more of a spine then the DOJ & States. Of course their remedies can only do so much since it's a US company ...

-Jonathan Gracey  
New York The "iClock"  
http://www.applelinks.com/pages/iclock/  
CC:microsoftcomments@doj.ca.gov@inetgw

**MTC-00001595**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR,antitrust@ftc.gov  
@inetgw,Ralph@essen...

Date: 11/20/01 3:59pm  
Subject: Microsoft Hegemony: Damage Control Mode

Dear DOJ,  
Forget about enforcing that settlement with Microsoft. We The People know that it'll cost more than it's worth. We also want to prevent the damage from 09% of the population kidding themselves about it. Just let the Microsoft Hegemony run rampant so we can rebuild a fresh case against it.

CC:letters@latimes.com @inetgw,letters@sjmercury.com@i...

**MTC-00001596**

From: KPNQwest  
To: Microsoft ATR  
Date: 11/20/01 3:58pm  
Subject: Microsoft Monopoly

I am an American citizen living in Europe. It is my opinion, and that of many others that Microsoft has been given a "pass" on the issue of Monopoly. I cannot comment on legal grounds but as a user, maker and creator of software I find their current status stifling in the market. When they ID an area they can simply buy their way in (see XBOX) or using FUD stop development. It was clearly documented in the trial, it is clearly documented in emails and letters, it is clearly documented in the way they behave. Please stand up to them and make sure that Microsoft is broken up or at least strictly controlled.

Best Regards,  
Rick D. Wintheiser  
R. Prof. Mota Pinto, 247-1 Esq  
4100-356 Porto Portugal

**MTC-00001597**

From: James P. Drummond  
To: Microsoft ATR  
Date: 11/20/01 3:57pm  
Subject: 1 Billion dollar Private case settlement

I don't seem to have any other method of reporting my disgust at the settlement reached in this case. So I thought I would write here to do what I can to prevent the same in other cases.

The private case settlement is the biggest Microsoft marketing ploy I have ever seen. This is a greater outcome than microsoft could have ever imagined. Forcing every little child in the United States to begin their computer oriented life using microsoft products or even better usig software and machines so generously donated by microsoft. This just further enforces Microsofts death grip monopoly in software,

and gives them them the expectation that all of these children will continue using their products for years into the future. Microsoft has absolutly no problem with spending a billion on marketing, and thus will see no punishment and only benefit from this settlement.

James P. Drummond

**MTC-00001598**

From: JEFFREY AVELLANET  
To: microsoft.atr  
Date: 11/20/01 4:06pm

Subject: Microsoft Settlement After reading the recent press releases regarding the settlement of a raft of private antitrust cases that would require the company to spend over a \$1 billion to put software and computers into some of the poorest U.S. schools, I nearly fainted.

This settlement would—  
\* Cost virtually nothing to Microsoft except the cost of some CD's and old, refurbished computers that they can get for next to nothing.

\* Give Microsoft an excellent PR opportunity.

\* Give Microsoft the opportunity to make money off of the children/schools via their "Passport" service, which is geared to make money from all transactions the user places through his/her computer.

\* And, most ludicrously, give Microsoft even more market share than it already has by unseating Apple as the dominant provider of computers to grades K-12! Let me repeat the irony of this—

Microsoft has been ruled a monopoly, so as punishment, they are given more market share! Ridiculous!

If anything, the company should be required to donate the Apple or Linux products instead of their own!

How on earth did it go from a break-up of the company, to giving them more market share on a silver platter?

Jeff Avellanet  
(concerned citizen!)

**MTC-00001599**

From: Thomas, Allen G.  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 4:04pm  
Subject: OPINION ON MICROSOFT CASE

I feel it is a descent move to get them to donate their \$\$ to some deserving schools. But let's leave them alone now and move on to other more important issues. They have received enough flack and for what ? Being a good marketing company? Enough is enough !]

**MTC-00001600**

From: Craig Bergh  
To: Microsoft ATR  
Date: 11/20/01 4:00pm  
Subject: Microsoft Settlement.

Hello,  
This is Craig Bergh from Worthington, MN. I do not want to see the quick settlement for Microsoft. They must have their day on court. They have manipulated the market in a thousand ways.

Today's offer to give some copies of Microsoft products to schools is laughable. Their new software literally a new Pentium 4 computer to even run a simple word

processor. And this maneuver only entrenches their monopoly. A few years ago they forced WordPerfect out of business when they would not give the source code to Windows (so WordPerfect could write the program for Windows 95) until a week or two before it was released. At the same time, Microsoft literally gave Microsoft Word for free with all new computers. WordPerfect market share dropped from 70% to 4% overnight. This was a cold example of using the monopoly power of Windows to also dominate the Word Processor market as well.

The Microsoft products are really not very well written, have poor security from hackers, and crash frequently. Yet because they dominate the market so much, we are forced to deal with the second rate software. This is the United States of America. Microsoft MUST GO TO COURT and defend their behavior. I am sorry the first judge screwed up the case with his pretrial comments. He was probably right, but the judge must be unbiased.

Keep up this case. Do not be in any hurry to settle. Get the facts, determine if any laws have been broken. If so, determine a penalty appropriate for the crime.

Sincerely,  
Craig Bergh  
133 Lake Avenue  
Worthington, MN 56187

**MTC-00001601**

From: Doyle and Linda Hasty  
To: Microsoft ATR  
Date: 11/20/01 3:59pm  
Subject: Microsoft agreement

Bill Gates is doing much to help many organizations. This 1 billion gift should be sufficient for the government to get off his back and allow him to use his abilities to help computer users around the world.

**MTC-00001602**

From: Robert C. Marshall  
To: Microsoft ATR  
Date: 11/20/01 4:13pm  
Subject: The Microsoft Dragon

I've been in the computer field for about 40 years, as a machine operator, a developer, and as a computer scientist and engineer. I am retired from IBM and currently am an associate professor at Austin Community College in Texas.

A settlement like this is very bad, to say the least. One of the goals of monopolistic companies in the computer field like Microsoft, or IBM, is to capture the technical minds of the coming generations. IBM once did this by providing free software to schools. By doing this, Microsoft can look as though they are settling a suit, but they are simply preparing to further their monopoly into the next generation by making large quantities of their software products available to schools. I hope this does not happen! Microsoft will eventually starve out all competition if it does. Microsoft should be restricted and punished, not aided and abetted in furthering their monopolistic practices.

**MTC-00001603**

From: Anil (Neil) Gulati  
To: Microsoft ATR  
Date: 11/20/01 4:13pm

Subject: Microsoft Settlement

This judgement has not been anywhere near severe enough. Microsoft have been using FUD tactics throughout the whole process. As the following extract demonstrates, despite all their wailing about 'innovation' (not something Microsoft is known for) and 'freedom', they have been prepared to increase market share by any means whatsoever, morals and laws notwithstanding.

Microsoft needs to be punished and fined as a clear message to other companies that criminal activity is not allowable as part of business in the free world. Also Microsoft needs to have its operations curtailed so that it will be restricted from repeating the same behaviour. There is no indication that they will do this voluntarily. The split up of the company seems to be the most viable outcome as initially ruled by Judge Jackson.

12. Microsoft, however, has not been willing simply to compete on the merits. For example, as Microsoft's Christian Wildfeuer wrote in February 1997, Microsoft concluded that it would "be very hard to increase browser share on the merits of IE 4 alone. It will be more important to leverage the OS asset to make people use IE instead of Navigator." (MS7 004346). Thus, Microsoft began, and continues today, a pattern of anticompetitive practices designed to thwart browser competition on the merits, to deprive customers of a choice between alternative browsers, and to exclude Microsoft's Internet browser competitors.

Anil Gulati  
Anil (Neil) Gulati  
anil.gulati@bigpond.com  
anilg@users.sourceforge.net  
(0414) 85 87 82  
Leichhardt, Sydney

**MTC-00001604**

From: Joan Rastani  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 4:09pm  
Subject: Concerns

Oh Great—now "the Microsoft way" will be indelibly etched into the students who grow up to be the adults who will be making buying decisions for future generations—all they will know about operating systems and software is that which Microsoft spoon feeds them.

They will provide \$\$ for teacher training and copies of Windows and Office. Are they going to teach the teachers how to use the Microsoft products with the Microsoft \$\$? How sweet. And you think the rest of us can't see right thru this.....it smells really bad!

**MTC-00001605**

From: Dean Snyder  
To: Microsoft ATR  
Date: 11/20/01 4:18pm  
Subject: Microsoft Monopoly

Greetings,  
The reported Microsoft technology donation to poor schools is not a "settlement" of the monopoly—it is an extension of the monopoly. Be honest and address the monopoly with realistic remedies.

Respectfully,  
Dean A. Snyder

Senior Information Technology Specialist,  
Humanities  
Krieger School of Arts & Sciences  
The Johns Hopkins University  
426A Gilman Hall/3400 North Charles  
Street  
Baltimore, Maryland, USA 21218  
410 516-6021 office  
410 961-8943 portable

**MTC-00001606**

From: art  
To: Microsoft ATR  
Date: 11/20/01 4:18pm  
Subject: ripped off by the monopoly

How could Microsoft be anything but a monopoly when they take almost \$500. for their office product and continue to squash competitors by incorporating features initiated by others, thanks to their platform monopoly.

Why not stand up to monopolistic enterprises. Just because DoJ is busy with other important issues, please don't look the other way and cave in to MS.

MS can only thank the disaster of 9/11 if you let them off easy!

Please do your job beyond minimum expectations.  
your taxpayer,  
art schroepfer

**MTC-00001607**

From: Patrick Stapelberg  
To: Microsoft ATR  
Date: 11/20/01 4:15pm  
Subject: Are you insane????!

Even the poor schools are mostly likely to purchase computers from Apple Computer. Schools are still one of Apple's primary installed base. So what, you want to publicly fund Microsoft's further invasion of one of Apple's last vertical markets?

HOW CAN THIS BE ANYWHERE CLOSE TO JUSTICE!!!!!!

Patrick Stapelberg  
181 Mulberry Circle  
Lodi, CA 95240

**MTC-00001608**

From: David Kijanka  
To: Microsoft ATR  
Date: 11/20/01 4:15pm  
Subject: This is a horrible settlement

The Microsoft settlement is a horrible deal for the class (consumers) and an enormous victory for Microsoft.

1. The aggrieved class gets nothing
2. Microsoft admits no wrongdoing
3. Worst of all, it assists Microsoft's

monopolistic hegemony by placing unlimited copies of its software in the marketplace to create "Microsoft addicts."

Gates must be getting a good laugh.  
David Kijanka

**MTC-00001609**

From: Tarantino, Paul S.  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 4:28pm  
Subject: Microsoft Settlement

As a long-time computer user at home and in business, I was appalled to read details of the recently announced settlement proposal in the Microsoft antitrust case. This proposal does not serve the interests of consumers or of open competition. The proposed

settlement leaves Microsoft's illegal monopoly power in place, is full of poorly defined language and potential loopholes, provides for no redress of past wrongs on the part of Microsoft, has no meaningful enforcement mechanism (if Microsoft does not abide by the terms of the settlement, those terms will continue to apply for two more years), and does not provide sufficient oversight of Microsoft's business practices (a sequestered three-person oversight committee, with Microsoft having veto power on public disclosure of non-compliance issues). Microsoft has never acknowledged any wrongdoing, despite District Court findings that were upheld unanimously in the Court of Appeals. Microsoft has a dismal record of compliance with previous consent agreements, and continues to maintain and extend its monopoly power with Windows XP and its bundled products and services. I have absolutely no confidence that the proposed "remedies" will reduce Microsoft's predatory practices.

Even as the court case and settlement discussions have gone forward, Microsoft has radically revised its pricing models, imposing much higher licensing costs on organizational customers, many of whom are essentially "locked into" using Microsoft products and have no effective alternatives. The "applications barrier to entry" remains firmly in place.

The events of September 11 and Judge Kollar-Kotelly's strongly expressed interest in rapid closure should not be an excuse for complete capitulation to a guilty party. A settlement on these terms causes more harm than continuing litigation.

I have read dozens of editorials and opinion pieces in print and online media which characterize the proposed settlement as vague, meaningless, riddled with escape clauses, a "slap on the wrist" or an outright victory for Microsoft.

Here are some suggestions for additional constraints to consider:

1. Each of Microsoft's existing APIs, protocols and file formats (for all of its software products) should be made freely available to the public, not just to a narrowly defined class of OEMs and software producers. New or modified APIs, protocols and formats should be publicly posted well before they are incorporated into new software releases (perhaps in advance of the first beta distribution). Each instance of incomplete or untimely compliance should result in a substantial fine.

2. Microsoft should have no authority over computer OEM decisions re the PC desktop, its layout and contents. Why are the PC manufacturers not considered Microsoft customers, rather than mere delivery boys for the "Windows experience?"

3. Microsoft software applications or functions which have no bearing on the basic operation of the PC computer system (e.g. web browsers, music and video editors/players, photo print ordering) should be completely severable/removable from the Windows installation, and function as standalone applications only.

Thank you for your consideration. I will continue to follow the resolution of this case with great interest.

Paul S. Tarantino, CDR, USN (Ret.)  
11211 Silver Tree Place  
Columbia, MD 21044

**MTC-00001610**

From: Corni, Dave (GEAE, Digital)  
To: 'microsoft.atr@usdoj.gov'  
Date: 11/20/01 4:22pm  
Subject: Microsoft

Your understanding of how microsoft does business is not adequate enough for you to make a decision.

Your understanding of technology is obviously very limited. Microsoft blocks competition by buying, not creating, functionality and incorporating it into their "operating system". Hell, they didn't even buy it from Sun Microsystems, they stole it!

Did you realize that now Microsoft is competing with manufacturers of MP3 players? Yup, they put an MP3 player into their latest version of their "operating system". And that is just one example of technology that they are destroying by questionable methods. There is also the questionable sales and licensing tactics that they use to keep their competition out of major markets. Then there is the technology that they just steal.

And how do you punish them? By putting the software in question, unchanged, into millions of potential consumer hands, so they can grow up thinking how great Microsoft is. You are literally paying Microsoft to advertise.

It'll be the best ad campaign since Joe Camel.

You are a group of incompetent clods who should have removed yourself from the case for not understanding the technology enough to make a decision. Congratulations on being stupid.

**MTC-00001611**

From: jhwise@dellepro.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 4:20pm  
Subject: microsoft settlement

To whom it may concern. Thank goodness this is over. Now you and Microsoft can deal with some of the real issues of our daily lives.

John Wice

**MTC-00001612**

From: David  
To: Microsoft ATR  
Date: 11/20/01 4:19pm  
Subject: Public comment  
David Rubright  
2643 Newport Rd NE  
Solon, IA 52333  
United States of America  
11/20/01

It has been clearly shown that a monopoly exists. This monopoly acts like a public utility without oversight. In its wake are ?minor competitors1 without the leg up of being ?tied1 to an operating system. Unchecked the monopoly moves into other areas of computing and electronic industry like a cancer. Its activities are consistent with a monopoly abusing its position.

The antitrust litigation has brought its practices under scrutiny. Its defense being that it doesn't need to abide by the law because it represents a ?new1 industry.

The monopoly has concentrated wealth and power to the point that it mocks our legal system. Many ?innovations1 are stolen from competitors or ?monopolized1. This monopoly can fund a lengthy appeals process and avoid any law it doesn't find useful. The central question has been debated and judged. This turn toward being less aggressive is an opportunistic moment for the monopoly. A monopoly is a form of tyranny. This one is no different. I have witnessed this form of tyranny, this monopoly without restraint, and ask for you to stop placating to it.

**MTC-00001613**

From: Ronnie Jensen  
To: Microsoft ATR  
Date: 11/20/01 4:29pm  
Subject: Microsoft

Let the schools install Red Hat and let Microsoft supply the hardware..

**MTC-00001614**

From: karl(a)martin-gas.com  
To: Microsoft ATR  
Date: 11/20/01 4:28pm  
Subject: Microsoft case

Good afternoon,

I hope everyone has a wonderful Thanksgiving.

My email is to state my dissatisfaction at the current agreement reached in regards to the Microsoft anti trust case.

I feel it has been proven many times that Microsoft has abused its position as a global business giant. Even going to the extent to thumb it's nose at the government on several occasions (the latest the release of XP). Microsoft is not bad because it's big or that it contributes significantly to PAC's. Microsoft abused its power as a multinational company. That fact was proven in the case against it. What was dismissed is the fact that Microsoft would not be broken up.

The point, I'm sure you waiting. After spending millions of dollars (or at least hundreds of thousands) of taxpayer money, we don't have a different Monopoly than we had in the beginning. Punishment? I'm sure the definition is much different than what we have just been privy to. Microsoft will continue it's run for Monopoly of the A.D.

Microsoft should be dealt a horrible blow that will not affect its workforce, but affect its opportunity to continue its horrible monopolistic ways.

Don't cower in front of the evil doers! It's not terrorism, its business!

God Bless America! And save us from the monopoly!

Karl Riley  
5101 Estes Pkwy #12  
Longview, Texas 75603  
PS Did I mention that XP thing?

**MTC-00001615**

From: David Irvine  
To: Microsoft ATR  
Date: 11/20/01 4:34pm  
Subject: Microsoft Terrorism

I read with interest (or rather incredulity and resignation) about the settlement of the class action suit where Microsoft is required to give a bunch of free software to make up for their failings.

Microsoft must be laughing all the way to the bank. We have seen here in Australia, many cases where our proposals to develop web applications based on international standards are rejected because the organization is reluctant to put any non-Microsoft software on their servers because it would jeopardize their continued supply of free software from Microsoft. Microsoft uses their monopoly to force the competition out by giving away free software and holding that power over the head of any organization that dares to try anything that could be construed as competition.

On top of this Microsoft is actively encouraging the development of web sites that only work properly using Microsoft operating systems, applications and browsers. Witness the sudden unannounced dropping of support for browser plug-ins that their competition use. Suddenly you must do it the Microsoft way and no other. Very large numbers of web sites must change overnight with no prior warning.

Microsoft represents the most dangerous anti-competitive monopoly the US has ever seen due to the poor quality of their products and lack of attention to security. The homogeneous nature of the US computing environment represents a major opportunity for terrorists. Even relatively uneducated young teenagers know how to attack.

Break it up! Put it in competition with itself. And stop Microsoft's predation on other companies that produce good cross-platform applications. They acquire the company and drop the versions that run on competing systems.

What are you afraid of?

David Irvine

PS. Why is it that Microsoft Office is so expensive and its only real competition must give away their product if it even hopes to compete?

#### MTC-00001616

From: mike staples  
To: Microsoft ATR  
Date: 11/20/01 4:30pm  
Subject: 1 Billion, what a joke, and of course there is no telling what they will charge themselves for the

1 Billion, what a joke, and of course there is no telling what they will charge themselves for the teacher training. This is almost as bad as the governments settlement with GM over the saddle tanks on their trucks. You guys are a joke when it comes to punishment!

On the other hand, what if Bill Gates said the hell with it all and closed shop, then all the people of America would be screaming at the government.

You guys cannot win, no matter what you do, someone is going to be pissed off.

Remember, Microsoft made 7 billion and some change last year, so 1 billion is a joke.

#### MTC-00001617

From: Dan Hoskin  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 4:44pm  
Subject: Microsoft case

It's about time. I think it's a good deal for everyone.

Thanks,

Dan

#### MTC-00001618

From: Smythe DuVal  
To: Microsoft ATR  
Date: 11/20/01 4:42pm  
Subject: Microsoft/DOJ Settlement Condone Political Corruption

I'd like to comment on the recent settlement between the DOJ and Microsoft.

I have worked in the software and computer industry since 1989, including several startup firms that have partnered with Microsoft. I have followed the anti-trust cases against Microsoft since the mid-90s and I own a few shares of Microsoft stock.

I am shocked at the settlement the DOJ has reached with Microsoft. By any legal standard it is a weak settlement. I will not go into the details of why this settlement is so weak—that has already been done ad nauseum. The DOJ attempted to create a face-saving settlement that looks tough and is actually quite benign. What has taken place is an abuse of the rule of law. The settlement is worthy of criticism because it blatantly condones political corruption.

Before writing this letter, I researched the political campaign contributions made by Microsoft to the major Parties. It appears to me and no doubt other Americans that Microsoft entered a quid pro quo arrangement with the major Parties—one in which Microsoft drastically increases their campaign contributions and in return the anti-trust suit will go away. Here are Microsoft's donations to the Republican and Democrat Parties since 1992:

1992—\$51,483

1994—\$103,702

1996—\$237,484

1998—\$1,357,746

2000—\$4,356,376

2002—\$837,385

Source: Center for Responsive Politics—OpenSecrets.org

<http://www.opensecrets.org/industries/contrib.asp?Ind=C5120&Cycle=2002>

Microsoft's donations significantly increased as their legal troubles increased, reaching over \$4 million in the 2000 election. Now that the lawsuit is "settled", donations for the 2002 general election are drastically reduced, and yet still a large sum. That surge of money in 1998 and 2000 and the resulting settlement represent political corruption in the highest offices of this government. Microsoft bought this DOJ settlement.

It is reported in the news services today that Microsoft is offering to pay all court and litigation costs to the remaining States, if in return these States would drop their case against Microsoft. This eye-brow raising offer illustrates two things—one, Microsoft isn't subtle when doing political corruption, and secondly, it offers a glimpse at the un-ethical environment they have participated with the major parties in recent years. Would any law abiding American driver, pulled over by a law abiding Police officer, offer to pay the officer's time in court if he in return would not write up a ticket? This is the very definition of attempted bribery. Microsoft's offer to the States is no less the same. Maybe they should donate lots of money to the State level Republican and Democratic Party—they

have already done that. Here is a thorough report detailing the corruption between Microsoft and officials at all levels of the government:

<http://www.commoncause.org/publications/microsoft/microsoftstudy.pdf>

The Democrats, the Republicans, and the Justice Department failed to uphold the rule of law and have set the most blatant precedent that bribery is acceptable practice. Indeed—I anticipate if Microsoft doesn't pony up "protection money" in future election campaigns—they will find themselves in legal trouble again. Case in point—for the 2002 elections, Microsoft is the highest donor to the major Parties in the software industry.

I hope the remaining States and the European Commission have more integrity than the Democrats and Republicans who make up the "Department of Justice". America needs people who not only preach but also practice the rule of law.

Smythe DuVal

Marietta, GA

#### MTC-00001619

From: Steady Ed  
To: Microsoft ATR  
Date: 11/20/01 4:40pm  
Subject: Microsoft Reaches Private Antitrust Settlement

This settlement is a charade. It makes no sense, is just a Microsoft pay off and it is horrible for competition and consumer choice.

It's as though a cigarette companies punishment is to supply schools with free Cigarettes. I'm sure Apple Computer and network hardware and software companies for example, will find the settlement unsettling to say the least. How can they compete in their main market place when a company is given a key to the facility and a green light to wire and network the district with their proprietary equipment and software.

It's a hard place to be in for the schools who see Microsoft waving one billion dollars in front of their face. It's blinding. Who can argue the benefits of technology to our youth and cost reduction to our schools.

However, I estimate this one billion investment will pay off handsomely and be a windfall for Microsoft and its products entrenchment in those very same schools within the near future.

One billion dollars is the same amount of money that Microsoft is spending on Advertisement alone for Windows XP. I think this is also roughly the amount that the company plans on loosing on the Xbox this year in-order to solidify a market presence.

This One billion to the schools, like the XP marketing blitz and Xbox expenditures, solidifies a presence in a market for Microsoft.

This is a strangle hold on those very schools which will now be completely dependent on Microsoft.

The Ironic thing is that if Microsoft was to offer a billion dollars to set up schools with their equipment it would not be allowed because it would be anti-competitive.

You can not punish a company that has 41 billion plus in cash in the bank by giving

them whole markets for pennies on the dollar and call it a Monopoly remedy.

You got to love the Genius behind Microsoft. They pulled another fast one on US, the public.

Joshua Orzech  
California

**MTC-00001620**

From: OvidPete@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 4:59pm  
Subject: Microsoft

Dear Sirs:

I run a small one man business printing very large baseball posters using Microsoft Excell. I have experienced many problems using this software that has caused me to lose many hours of work. Every time that I have called Microsoft for technical help I have been told I would have to either pay for the help or contact the people who sold me the computer for the help. My problems are not mainstream and the computer shop cannot help me. My problems revolve around errors and flaws in Microsoft software (Excel and Windows 3.1).

PLEASE DO NOT LET MICROSOFT OFF THE HOOK!!!!.

Any one who would sell this software and not support it with its errors does not practice ethical or moral business practices. If I could purchase other software from someone else I would but I cannot; Microsoft is the ONLY company who writes software that I can use.

If you would like to contact me I can be reached at :

Peter Allen  
Ovidian Enterprises  
51 Taylor St. Suite 1-L  
Waltham, MA 02453  
OvidPete@aol.com  
781-398-1768

Thankyou for your efforts to protect us against unfair business practices (along with the protection from those "people" who would try to kill us)

Sincerely  
Peter Allen

**MTC-00001621**

From: Raffael Cavallaro  
To: Microsoft ATR  
Date: 11/20/01 4:55pm  
Subject: Microsoft Settlement too soft.

Dear Attorney General,

I am a concerned citizen writing to ask that you insist that any settlement be much tougher on Microsoft than the details of the proposed settlement currently circulating in press reports. As you know, Microsoft has already been found guilty of violations of anti-trust law, has already been found to be a monopoly, and these rulings have been sustained by the US Supreme Court. Such transgressions, especially where they damage the interests of consumers, as well as the interests of many high technology businesses, demand severe penalties.

Some have proposed requiring a forced revelation of the source code of the various Windows operating systems. Others suggest forcing Microsoft to release versions of Windows with no internet application software included, so that Microsoft's anti-

competitive effect on that market can be rectified by allowing computer manufacturers to include non-Microsoft browser software on new machines.

Whatever remedies you and the other Attorneys General demand, they must be tougher than a mere Consent Decree. Remember, we are here in the first place because the original Consent Decree signed by Microsoft was too weak to stop their monopolistic and illegal practices. Another weak Consent Decree will guarantee that the future of computing, indeed, the future of high technology, will be not merely dominated, but completely controlled by a single predatory monopoly. The victims of this monopoly will undoubtedly be both consumers and businesses, indeed, all the people of the United States.

It is no exaggeration to say that the future of the 21st century is in your hands. Please don't give away the potential benefits of such a powerful technology to a single, greedy, predatory monopoly. Please demand a tougher settlement. I, the voters, and your posterity will surely thank you.

Sincerely,  
Raffael Cavallaro, Ph. D  
raffael@mediaone.net

**MTC-00001622**

From: skip@steuart.com@inetgw  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw....  
Date: 11/20/01 4:54pm  
Subject: Suggested Microsoft Conduct  
Remedy

As I understand the current state of the Microsoft (MS) antitrust case, MS has been found guilty of abusing its monopoly position. The proposed settlement is that MS will be subject to government oversight for 5 to 7 years. As a MIS veteran with Math and Computer Science degrees and over 15 years experience I would like to offer a simple vision of what "conduct" the government should insist that MS follow.

MS has used its dominance of the OS to achieve dominance of the Applications that run on top of the OS. The object of the government oversight should be to break MS's lock on the link between the OS and the Applications. The only way to do this is to FORCE MS to publish the documented (and undocumented) APIs in the OS necessary to load and run MS Windows Applications. MS will scream bloody murder, and try to spin this as un-American, but running an abusive monopoly is un-American too. Publishing ALL of the necessary APIs should allow other OSs to run Windows Applications (including Microsoft Office). I have emulated other OSs like Windows on top of OSs like Macintosh and UNIX, but this has always been problematic because the MS APIs have to be reverse engineered because MS obviously doesn't cooperate in these efforts. If the government FORCED MS to cooperate then the other OSs could be able to run MS programs natively.

Compliance would be EASY to monitor. If MS were forced to release OS APIs, then there would be a stampede in the LINUX world to support the APIs in order to run native Windows Applications. The LINUX community already has a global and public

means of development and review for projects, and I am sure that a Windows port would become a high priority multi year project. If MS complies then the LINUX world will be able to make a workable clone of the MS OS. This OS clone would run on top of LINUX and be able to run all MS Applications. If MS "forgets" to mention some of the APIs, the LINUX crowd with its global review system will identify what is missing. If a clone MS OS can be built and it runs MS Applications, then MS compliance will have been demonstrated. Microsoft Excel, Word, Media Player, Internet Explorer, and Power Point could be the applications used to verify compliance.

Even though MS would cry, they shouldn't worry unless they are afraid that their OS is so weak that a LINUX based clone would outperform the MS OS. Either way the consumer benefits. If the MS OS is superior, then the consumer now has two choices: buy the MS OS or use the slower but free LINUX clone. If the free LINUX version of the MS OS ends up being superior then the consumer is allowed to use a higher quality lower priced product. Either way the MS monopoly on the OS and the abuses that have resulted from the monopoly will be fixed by this approach. There should be NO time limit on the publication of the APIs, as long as MS makes OSs they should be forced to publish the APIs.

Skip Steuart  
Steuart Investment Company  
phone:301/951-2744

**MTC-00001623**

From: email@domain.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 4:52pm  
Subject: Shame

What can be said other than "Shame" for your cowardly capitulation to the monopoly which will further depress the economy.

You have failed in your sacred trust to America.

Shame.  
Don Kraig

**MTC-00001624**

From: Darren Varner  
To: Microsoft ATR  
Date: 11/20/01 5:09pm  
Subject: Microsoft settlement

Don't let em get away with it. Letting them give away their systems to schools is a penalty? What about those that compete to get their systems in schools such as Apple for instance. This isn't a penalty, it is a GIFT! Stay after them. They ain't all bad, but they ain't anywhere near good!

**MTC-00001625**

From: Eric Wood  
To: Microsoft ATR  
Date: 11/20/01 5:08pm  
Subject: Re: [Mac OS Rumors]

I am terribly disappointed with the results of the Microsoft antitrust case. This company has built success upon continued thievery of technology developed by other companies and elimination of the source by use of its market share and domineering practices. These are the facts found in the case before some under-the-table dealings ensured the verdict didn't stand and the company was let

off with a settlement. When the trial had begun, I was under the impression that justice would at last be served against a company bent on forcing its products upon all people by way of existing ones and eliminating all competition. The main example I cite for this is the inception of the Internet Explorer web browser, which was released for free on two major computing platforms in the sole interest of destroying such competitors as Netscape, who must charge money for their web browser to stay in business. The especially bothersome part was releasing their browser for the Macintosh when they make no profit from the sales of such systems, and therefore have nothing to truly gain by eliminating other browsers on that platform.

The Microsoft megalith not only makes inferior products, as can be proven by numerous security and stability flaws, but exponentially increases the variety and inferiority of such products. Why must Microsoft now include its instant messenger within Windows XP, with no option for removal I might add, and why must XP continually harass its users to sign up for Passport, a technology that's bound to make its members vulnerable to numerous security breaches, since knowing someone's Passport information allows one to hack into personal information of that member on a number of web sites.

Big business is running this country more and more. The government is losing power to business as we are told to embrace our rich, fat cat friends as the lifeblood of America, no matter how much the CEOs make in comparison to the average laborer in one of their sweat shops. Having worked at such jobs, I can say Capitalism is a failure in the liberal sense, in that the lowest class workers can't even live on the wages of a single job of that type. These people are lucky to be able to own a home in our present economic conditions. I'm tired of big business being the only successful force in this nation.

Capitalism is a failure.

**MTC-00001626**

From: Jason Hobbs  
To: Microsoft ATR  
Date: 11/20/01 5:03pm  
Subject: Microsoft Settlement

It seems to me that if Microsoft is labeled a monopoly, they can make everyone happy by "giving" away their product and growing bigger in the meantime. Am I one of the few that see this as just a "legal" way to make a monopoly grow. I am ashamed of the way the DOJ has handled the situation.

Jason Hobbs

**MTC-00001627**

From: Jon Steiner  
To: Microsoft ATR  
Date: 11/20/01 5:11pm  
Subject: My Input

Dear DOJ,

I just wanted to let you know that I don't feel the current settlement is in the best interest of the country or the economy. It merely reinforces Microsoft's monopoly position in the software world, and does not curtail their behavior. The 'charity' that is being bandied about as a remedy doesn't change that fact.

—Jon Steiner, Software Engineer, New York City

**MTC-00001628**

From: Robert Powell  
To: Microsoft ATR  
Date: 11/20/01 5:10pm  
Subject: Microsoft Case

I am proud to live in a country where a company such as Microsoft can grow and prosper. The products that have come from Microsoft with my computers have always added value to my investment. I have tried other products, but have returned to Microsoft because I like them more. I view the settlement as a very positive development and hope the company will continue to innovate and prosper.

Sincerely,  
Robert L. Powell  
Buffalo, NY

**MTC-00001629**

From: kwarfel@orionthehunter.net@inetgw  
To: Microsoft ATR  
Date: 11/20/01 5:10pm  
Subject: You gave them publicity!!

This is a settlement? A punishment? To order them to further strengthen their monopoly on the public, by pushing Microsoft products down students' throats?! My god! Couldn't you be subtle about throwing the whole concept of fair trade out the window? "You must perform massive publicity efforts as punishment for shutting down the creativity and innovative spirit of your fellow Americans." Short sighted? I don't think so. I think that this is a sell out. A pathetic, poorly executed attempt to cover up the fact that the government is in bed with corporate giants right now, and wouldn't want to scare off any other large corporation by taking a stand for independent effort and competition. This chance will never come again. You have closed off the finest part of American capitalism: creativity, spontaneity and the opportunity to execute on any idea.

**MTC-00001630**

From: Cjwildeco@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 5:09pm  
Subject: Antitrust settlement

What a disappointment. So, Microsoft provides/teaches its products,—self-promoting itself into infinity. Children/teachers trained in Word, etc will have no use or knowledge for competing products.

Shame on you.  
C J Wilde  
Bellevue WA

**MTC-00001631**

From: Tom Gottshalk  
To: Microsoft ATR  
Date: 11/20/01 5:13pm  
Subject: Microsoft settlement.

Dear Sirs,

Frankly, I have had problems all along with the DOJ's case against Microsoft because I think the main tenant of the suit that the public was harmed by Microsoft was never proved to any degree what so ever. Sure, even the most superficial review of the case one could make an argument that technically MS (Microsoft) violated some dusty corner of anti-trust law. And even show, as has been

done, that MS is a monopoly. But given all that, I argue that it has done no harm to the public in fact just the opposite. The very best thing that happened to the PC buying public was that the MS DOS operating system became the accepted standard. Shelf after shelf at retail stores filled with compatible software products. Computer games exploded and within a matter of a few years the internet became truly global. As a private citizen of the US I regularly browse libraries all over the world from my home. All this happened because there was a standard PC operating system that was compatible with all other so called IBM PCs anywhere in the world.

On the one hand, since 1981 when I purchased my first PC for about \$2900.00 not including software except IBM DOS 2.0. To the one I purchased last year for \$1500.00 including fabulous software compared to my first unit. I have benefited from 120 times in processor speed, 500 times the size of RAM, and 20,000 times the disk storage space of my hard drive. All for about half the cost of my original PC.

On the other hand, since the DOJ action against MS the negative impact on my IRA and my saving investments I would estimate has cost me somewhere between \$50,000 and \$100,000 in stock values and mutual fund values.

At this rate, I will take all the harm MS can dish out. Of course I am being factious. The fact remains, I do not think MS has harmed any consumer this one in particular but the DOJ has, and for what? To prove a legal technical point.

Remember, MS does not monopolize a natural resource. MS could close their doors tomorrow and sit on their copy right and there would never be another version of any of their software. Their engineers could refuse to THINK about improving Windows and Internet Explorer and the DOJ could do nothing to compel them to do otherwise. It is not a matter of getting someone else to drill cheaper or dig mines cheaper and share the product more broadly. All software is the product of thought not muscle and sweat. To what ever extent the DOJ punishes Microsoft it is to that extent that the DOJ will control, restrict, and frustrate the creative impulses of human thought that has benefited mankind thus far immeasurably. The DOJ is judging Microsoft with tools created in a completely different era and for a completely different kind of consumer product than we have before us. The DOJ is like a pre-Copernican, they can not see the true nature of the world because they fear a new vision a new truth because they believe they are right. Fine Microsoft a dollar and be done with it.

Sincerely,  
Tom Gottshalk  
344 Remington Dr.  
Oviedo, FL 32765

**MTC-00001632**

From: muinc@mail.bright.net@inetgw  
To: Microsoft ATR  
Date: 11/20/01 5:13pm  
Subject: Private Antitrust Suits

Sirs:

I am amazed at the proposed settlement for the private antitrust cases.

Microsoft has been declared a monopoly and in return you intend to turn over an additional 14% of the educational market to them as well. That way, their competitors lose a ton of business and an entire generation of students are indoctrinated into the Microsoft world. Have you bothered to check with the competition to see if they think that they can afford to give up 14% of the educational market to this ruling? Or will this ruling simply help Microsoft drive their last competition out of the personal computer market entirely?

One last question... when is Bill Gates going to go to jail for giving false statements at the original trial?

Because if he can get away with it then I guess I can, too, someday. It may just cost me a donation or two to the right politicians, eh?  
Ralph Arnold  
Canton, Ohio

**MTC-00001633**

From: Mike Benda  
To: Microsoft ATR  
Date: 11/20/01 5:11pm  
Subject: Microsoft settlement

I am disappointed with the terms of the USDOJ settlement agreement in the Microsoft anti-trust case.

From all that I have read and observed about Microsoft's actions, this corporation shown blatant disrespect for both the law and fair business practices.

I believe that allowing Microsoft to continue with its institutionalized conduct is bad for the consumer, the industry and the country.

Michael Benda  
3830 19th Street  
Apt. 3  
San Francisco, CA 94114  
mbenda@mindspring.com

**MTC-00001634**

From: Ildefonso Cruz, MD  
To: Microsoft ATR  
Date: 11/20/01 5:19pm  
Subject: Microsoft agrees to settle private antitrust suits

It is no punishment for Microsoft to "give" 1B dollars of software and training to poor schools.

When Microsoft gives software to people who would not buy it anyhow, they are losing only pennies at most. Giving software to schools is a marketing scheme that worked well for Apple. So, where is the punishment?

Bartering is for people who don't have money. With this fine Gates won't feel a thing. Get actual dollars and let the schools and projects the government decides on, and let the schools and project managers themselves decide what to spend the money on.

Don't fine them what they can produce out of thin air.

**MTC-00001635**

From: Michael Overton  
To: Microsoft ATR  
Date: 11/20/01 5:18pm  
Subject: Proposed Settlement

As a computer technician, I have grave reservations about the proposed settlement. Those concerns are tied to the basic problem of preventing Microsoft from continuing to

violate the laws regarding the leveraging of its monopoly into other markets. Microsoft continues to deny it has done anything wrong, even after several attempts to appeal the ruling have failed. This fundamental attitude on their part indicates that they feel they have done nothing wrong, and therefore will see no reason not to continue precisely the same conduct. There must be a strong mechanism to keep competition in the marketplace, or there will be no marketplace, just a choice of 1.

Please consider this factor, and please try to find some method to prevent the kind of conduct that has already been found to violate the Sherman Anti-Trust act.

Michael Overton  
2500 E. Saginaw Ave  
Lansing, 48912  
(517)487-0592

**MTC-00001636**

From: NOVIELLI, JOE  
To: Microsoft ATR  
Date: 11/20/01 5:17pm  
Subject: Coffee Analogy

The playing field is not even.

What if the largest coffee producer were to package their own brand of sugar with their coffee. That is: you buy a pound of coffee and you get some sugar for FREE.

Wouldn't this effect competition among other sugar producers?

Now, what about if that same coffee producers, also bundles cream, milk, stirring sticks, and a travel mug...for FREE as well.

What would happen now?

Dairy producers are effected, makers of travel mugs and stir sticks are effected, and since the product is selling so well, NO ONE is buying other coffee brands. Eventually the price of coffee starts to rise because competition (in several markets above) is almost none existent. Microsoft's businesses need to be segregated to reflect an even playing field for all to play in the long term.

My humble opinion.

Joe

**MTC-00001637**

From: Ildefonso Cruz, MD  
To: Microsoft ATR  
Date: 11/20/01 5:16pm  
Subject: Microsoft agrees to settle private antitrust suits

It is no punishment for Microsoft to "give" 1B dollars of software and training to poor schools. When Microsoft gives software to people who would not buy it anyhow, they are losing only pennies at most. Giving software to schools is a marketing scheme that worked well for Apple. So, where is the punishment?

Bartering is for people who don't have money. With this fine Gates won't feel a thing. Get actual dollars and let the schools and projects the government decides on, and let the schools and project managers themselves decide what to spend the money on.

Don't fine them what they can produce out of thin air.

**MTC-00001638**

From: tz1@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 5:25pm

Subject: Microsoft Settlement—a very bad deal for developers and consumers.

I don't think the settlement accomplishes anything since Microsoft can basically continue doing what it was doing while playing games and doing good PR things (like giving free things to schools—you were going to investigate Apple for antitrust for doing the same thing!).

If Usama Bin Laden is captured, but it takes time and the Appeals court says he is guilty but drawing and quartering (break-up) is too severe, are you going to give him probation if he promises not to engage in terrorism again and give him back all the frozen accounts?

First, there are injured parties, notably Netscape and Sun. Where is the millions or billions they have to pay or give in services like including their browser and Java technology in their windows releases? Or lock out Internet Explorer (Microsoft is free to contribute to Mozilla which is Open Source if they think features should be modified or added) and C#? Nowhere. Microsoft keeps its ill-gotten gains in both money and market share. Or gets to spend the money on what they were going to spend it on anyway.

Second, the courts found Microsoft Guilty. Including the appeals court. Guilty people normally have to pay a penalty. Even if the current administration considers the antitrust laws an ass, the laws are still there and need enforcement. I cannot choose which law I obey, but I don't have billions to argue the point. I find it strange that people voted for the current administration only to have what appears to be checkbook justice going on. If you are going to have a penalty-free decree written by Microsoft, you should simply move to dismiss instead of pretending anything will be done to limit Microsoft's dominance.

Third, the reason they were sued in the late '90s is BECAUSE THEY DID THE EXACT SAME THING WITH WINDOWS 95. They promised not to bundle so they integrated instead and spent years arguing that integration wasn't bundling and that they weren't doing anything wrong while they were doing things to lock out competitors and leverage one monopoly into others.

They promise not to hold back info, but they can just move to patents or add some digital protection thing in every API so everything is effectively exempt from the settlement. And you can spend five more years in court the next time they TOTALLY AND COMPLETELY VIOLATE THE SPIRIT OF THE AGREEMENT (and will the DoJ cave in then?). The devil is in the details and they snookered you with windows 95 in the details and they just did so again—if they weren't worried they wouldn't argue over every jot and tittle.

A short and simple (and painful—given their guilt and assuming the laws are taken seriously—) agreement would have been better. If Microsoft can't live with restrictions on virus, piracy, and DRM controls, then they should go to the marketplace and let third parties develop the technology. If they don't like OEM restrictions then they should simply sell on a non-discriminatory basis—same price and contract for all comers.

Finally, the EULA in every Windows installation says if you don't agree, you can take back THE SOFTWARE where you bought it for a full refund. I challenge the DoJ to try this. Buy a Laptop (for Linux or something else) and try to return just the Windows software. Or even buy an upgrade and try to return it. Microsoft won't even live by the terms of their own written legal agreements. If there was a provision that anyone (user or business) buying a PC could get a refund on Windows (from Microsoft) if they didn't want it, that would by itself fix most of the problems with OEMs.

**MTC-00001639**

From: Ben Pearre  
To: Microsoft ATR  
Date: 11/20/01 5:25pm  
Subject: Bad Microsoft! Punishment: extend your monopoly!

It seems an odd kind of justice to "punish" Microsoft by allowing it to extend its monopoly into schools. Any settlement that involves Microsoft contributing software is no punishment at all, but something that would help Microsoft regardless. If Microsoft is to pay \$1.1 billion, \$0.9 billion in software (valued however Microsoft chooses to value it, see Monopoly), then Microsoft is actually paying \$0.2 billion to extend its stranglehold on the minds of the population. Remember, the cost for Microsoft to "donate" 0.9 billion dollars' worth of software is essentially nothing. How much do you think your copy of Windows costs Microsoft to produce? A few cents. If Microsoft is to give money to schools as a punishment for its crimes, it should be a punishment, not a victory. Perhaps Microsoft could give the schools \$1.1 billion worth of hardware that works with Linux?

Sincerely,  
Ben Pearre  
Massachusetts Institute of Technology  
Cambridge, MA  
bwpearre@alumni.princeton.edu  
<http://hebb.mit.edu/~ben>

**MTC-00001640**

From: Brian R. Burton  
To: Microsoft ATR  
Date: 11/20/01 5:24pm  
Subject: bogus product registration  
Dear DOJ:

I have noticed that after installing Office:mac 2001 (which is not my choice for the computer lab I direct, but because of the monopoly, the IT department here requires it; or perhaps Microsoft requires it of them?) on the various iMacs we have in the lab, that to register the product a "Passport" account is required. If you don't have one (I don't), you are just told to register later; thus leaving the product unregistered. This "Passport" account is another product of Microsoft's apparently designed to facilitate their .Net strategy of storing personal information to be used for commerce in the future. I don't think one ought to be required to sign on to another product during the registration process of a product. Whether you care or not, that's my two cents worth.

Besides this, I think your settlement is a cave-in and very wrongheaded. It may protect foreign competitors like Sony who

probably would have had their "oxygen supply" cut off prior to the settlement, what with them being both a Windows licensee and a competitor to the Xbox with their Play Station, but it does nothing for the American companies whose focus has been on innovative products in a "competitive marketplace." As it turns out, the marketplace wasn't that competitive. I currently see an entire industry almost totally controlled by one company; indeed, one man. For the future, I see an entire economy and nation controlled by this same one company; one man.

Anyway, I have somehow managed to continue to use Apple Macs for nearly 15 years now and which has been damn near unbelievable since 1995. I have a feeling that a change is drawing near.

Thanks for nothing,  
Brian R. Burton  
Albany, GA

**MTC-00001641**

From: BillG35@aol.com@inetgw  
To: Microsoft ATR,BillG35@aol.com  
@inetgw.microsoftcomm...

Date: 11/20/01 5:34pm  
Subject: Strong Microsoft Remedy

I ask that each of you direct your good offices to make sure that the Remedy in the Microsoft anti-trust case be stringent and strong. I have watched this company manipulate, strangle and stomp competition and harm the computer industry. As a Macintosh technical support guy, I know things need not be that way. (Not that Apple hasn't done bad and manipulative things as well.)

Please help us consumers and technical people \*at least\* breaking up MS into different elements. At best, put portions of their OS into the public domain.

With Thanks,  
Bill Geraci (jer-AW-see)  
BGCompHelp  
Computer Trainer and Consultant  
P O Box 221  
Blue Island, IL 60406  
e-mail: billg35@aol.com  
Pager / Voicemail: 708-988-1936  
Fax: 708-388-1493  
"Take it easy but take it."

**MTC-00001642**

From: Brian Smith  
To: Microsoft ATR  
Date: 11/20/01 5:33pm  
Subject: Comment on Proposed Settlement

I'm writing to inform you that like many Americans I am extremely disappointed with the proposed settlement between Microsoft and the DOJ. Microsoft's strategy is simple and a blatant abuse of its monopoly power—they pick a product, like browsers, instant messaging, or streaming video, that they want to dominate, and then bundle it with Windows claiming it's a "feature". If lack of competition really produced better products, the Soviet Union would have led the world in technological prowess. The high-tech industry in this country and consumers everywhere can only be hurt by a world where Microsoft, not the market, dictates what products will be successful. If every TV set sold was made by one company and they

decided to throw in a VCR with every one of them, sure consumers would benefit—but not nearly as much as they would if free competition led to a number of manufacturers battling it out to make the best VCR possible.

Free enterprise is what this country was built on, and it deeply worries me to see my government throwing this principle out the window to placate Microsoft.

Don't let the emails I'm sure Microsoft has people writing on their behalf fool you—most people are against this settlement and want to see more stringent penalties imposed that prevent Microsoft from bundling products and crushing new industries before they can be born. I hope the United States will be persistent in bringing Microsoft to justice.

Sincerely,  
Brian Smith

**MTC-00001643**

From: Bill Wilson  
To: Microsoft ATR  
Date: 11/20/01 5:27pm  
Subject: Microsoft

It appears that Microsoft has come out unscathed again. Being so kind to our school children will probably teach them that if you are big enough, you can get by with murder.

There should at least be a penalty to keep them from doing the same thing again. As soon as the cases are all settled, I am sure they will be back to their old tricks. Why won't there be a penalty that will make Bill Gates think twice before he beats the little guy to death?

W. P. Wilson  
4516 Grand Forest Dr.  
Schertz TX 78154

**MTC-00001644**

From: Bruce Brehm  
To: Microsoft ATR  
Date: 11/20/01 5:42pm  
Subject: Simple Solution  
Plain and Simple:

The software code to the windows operating system should be made part of the public domain...

Then all software developers will have complete access to the underlying operating system (OS) code; preventing any unfair gain for Microsoft (MS) to practice 'trickery' within the OS to prevent third parties from creating alternative software products that could possibly outperform MS applications at cheaper costs...

For example, what if somehow the first person who created a means for sending and decoding normal television transmissions from the airways, had patented the process, virtually taken control of all the transmission stations, and didn't tell everyone exactly what the limitations of the transmitted signal was that was being used... Only television companies who it liked could use the airways in the best possible fashion... Without full disclosure, they could just tweak the system a bit, so that the picture that they were able to provide on one manufactured TV was slightly better the signal that was possible on competing TV.

Is this not what MS has done in the software industry?

Bruce B. Brehm

**MTC-00001645**

From: Jeff Gagne  
 To: Microsoft ATR  
 Date: 11/20/01 5:40pm  
 Subject: Microsoft Settlement

I am reading in the press today that as part of this agreement Microsoft will give 1 Billion dollars worth of services, software, and hardware to schools.

It's a wonderful thing when the remedy to an antitrust violation is to gain even more marketshare and make it even more difficult for companies like Apple to survive. Apple makes a large portion of it's revenue from Education and this might as well put them on the block.

This is just bad.

Jeff Gagne  
 10638 Hollow Tree Rd.  
 Orland Park, IL 60462

**MTC-00001646**

From: R. W. Potter  
 To: Microsoft ATR  
 Date: 11/20/01 5:39pm  
 Subject: Re: Proposed Settlement

As an average user of personal computers and software, I have several objections to the proposed Microsoft settlement.

1. The settlement does nothing to punish Microsoft for its repeated abuses of monopoly power. Microsoft's practices over many years forced numerous competitors to either cease business in the software area, or to drastically alter their sales/distribution efforts. Yet in the proposed settlement the monopolist is not required to provide any restitution to either the firms that were unfairly abused, or to consumers who now have fewer software choices and must pay high prices for the products of Microsoft. Thus the monopolist is rewarded without any penalty for past misdeeds. (Software give-aways by Microsoft also cannot be considered any form of penalty since they extend the monopolist's market share and reduce further the potential market of competitors.)

2. The three-person tribunal which is to oversee the proposed settlement cannot be expected to be effective. Microsoft will appoint one member, and have a say in a second member. The group will be paid by Microsoft and will work at their offices. It is naive to expect that this tribunal will not become co-opted by Microsoft under these circumstances over the course of several years. Any such oversight body must be completely independent, reporting to and compensated by the Court.

Thank you for your consideration of these views.

\* rwpotter@magi.com  
 CC:rwpotter@magi.com@inetgw

**MTC-00001647**

From: Thomas Wong  
 To: Microsoft ATR  
 Date: 11/20/01 5:37pm  
 Subject: Re: Microsoft settlement

What a waste of time and taxpayer money. Once again a wealthy company has bought justice.

America may have the best judicial system in the world, but it does have a serious flaw.

If you have money you can play the game. I just read that Exxon had their Alaska settlement reduced.

As the saying goes, MONEY TALKS.  
 Just what did it cost the Government to sue Microsoft? (Does anyone know?)  
 Why not have Microsoft reimburse the Government for all the legal fees?  
 I guess that would be asking too much.

**MTC-00001648**

From: Joe Borzellino  
 To: Microsoft ATR  
 Date: 11/20/01 5:44pm  
 Subject: Harsher remedies needed in MS case

Hello,  
 I wanted to let you know that I support efforts to seek harsher remedies in the Microsoft antitrust case. The proposed Federal settlement will do nothing to curb Microsoft's anti-competitive practices. I urge you to pursue the case further and hold Microsoft responsible for their illegal actions. Our nation's economy and national security depend on a vibrant innovative technology industry. MS's dominance in operating systems and applications and their insistence on MS only solutions in the server and enterprise markets can only increase the vulnerability of our economy and national security to adverse circumstances. I urge you to reconsider the preliminary settlement provisions and to seek more substantial remedies.

Thanks,  
 Dr. Joseph E. Borzellino  
 5095 El Verano Ave  
 Atascadero, CA 93422

**MTC-00001649**

From: Bruce Brehm  
 To: Microsoft ATR  
 Date: 11/20/01 5:51pm  
 Subject: Microsoft Settlement  
 Plain and Simple:

The software code to the windows operating system should be made part of the public domain...

Then all software developers will have complete access to the underlying operating system (OS) code; preventing any unfair gain for Microsoft (MS) to practice 'trickery' within the OS to prevent third parties from creating alternative software products that could possibly outperform MS applications at cheaper costs...

For example, what if somehow the first person who created a means for sending and decoding normal television transmissions from the airways, had patented the process, virtually taken control of all the transmission stations, and didn't tell everyone exactly what the limitations of the transmitted signal was that was being used... Only television companies who it liked could use the airways in the best possible fashion... Without full disclosure, they could just tweak the system a bit, so that the picture that they were able to provide on one manufactured TV was slightly better the signal that was possible on competing TV.

Is this not what MS has done in the software industry?

Bruce B. Brehm

**MTC-00001650**

From: Leverenz, Tim  
 To: Microsoft ATR  
 Date: 11/20/01 5:49pm  
 Subject: Settlement

The just relapsed settlement by Microsoft to furnish schools with software and hardware is the biggest bunch of baloney I have ever heard. Giving an abusive company a free inroads to, probably one of the last truly competitive areas for computing, just does not make any sense.

But Hausfeld said he felt it was the government's job to find a way to curtail Microsoft's power, and that it was unrealistic to expect that a better deal could be reached for such a large class-action group.

This curtails power? You give away free software and refurbished, USED computers. Knowing the way MS thinks, they will donate Windows 95 and 80Mhz computers. Then when all the schools systems sign their licensing agreement, they will be forced to purchase more than \$1 billion in hardware and software to remain compliant with their agreement. This is a BIG, BIG win for MS and a big loss for competition in America.

Yes, it is wonderful that disadvantaged children can gain access to computers and information that was not available to them. But at the cost of innovation and free competition?

You people were elected by me and my peers. We do not pay to have our way. You are supposed to represent our way, but you sell out to some powerful, egotistical company that will not admit that they do not play fair. This is justice? this is punishment for abusive power? Oh, we'll just sugar coat it with some feely good news that disenfranchised children now have access to computers and Americans, who are too busy with their lives and terrorist crap will suck it all up and smile that justice was done. What you have done to the American people is terrorism against new ideas and a free market that is dictated by good products and the will of the people, not by buying and influencing mindless, greedy politicians.

I am ashamed to be an American, the so called land of the free where people's dreams can come true, as long as Bill Gates says you can...

Tim Leverenz  
 C-Graphic, LLC  
 414-481-3100  
 Fax 414-481-3353  
 Cell 414-460-8477

**MTC-00001651**

From: Dan Rosendale  
 To: microsoft.atr(a)usdoj.gov  
 Date: 11/20/01 5:47pm  
 Subject: Microsoft Case

I am a school board member in Southeastern Ohio and would like some information concerning how our school district could apply for funding as a result of the Microsoft case.

Regards,  
 Dan Rosendale

**MTC-00001652**

From: Williams, Lance  
 To: Microsoft ATR  
 Date: 11/20/01 5:54pm  
 Subject: comments on antitrust settlement

This note is in response to your request for public comment on the proposed Microsoft antitrust settlement.

To begin, I am a real person, not a fiction, and my comments reflect my own opinions.

You will doubtless receive a great deal of paid commentary from shills for Microsoft, or even comments lauding the proposed settlement from nonexistent people. Microsoft has been so flagrant in their fraudulent manipulation of public commentary that this behavior is evident even to the public. Countless "letters to the editor" in countless publications attest to this sort of corporate disinformation. Out-and-out fraud is accompanied by disingenuous commentary from Microsoft satraps and fellow-travellers. These are all symptoms of the excessive power and wealth Microsoft has accumulated, and the abusive means to which this power and wealth are employed.

A computer operating system has an easily delimited function.

It organizes the use of the computer's hardware—its memory, processors, and peripheral devices — for the user's applications. Applications programs, whether for email, text editing, or entertainment media, are in a clearly separate category. They reflect what the user of the computer wants the computer to accomplish; the operating system provides the means. Microsoft has tried to confuse this distinction with the goal of controlling the market for all computer programs, a goal quite contrary to consumer interests throughout the world. Many valuable applications can be made "features" of the operating system, removing a competitive marketplace for improved products. The features and structure of Microsoft's operating system, which is under their sole control, provide a powerful instrument of monopoly.

The only effective remedy for Microsoft's abuse of their monopoly power is to keep them out of the applications software business. If you vend an operating system, you cannot sell applications; otherwise, you've always got the inside track. There will never be a level playing field without this principle.

The remedies proposed have no more chance of inhibiting Microsoft's criminal behavior than those undertaken in 1995. I implore our Department of Justice to take the greatest pains to avoid the widespread public impression that Microsoft is now sufficiently wealthy and powerful to be above the law.

I admit to my regret that I now share this impression, and believe it to be accurate.

Respectfully yours,  
Lance Williams  
Walt Disney Feature Animation  
(818) 526-3422

**MTC-00001653**

From: CC  
To: Microsoft ATR  
Date: 11/20/01 5:53pm  
Subject: MicroSoft gets off easy

MS has not stopped their monopolistic ways as proven by Windows XP.

The breakup was the PROPER thing to do.

**MTC-00001654**

From: Sutton Colin  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/20/01 5:52pm  
Subject: Reparations?

I have read that in the proposed settlement Microsoft agrees to donate software and

computers to more than 14,000 of the poorest US schools during the next 5 years.

I hope the schools get to choose which software, and from which manufacturers, otherwise this is more anti-competitive behaviour.

Regards,  
Colin Sutton  
CC: 'thurrott(a)win2000mag.com'

**MTC-00001655**

From: johnschultz@mindspring.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 5:52pm  
Subject: Penalties? What penalties?

The current settlement proposed for Microsoft is a travesty. In my mind it corresponds to letting a killer free from death row and giving him a coupon for a free assault rifle.

The appearance is that Microsoft has purchased both the Executive and Legislative branches of the federal government and the Judicial branch is powerless. In five years Microsoft will own all media outlets and the internet and totally control public opinion. I don't fear the Taliban, but Microsoft scares me to death.

**MTC-00001656**

From: steve wolff  
To: Microsoft ATR  
Date: 11/20/01 6:11pm  
Subject: The Microsoft settlement idea is a BAD one !!!!!

The idea of letting MS give away computers to schools as a settlement is HORRIBLE. It simply lets the MS brands get more entrenched. eg Apple gets hurt in this process and MS gets stronger and more market share. BAD BAD BAD MS should pay cash to schools and let them decide on how to spend it. Not s/w or h/w.....

Why not some investment in companies competing with MS!!

Steven B. Wolff  
Sr. VP and CTO  
415 883 1500 1711 fax

**MTC-00001657**

From: Robert Newton  
To: Microsoft ATR  
Date: 11/20/01 6:05pm  
Subject: Microsoft Anti Trust  
Dear Sir or Madam,

I write to express my sincere concern as to the terms of settlement of the Microsoft Anti Trust case.

I have read the original judgement given in this case and one can only conclude that Microsoft has continually acted in and unethical and unprincipled manner.

Microsoft has deliberately and knowingly used its power to stifle competition, but more importantly has in so prevented good technologies from coming to market or been accepted.

Microsoft is a ruthless and an unfit company, you will be failing in your responsibilities if you do not take the strongest possible action against them.

There is a consensus in the computer industry that Microsoft has used its power to get a very lenient settlement and this leads to a dis respect for the prosecuting authorities.

I encourage you to take more decisive action to ensure that this monology (Microsoft) gets a settlement more befitting their inconsumable behaviour.

Yours truly  
Robert Newton  
Australia

**MTC-00001658**

From: Case Coe W  
To: Microsoft ATR  
Date: 11/20/01 5:59pm  
Subject: MicroSoft penalties INADEQUATE  
Even in the face of the lawsuit, MS continued its illegal practices with Windows ME, Windows XP, and the new MS Office suites. The penalties are too lenient and will not deter continued and future violations. The break-up, as with Standard Oil, was the correct avenue to pursue.

Coe Case  
ccase@pei-idt.com mailto:ccase@pei-idt.com  
PEI Electronics, Inc. (256) 895-2313  
An Integrated Defense Technologies, Inc. company

**MTC-00001659**

From: Alan Brooks  
To: Microsoft ATR  
Date: 11/20/01 5:54pm  
Subject: microsoft

I am very disappointed with the DOJ's ruling on the Microsoft anti-trust case. I believe they unfairly compete in our marketplace and that they abuse their power.

Please take note that many people feel this way.

Alan Brooks  
5400 Astor Lane Apt. 405  
Rolling Meadows, IL 60008

**MTC-00001660**

From: John Hails  
To: Microsoft ATR  
Date: 11/20/01 6:12pm  
Subject: My opinion on the Microsoft case  
I think this notice pretty much says what the outcome is. Microsoft once again takes everyone to the cleaners.  
By REUTERS

WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said.

More here:  
<http://www.nytimes.com/reuters/technology/tech-tech-microsoft.html>  
The settlement should really really make a lot of people very mad.  
Namely

Apple for one. It is a great idea to give to the schools badly needed technology. But to force Microsoft products onto schools is not only a really nasty thing to do to schools in one fell sweep it give market share to Microsoft and takes away from Apple.

The thing to do is take the actual MONEY and NOT equipment or software and give it

to the schools so they purchase what they want and how they want.

Not have it shoved down their throat. Besides, allowing them to gain market share in education is a REWARD...it is NOT punishing them in any way. If the money was given to the schools to use as they saw fit they might spend it on other things not related to Microsoft and the school would benefit but MS would not. Look at it in the long run...MS gets to sell them upgrades and updates. That isn't right.

I can't believe this stuff is going like this. How horrendous this is. On the top it looks great that MS is giving to schools and who could possibly be against it. But really, who can be against giving them the money so they can buy the technology they want and can use? NOT whatever MS feels they need. This settlement is just plain wrong. MS is being rewarded all over again rather than punished.

Please someone stand up and tell me that I am completely wrong. Should I be HAPPY about this?

Carl Blake

**MTC-00001661**

From: TopXML—Mark Wilson  
To: Microsoft ATR  
Date: 11/20/01 6:11pm  
Subject: sell out

To whom it may concern.

You won this case in ever court in the land at every level. You even won it in the supreme court. And you settle for wishy-washy terms which Microsoft will side step by moving to web services—that will make all of this irrelevant.

How was this possible? Kelly-Kotar would never have gone against the Supreme Court who confirmed Microsoft is indeed a monopolist. So in the end the industry and the public needed future behavioural protection from this monopolist and you didn't provide it.

America is fighting for economic survival. Thousands of companies and innovations needed to be protected from this behemoth which has 31 billion in savings. These little companies like Real Networks and Red Hat needed you to collar the monopolist and give them a chance. You failed to protect them. Now small companies like mine have no protection from the monopolist, just when the economy was turning sour.

Don't for one second think their "better" citizen rubbish will stand. They screwed you in 92 and they screwed you again now. When will you learn? You and your team should be ashamed. You win everything at every level and you lose anyway. Bush must be proud.

Sincerely,  
Mark.

TopXML  
<http://www.topxml.com>  
Xselerator XSLT Editor  
<http://www.topxml.com/xselerator>

**MTC-00001662**

From: John Murchison  
To: Microsoft ATR  
Date: 11/20/01 6:11pm  
Subject: Please do not relent against monopoly

Because of the volume of mail you're surely receiving, I will make this brief: please

deliver to Microsoft a harsher punishment than the current deal. Their monopoly is common knowledge, experienced every day and confirmed in court. As they snake into new markets (with XBox, UltimateTV, etc.) and proceed with their .NET strategy, the timing is crucial. Do not just give them a slap on the wrist. I have talked with about two dozen people in the University of Texas community. Many of them feel forced to use Microsoft products, and all agree that the company has violated the rules of the market. Please punish this Goliath.

John Murchison  
2610 Rio Grande  
Austin, TX 78705

**MTC-00001663**

From: David Peavey  
To: Microsoft ATR  
Date: 11/20/01 6:22pm  
Subject: The Microsoft penalty is a disgrace!  
Dear USDOJ,

Do you really think that Microsoft is NOT a monopoly? Do you really believe they haven't used their massive size to virtually wipe out the competition? Competition in sooooo many areas such as Word processing, Spreadsheet, Block diagram dwgs, Internet Browsers, Email, etc. has all but vanished. They certainly didn't use a superior product!

Lotus 123 used to be the most widely used spreadsheet application in the accounting profession (where spreadsheets are mostly used). Quattro Pro was better than Excel too. But Excel is the most widely used because MS used their huge marketing, pricing, and development policies to squash the competition. Now Lotus 123 and Quattro are all but gone.

Microsoft couldn't make a graphics program that was worth beans (Draw). So they PURCHASED the ONLY serious competitor (VISIO). Since the purchase, the quality of the product has gone down. And there are no other block diagram type applications on the market.

I LOVED Netscape—but Netscape has basically "thrown in the towel" and given up because IE is free! (But only if you buy their MS Windows). Why isn't IE free for Linux?!?!?

And lets talk about MS Word. What ever happened to a clearly better product—Word Perfect? It has been bannished to the Linux world because MS isn't interested in developing a product where they don't have a "head-start" on the internals of the OS. Word Perfect has a GREAT equation editor—MS Word doesn't. But what do you suppose is the more widely used product? All because MS used it's marketing, development, and pricing strategies to muscle out the competition.

Outlook is not much better—There were plenty of really good email programs on the market until MS started pushing it with Office. Now MS Outlook is the most widely used. Do you really think America is less vulnerable to computer viruses if we all only use one email program?!?!?! How many Netscape Messenger computer viruses are there?!?!? Hint—less than 1. You really should read "Cuckoo's Egg: Tracking a Spy Through the Maze of Computer Espionage" by Clifford Stoll. His basic thesis is there is

strength in diversity—even in computer software.

Thank GOD you actually blocked Microsoft's purchase of Quicken. That was a faint glimmer of intelligence in the Justice department. But why didn't you block their purchase of VISIO? The glimmer was muscled out by Microsofts marketing and pricing strategies.. :)

Besides their huge marketing and pricing strategies, Microsoft dominated because of their unfair development strategies. In the office automation tools, Microsoft Word, Excel, Outlook, IE—All are now dominant because Microsoft knew the internals of the OS as these products were developed.

And they knew the internals before the OS was available to the rest of the world. Hence—they had a head start on the development. In addition, Microsoft unfairly knew about undocumented internal OS calls and functions that the competition could NOT have known about. This forced the competition to work harder. So Microsoft leveraged it's huge dominance in the OS market to dominate the other markets as well.

Do you have any idea how difficult it is now for a competitor to develop a serious competing word processor like Word or a spread sheet like Excel?

There isn't a chance!

Who says "what's good for Microsoft is good for America"? Look at Quicken vs MS Money. Quicken shows real innovation whereas MS Money is crashy trash. This shows the power of real competition. Because of your blockage of MS's purchase of Quicken a few years ago, the products (both of them) have gotten REALLY good! There is NO stimulus to make IE better now is there?

And aren't you concerned about the "big brother" attitude of Microsoft? Consider Microsoft's Passport—where they collect all your personal information (including credit card information and passwords) to allow you to "browse the web" easier! Aren't you concerned about Americans' civil liberties and rights to privacy?!?!?!

This penalty is a sham! Sure the schools could use the bucks but—don't you know that Microsoft ALREADY has a school donation program that donates software and training to schools. All your penalty is saying—"yes, you should continue this". And do this with Microsoft products!

This is absurd! Microsoft didn't even get off with a slap on the wrist! Personally, if I were judge, I would:

(1) Split Microsoft into two pieces—Windows, and all the rest. This would "level the playing field" for all Office automation products giving all competitors an equal start when development commences.

(2) Do the school donation thing—but make it NOT tax deductible (since it's a penalty after all)—and require them to support Apple and Linux OS's in equal parts to Microsoft. Students would then be more diversely educated— which allows for cross fertilization of software structures. Making all computer programs stronger and more resilient. The total amount of donations need to be 50% of their gross profits over the last 10 years.

(Figuring that they would have been 50% less profitable if they had played fairly).

(3) Require Microsoft to make their source code for all past, present, and future Operating systems (Windows, DOS, and any others they try to make that aren't called Windows and DOS) OPEN SOURCE within 3 months of its release. This includes all patches, fixes, and updates. This would force Microsoft to "come true" when competitors accuse them of "stealing" trade secrets. All good software is open source anyway—this would force Microsoft to "clean up their act" and make their programs less buggy.

David Peavey  
H/W Engineering Manager  
47835 Westinghouse Dr.  
Fremont, CA 94539  
510-492-4286  
510-353-9570 (fax)  
dpeavey@kromos.com  
CC:dpeavey@home.com@inetgw

**MTC-00001664**

From: Jeff Adams  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 6:20pm  
Subject: Please keep up the pressure on Microsoft

Hello,  
Please keep it up.

These guys have ruined and are continuing to ruin the marketplace for software developers. I'm not sure what the DOJ was thinking. Please persuade the judge to do something.

For example, their pulling of Java support from Windows XP has caused us problems as we have a Java based client.

Also based on past experience, as soon as we announce our product, they'll try to announce something similar to freeze the market.

They are simply untrustworthy. Ten years ago I wrote a driver that MS asked to distribute. We signed a contract that said it was only to be distributed with a specific product. What happened, they posted the driver on an "all comers" bulletin board and ruined that business for me.

And for what? Giving someone a reason to buy one of their overpriced bug fix upgrades?

My recommendations for penalties:

(1) Break them up into multiple units, Core Operating System, Server Products (IIS, SQL-Server, etc.), Desktop Business Applications, Desktop Home Applications, Hardware (Keyboard, Mice, etc.). No non-public communication between the divisions. Require each division to port their products to one other competitive platform. Sell the Macintosh Unit to Apple.

(2) "Bug's" submitted to an independent third party. Bug fixes available to meet advertised specifications available at no charge. Upgrades would then be for only new features, not bug fixes that should have been fixed for free.

(3) Possibly require all current software product's source code to be made available for one year. This would stimulate competition and would allow the world to see the bugs and fix them properly.

Thanks in advance!

Jeff Adams Online Voice = Improved  
Bottom Line  
CEO, Intensifi  
650-216-0110

jbadams@intensifi.com  
www.intensifi.com  
CC:Microsoft ATR,attorney.general  
@po.state.ct.us@inet...

**MTC-00001665**

From: Bruce M. Brantseg  
To: Microsoft ATR  
Date: 11/20/01 6:19pm  
Subject: Light  
A billion for Microsoft is no punishment.

**MTC-00001666**

From: Gary Young  
To: Microsoft ATR  
Date: 11/20/01 6:16pm  
Subject: Strong opposition even to the latest Microsoft offer

I heard today on the news that Microsoft wants to donate a billions dollars worth of computer equipment to schools as an upgrade to their settlement offer. I don't know the details but it seems pretty obvious how this would be money well spent for Microsoft to continue their monopoly. Yet another self serving "Microsoft Foundation".

Microsoft is never going to agree to fair and severe punishment. Trying to appease them is major mistake.

Gary Young  
Gary Young wrote:  
If not for "political" and competitor's "survival" aspects regarding this case, Microsoft would be, and should be, severely punished. The agreed to "slap on the wrist" punishments are a joke and if Microsoft's competitors and (even) business allies would speak freely there would be double the evidence and vocal disdain against Microsoft. Microsoft's continued failure to acknowledge their past behavior should have an affect on the punishment. If there is anything I would NOT worry about, it is that severely punishing Microsoft would harm others. Even in the short term, most of even the strongest proposed remedies would be better for almost everyone. In the long run, we all gain and we would then have a precedent that shows you can't get away with illegal and unethical business practices. The proposed agreement is a big win for business thugs everywhere.

Gary Young  
Aliso Viejo, California  
gyoung@home.com

**MTC-00001667**

From: gawlopc  
To: Microsoft ATR  
Date: 11/20/01 6:29pm  
Subject: Microsoft using Office to keep Windows dominant

Microsoft Office is the most dominant office productivity software package in use today. Since Microsoft makes both the OS and the Applications they have full control of how the applications will run and also how they will be used.

Microsoft Office for windows has the following applications:  
Microsoft Word—A powerful word processing application  
Microsoft Excel—A spreadsheet application  
Microsoft Powerpoint—Presentation (slideshow) application  
Microsoft Access—database and database access application

One problem that is forcing companies into abandoning the Macintosh computing platform is that Office for Macintosh has only Word, Excel & Powerpoint. Access is not made for Macintosh. Microsoft rebuffs (annual) requests from the macintosh community saying "that there is not sufficient demand for them to write the software for this platform." They have even stopped other companies from writing a "compatible" program so that the Macintosh business users will gain this functionality. I strongly suggest that they will not include (or allow) this package to be made available to the Macintosh community to continue to push the business community to standardize on Windows and abandon all other platforms.

If the company were split into two independent units... the application group would release a powerful (full) version of Office for all Platforms. (Macintosh, UNIX, Linux...)

Thanks for listening  
Peter

**MTC-00001668**

From: Brian MacManus  
To: Microsoft ATR  
Date: 11/20/01 6:24pm  
Subject: Please don't let them get away with this 1

Dear DOJ

I am a Mac User and have been assaulted from Microsoft for 10 plus years. I am ashamed that you are simply slapping their wrist. That is what I should do to you. They continually thwart competitors, ie Apple, and strongarm their 3standards: on the entire computing world. What are you folks thinking here!

This company needs to be split up into 2 business units at the VERY least, one for Operating Systems and the other for Productivity Software, or you will be a wimp in many eyes, mine especially

Do Whats Right

Please email me for further discussion

Macmanus@mac.com

Brian MacManus—under duress from MS

**MTC-00001669**

From: newmanites  
To: Microsoft ATR  
Date: 11/20/01 6:23pm  
Subject: Don't let Microsoft off the hook!

To the folks working on the Microsoft anti-trust case,

As a taxpayer and voter, I am outraged that the Microsoft anti-trust case is in jeopardy of ending in a sweetheart settlement.

Whenever Microsoft bundles new applications into their operating system, competition is stifled. This pattern of behavior has been repeated for years with disastrous consequences for companies trying to

Unless the anti-competitive behaviors outlined in the finding of fact are addressed, then all my tax dollars are wasted, and a dangerous signal is sent that any large company that can afford high-roller lobbyists and deep-pocket campaign contributions can get off with a slap on the wrist.

The country's information infrastructure is vulnerable to cyber-attack due to our over-

reliance on Microsoft products. If there were real competition in the marketplace, Microsoft would be motivated to fix its buggy software before it is released.

Please finish the job! Please see to it that meaningful behavioral remedies are put into place. Competition is the American way!

Sincerely,  
Arthur M. Newman

**MTC-00001670**

From: Wolf  
To: Microsoft ATR  
Date: 11/20/01 6:50pm  
Subject: Settlement...

I am writing to express my concern with regards to the pending settlement of the anti-trust case against Microsoft.

I feel that if Microsoft is allowed to continue as outlined in the Dept. of Justice settlement it will be a severe blow to fair competition in the software industry and will make the open-source software movement a thing of the past. In reading the proposed settlement I saw far too much potential for Microsoft to start closing and making illegal to develop cross-compatible competing products. That coupled with Microsoft's often-stated opposition to the entire open-source software community would make it possible for them to use their monopoly position to eliminate open standards and thereby force consumers, businesses and colleges to accept Microsoft's products, and anyone making an open source equivalent that was interoperable with the Microsoft product would be subject to penalty.

I do not live in one of the nine states which is continuing to pursue the case but I definitely support those states in their effort to seek a meaningful and appropriate remedy to the Microsoft case, because I feel that the settlement proposed by the Dept. of Justice amounts to effectively a slap on the wrist and has little to deter continued abuse of a monopoly position.

Mike Tabasko  
1123 Penobscot Road  
Richmond, Virginia 23227

**MTC-00001671**

From: mike kimball  
To: Microsoft  
ATR,uag@att.state.ut.us@inetgw  
Date: 11/20/01 6:43pm  
Subject: Microsoft Settlement

I'd like to express my discontent with the United States v. Microsoft settlement.

I hardly need restate The Complaint that Microsoft has deliberately and unjustly controlled the market through extensive anticompetitive activities, deception, and threats. They have never dominated the market through the merits of their products—indeed the word “merit” can hardly be mentioned in the same sentence with “Microsoft product”, unless coupled with the word “lacking”. They are, in short, the bullies of the software world.

All the proposed settlement will do is validate Microsoft's business practices. Why should they change anything? They can afford powerful teams of lawyers to protect their interests by reducing our judicial system to a game of expensive legal

busywork. They have gotten away with illegal activities for years, resulting in profits numbered in a mind-boggling array of zeroes, and the Final Judgment is, “don't do that anymore; at least not for the next five to seven years.” A gentler slap on the wrist I've never seen.

Microsoft has made it abundantly clear that their only concern is for profit, and market domination. Period. They are the enemies of the American spirits of competitive innovation and fair play. They are not admonished by the Justice Department's censure, or anyone else's for that matter. They WILL NOT stop their illegal practices until forced to do so by specific legal orders. Without jail time or stiff fines, their practices remain profitable, and they will continue to adapt and innovate methods of monopolizing the market for their own gain.

Michael T. Kimball  
820 3rd Ave. #2  
Salt Lake City UT 84103

**MTC-00001672**

From: Jesse Spears  
To: Microsoft ATR,microsoft  
comments@doj.ca.gov @inetgw,...  
Date: 11/20/01 6:38pm

Hello,  
I'm writing to let you know that I applaud your efforts to bring some semblance of justice to the Microsoft monopoly (except for the US DOJ, which is receiving this letter because I want them to know I'm displeased with their actions regarding Microsoft).

In my opinion, the Microsoft monopoly has caused more harm, and brought more suffering to the world than pretty much any other non-governmental entity (with the possible exception of various Oil companies, the World Trade Organization, and the World Bank).

They do this through unfair, unethical, and illegal business practices. Microsoft has forced so many companies out of business by using unfair business tactics that most potential entrepreneurs have given up on competing with them. They either stay away from anything that Microsoft is doing, or create a product with the sole purpose of being bought out by Microsoft.

Microsoft adopts standards, then changes them so they only work with their products (see Java as a prime example).

They create copycat products (usually inferior) and then give them away for free with their OS, for the sole purpose of hurting competitors (for instance, Netscape being forced out of business by the free Internet Explorer).

They force Hardware manufacturers to ship one of their Operating System products exclusively, in exchange for favorable licensing rates (see, well, every PC hardware manufacturer since the Mid 80's). They do this in an attempt to force competing Operating Systems vendors out of business (long list of them, stretching back to many varieties of DOS, and the current one they are attempting to squash is Linux). Dell recently pulled their support of Linux on their Home systems, now requiring you to pay for a copy of Windows.

The few times the US government has done anything, it's never been more than a slap

on the wrist. In this latest case, Microsoft just delayed the punishment phase to wait until an administration more favorable to their monopolistic practices was in power (and, apparently it's worked, showing yet again that US citizens can't depend on the federal government to do what's right for it's citizens...Big Business Lobbyists control it all).

Please, continue to seek justice in this case. I only wish the rest of the plaintiffs had the moral strength to do so also.

Sincerely,  
Jesse Spears  
5212 Bandera Creek Trail  
Austin, TX 78735  
SpearSoft <http://www.spearsoft.net>  
Harpoon3 info is at <http://www.harpoon3.com>  
\*Harpoon3 is currently only available for Macintosh computers\*  
Tune in to my music broadcast at:  
166.90.143.157:13288

Additional info at: <http://www.harpoon3.com/personal/mongos\_music.html>  
(now broadcasting 24/7 at 56kbps/22khz/stereo)

Jesse and Joyce's Homely page is at <http://www.harpoon3.com/personal/index.html>

**MTC-00001674**

From: Paul Pesta  
To: Microsoft ATR  
Date: 11/20/01 6:59pm  
Subject: NO settlement  
Current settlement is inadequate.

**MTC-00001675**

From: curt  
To: Microsoft ATR  
Date: 11/20/01 6:55pm  
Subject: public comment  
DOJ,

I can see how the intent of the agreement might help reduce Microsoft's abuse of their monopoly power. Although I think the specifics of the agreement have loopholes that Microsoft will get around. I don't see how it punishes them for the abuse of monopoly power they were found guilty of.

Unfortunately, the longer you wait to generate a just agreement the less relevant the agreement becomes.

Curtis L. Fiene

**MTC-00001676**

From: The Admeen  
To: Microsoft ATR  
Date: 11/20/01 6:52pm  
Subject: the more I learn about the proposed settlement, the more I'm appalled at what MS will be allowed to do—such as have 14 days to change the software on my machine WITHOUT MY CONSENT, LET ALONE KNOWLEDGE.

Imagine, if you will, buying a car from Ford...and two weeks later, a Ford rep shows up to change out your car stereo to one they like better...would you ever allow this? Of course not.

**MTC-00001677**

From: Daryn Sharp  
To: Microsoft ATR  
Date: 11/20/01 7:12pm

Subject: comments on the "settlement"

To whom it concerns:

I do not believe the proposed settlement is satisfactory. The spirit of the agreement attempts to restrain Microsoft from continuing some of its most flagrant behaviours, but yet it fails to effectively create a framework that will realize any tangible goal.

For instance, nearly every provision provides vaguely defined definitions and exceptions. Microsoft's conduct and justifications since the first antitrust suit have demonstrated that they will capitalize upon any available loophole.

The terms of access to the "communication interfaces" are terrible at best. These APIs are one of Microsoft's strongest weapons against competitors. Allowing Microsoft to deny access based upon the "viability of their business model" and other similarly bogus exceptions nullifies the provision. All of the OS-level APIs and application file formats should be fully documented and accessible by any individual or company. This is the only way to ensure that interoperable products may truly begin to exist and compete.

Given no punishment, Microsoft has little deterrent to stepstep the spirit of this new agreement. Past history has shown that behavioural remedies have not worked with Microsoft. Microsoft should be disciplined for their "crimes" in such a manner that will deter them from attempting to violate this new agreement. Letting them off with nothing more than a scolding will result in yet another antitrust suit in the near future. History will repeat itself yet again.

Upset would be a mild term to describe my dismay with the suggested settlement. I've watched this drama unfold for nearly a decade now, and I'm extremely disappointed that this is best settlement proposal that could be reached.

May I please have my wasted tax dollars back?

Sincerely,  
Daryn Sharp

**MTC-00001678**

From: Dean Masai  
To: microsoft.atr(a)usdoj.gov  
Date: 11/20/01 7:06pm  
Subject: How to settle the lawsuit

Greetings, U.S. Dept. of Justice:

Splitting up the company is the best thing to do. You can still do it. Do it. How else can you level the software/hardware market "playing field?" That was the purpose of the suit in the first place, correct?

Well, MS has been found to be a monopoly; it's been found guilty of using its monopoly status in unfair business practices. Punish them, just as any other person or business found guilty would be punished. And rectify the situation so that this kind of thing will not happen again. Think of the future for the computer industry and the American (and world) economy. The U.S. Free Enterprise System works best on free market principals. Let the free market decide which software to use. Level the playing field.

Donations to political funds should have nothing to do with JUSTICE, so ignore all of

MS' political donations and attempts to influence your decision. We, the people, want JUSTICE. Just do it.

Dean Masai

**MTC-00001679**

From: Bob Lopez  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

Date: 11/20/01 7:06pm  
Subject: Microsoft case opinion

I just wanted to make my opinion heard regarding the Microsoft case. I think that Microsoft has intentionally been involved in monopolistic practices for many years, and that it has severely hurt the computer industry and stifled the US technology economy as a result. I also think that they are getting off far too easy, as they have done so in the past.

I implore you to please stop this monopoly now while there is still a chance. You can make a difference today while there is still barely enough of the technology industry left to produce far more advanced technology and bring back hundreds of thousands of jobs back to the US.

Thank you,  
Bob Lopez  
Chief Scientist  
AcrossWorld Communications, Inc.  
1601 Civic Center Drive, #102  
Santa Clara, CA 95050 USA  
www.acrossworld.com  
+1 408 261 6816 (voice)  
+1 408 261 6811 (fax)  
bob@acrossworld.com

**MTC-00001680**

From: Steven Luscher  
To: Microsoft ATR,compbureau@ic.gc.ca@inetgw,ccpp@csqb,...

Date: 11/20/01 7:03pm  
Subject: More stringent prosecution for Microsoft

The state of the Microsoft anti-trust suit distresses me. I implore you to do everything you can to affect more severe prosecution for this corporation. They have clearly committed severe anti-trust violations for which they have not been appropriately penalized.

Steve Luscher  
90 Muir Avenue  
2nd Floor  
Toronto, ON M6H 1G1

**MTC-00001681**

From: Cynthia Nichols  
To: Microsoft ATR  
Date: 11/20/01 7:16pm  
Subject: Micro\$oft antitrust settlement

I would like to comment on the antitrust settlement. I believe that Micro\$oft will continue to abuse its stronghold on the market unless it is broken up. I cannot believe that the multimedia player, the e-wallet and other software including browser "forced use" should be allowed. Please work to see that there is a level playing field and make Micro\$oft play by the rules.

Thank you.  
Cynthia Nichols

**MTC-00001682**

From: KAMMTOWN@cs.com@inetgw  
To: Microsoft ATR

Date: 11/20/01 7:14pm

Subject: Settlement

Folks, this settlement actually represents the triumph of common sense and civic spirit. I'm gratified to see Microsoft will be investing so much money in the underadvantaged kids of the nation.

**MTC-00001683**

From: Bud  
To: Microsoft ATR  
Date: 11/20/01 7:14pm  
Subject: stupid!!

You people are incredibly stupid or very supportive (in a campaign repayment kind of way). It is probably a mixture of both, with emphasis on the later! Bill Gates has been supplying software and computers to schools for years...why??? Because then everyone begins at a very young age to use Windows (MS) and know nothing of MacINTosh, Linux, Unix, or any other software.

So as his punishment for wanting to control the world and the Internet, he settles by doing what he's always been doing...making charitable write-offs that will further monopolize his operating system at the expense of the government (tax deduction). Here is the news story: Microsoft said it would provide cash, training, support, computer hardware and software to more than 12,000 public schools serving nearly 7 million of America's poorest children.

"We believe this is a fair and reasonable solution that will benefit consumers, the high-tech industry, and the overall U.S. economy," said Microsoft CEO Steve Ballmer.

What a laugh in the government's face for Microsoft. You have spent \$millions\$ to prove that Microsoft has indeed tried to monopolize the OS and Application software market—and then squandered that investment by giving him what he already does for his own benefit. Now he can further monopolize by influencing the young minds of the public school system.

You have done an injustice to the laws of this country and the people who depend on you to enforce those laws.

Harrold VanSickle  
Lewisburg, PA  
cc: Congressman Peterson  
cc: Glazer, Mike

**MTC-00001684**

From: Oleh Sharanevych  
To: Microsoft ATR  
Date: 11/20/01 7:27pm  
Subject: Microsoft settlement  
Dear Prosecutors,

This so called settlement smells of back room politics and shows that you too are toeing the line to Microsoft's whims.

SHAME ON YOU FOR SELLING OUT!!

Sincerely,  
Oleh Sharanevych  
Trec Rental Corp.  
404 West St.  
New York, N.Y.10014  
212-727-1941

**MTC-00001685**

From: RWREDCAP@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 7:22pm  
Subject: Do not let the latest settlement stand.

How does this punish Microsoft? This settlement further strengthens Microsoft's monopoly on the computing industry, unless the computers and software Microsoft has to provide to these educational institutions provide competing products and not Microsoft Windows or their other software this is a reward for Microsoft. The monetary amount means little to Microsoft as it can easily afford it. Remember Microsoft as been found GUILTY and should be punished to decrease their market share and break their monopoly, not increase it. I'm sorry, but I feel Judge Penfield Jackson's break up ruling was the correct one and his ruling should not have been dismissed regardless of his out of court comments.

I know my comments will mean very little if any at all, but I am a concerned citizen and believe in fair competition in this country. Microsoft Windows should not be the only operating system on computers, PC's workstations or servers, people or companies should be given a choice when purchasing one. This also includes office software, browsers, games, internet, etc.

Sincerely:  
Richard Williams  
Allentown Pa.

**MTC-00001687**

From: jim farler  
To: Microsoft ATR  
Date: 11/20/01 7:19pm  
Subject: You sold out

The Justice Department sold out to big business. Justice in this country no longer has any meaning at all. The attorney general is nothing more than a puppet for the extremist right wing element lead by Bush and Chaney.

This is but a symptom of the loss of human rights. Ashcroft promises only to take human rights away from non-US citizens, so who cares about them. What happens when private citizens disagree with this the extremist element? Do we go to jail? It is the next step!!!

We all lose!!!  
James S. Farler

**MTC-00001688**

From: markdoerr@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 7:34pm

To Whom it May Concern:

The pattern of behavior that Microsoft has exhibited over the past 10-15 years shows a disturbing trend to monopolistic practices, as borne out in the recent judgement against them in your anti-trust lawsuit. I am disgusted that you now bow to their lobbying efforts and back away from the Justice Department's hard-fought anti-trust victory.

Didn't the previous consent agreement contain provisions for curbing Microsoft's business practices? Didn't Microsoft agree to that settlement only when faced with an anti-trust lawsuit?

Weren't they finally sued because they did not honor that agreement? Although the remedy was thrown out, were the findings in that anti-trust case not upheld?

The argument could be made that they offer much of their software for free and how that is a benefit to the consumer. But that is

the short term view they want you to take. Like a drug dealer, they hook you with seemingly negligible restrictions, an unending supply of goodies and once hooked, are able to control your access to them and how you use them. For a hefty fee, of course. It's insidious. They used the Internet Explorer browser to foil any attempt at loosening their grip on operating systems, by offering it freely and undermining companies that did not have the luxury of OS earnings to fall back on. They have done it many times and will continue to do this until there are no credible alternatives rather than the 2 or 3 that now exist. At least in the server market. There are none for consumers. The news today shows that Palm is losing market share to Microsoft and their Palm PC OS devices. Palm is yet another example of a company who started with a superior product and over 80% market share yet will slowly have their cash position and market share eroded by the slow, unending crawl of Microsoft's corporate weight.

It is the lowest form of self-delusion to think that Microsoft won't treat your proposed settlement any differently than the one they previous ignored. It's also insulting to taxpayers to think we don't see that you are pandering to the interests of one of the largest and most aggressive companies on the face of the earth rather than doing your job to protect the interests of the American consumer. We're smarter than that. I had hoped those who protect our interests were but I find I am sorely mistaken.

Mark Doerr  
Los Angeles, CA

**MTC-00001689**

From: Ken Weickert  
To: Microsoft ATR  
Date: 11/20/01 7:33pm  
Subject: Comments on Microsoft Anti-Trust Case

I am disappointed in the Microsoft antitrust settlement. I believe that it will do very little, if anything, to curb Microsoft's monopolistic practices. And just as important, I don't see that it does anything to undo the damage to consumers and competitors that has already been done by Microsoft's practices. I believe that splitting up the company was the more appropriate way to go.

Ken Weickert

**MTC-00001690**

From: Gilbreath, Troy  
To: Microsoft ATR  
Date: 11/20/01 7:27pm

It appears that the government wants to ensure that Microsoft retains and even adds to its software monopoly both now and in the future by using marketing's "loss leader" approach to conquer the very small percentage of the software market that has not already been crushed by Microsoft.

Isn't there another way to settle, rather than push other software vendors out of potential markets. A school with little or no money may decide to use Linux as an alternative (if that is even viable). Linux seems to be the only significant operating system (OS) option to Microsoft on a typical individual's personal computer (which

happens to be commodity hardware sliding ever so quickly toward obsolescence—what a contrast to Microsoft's applications!). What percent of the American population can think of another OS to load on a individual PC (besides Windows 98, Windows XP, Windows NT, etc.) (or getting all new hardware and OS with a Macintosh. They still make those don't they?). I cannot think of any other operating system to load on an individual PC, not a server, for regular daily individual use. But Linux is free and these schools will have no need to adopt it because the government has intervened in the free market and given these people Microsoft software. Not only will they get software, but they will get trained evangelists leading the classroom. I can only guess how many times a day the word Microsoft will be uttered by everyone, I will be suprised if even one day goes by without the utterance.

Isn't there some kind of legal principle where if a word is used over and over again, superfluously, then that word becomes public domain? Could Microsoft be synonymous for "individual PC operating system and applications." Also, will anyone short of a computer professional, especially in a poor school, be able to find enough time to learn more than one operating system? more than one word processor? more than one spreadsheet application? more than one database management system? more than one presentation program? more than one email program? more than one calender / personal organizer program? more than one browser? What about computer languages, computing paradigms, business models, etc...

HURDLE 1: Can you name...  
an operating system that does not begin with Windows?

a word processor besides MS Word?  
a spreadsheet application besides MS Excel?  
a database management system besides MS Access or MS SQL Server?  
a presentation program besides MS Powerpoint, MS FrontPage, etc.?  
an email program besides MS Outlook?  
a calender / personal organizer program besides MS Outlook?  
a browser besides MS Internet Explorer?

GOOD, you made it passed Hurdle #1 but how many answers for each question did you get? If you got one or two, I am willing to bet that you are computer "savvy." Does one or two competitors constitute a market engaged in free competition? You may say that the list was too long for one hurdle, but I would propose that we only scratched the surface. Nevertheless, brevity will suffice for Hurdle #2:

HURDLE 2: What store, down the street from my house, in my neighborhood has this software (answered in Hurdle #1) on the shelf?

I am all for helping the needy; however, it seems that the government may have fallen for a shrewd ploy by Microsoft or even a sucker punch at the end of a tough fight. Better that the government make Microsoft give these schools \$500 million and keep its own software. Let the schools do what they would like with the money. I suppose the MS sales reps would be calling the schools to establish accounts the very next day. Let them compete with everyone else. Or is that

what Microsoft was supposedly doing the past 10 to 26 years?

Maybe not everyone prefers the alternative mentioned above, maybe Microsoft...

"Microsoft will give the nation's poorest schools more than \$1 billion in cash, products and services in order to settle most of the private antitrust lawsuits filed against the huge software company. The proposed settlement, to be disbursed over five years, will pay for teacher training, technical support, refurbished computers and copies of Microsoft's most popular software, such as Windows and Office, at more than 12,500 schools, company spokesman Matt Pilla said." (USA Today 20-Nov-2001)

#### MTC-00001691

From: Amber Denker  
To: Microsoft ATR  
Date: 11/20/01 7:36pm  
Subject: MS monopoly

As a consumer, I am appalled that the DOJ is barely slapping the wrist of this monopoly.

The simple facts are that they are guilty of using their monopoly to further their application department. Surely every person realizes that this is not a level playing field so long as they are allowed to do this.

I don't believe they will all of a sudden start "behaving". Why should they? All they would need to do is pay their way outta of any future problem just as they are doing now. (And if they are to earn another billion in the process of breaking these new rules, it becomes quite cost effective to do just that!) The only effective remedy for Microsoft's abuse of their monopoly power is to keep them out of the applications software business. If you vend an operating system, you cannot sell applications: otherwise, you've always got the inside track. There will never be a level playing field without this principle.

Sincerely,  
Amber Denker  
Toluca Lake, CA

#### MTC-00001692

From: James Lyon  
To: Microsoft ATR  
Date: 12/6/01 2:33pm  
Subject: Deeper Roots  
Hash: SHA1

The fact is that Microsoft is an inevitable product of the socio-economic structure in which the Western World operates. Putting that aside for a moment, and dealing with the Anti-Trust case in isolation for the purposes of contributing to the current debate, I have the following comments:

The Anti-trust issue goes far deeper than MSIE being bundled with the OS, and ironically MSIE is one of the few products that could have competed on technical merit and did not need the "leg up". This leads me to my point: The existence of a predominant Operating System whose internals (both technical and political) are known to one or more privileged companies gives rise to the competition obstacles and so on.

The only way to level the playing-field and to ensure there is real opportunity for innovation and enterprise to be able to be delivered to the market-place by new or existing competitors is to remove all the

financial, technical and political advantages that Microsoft (and potentially others) has/have in the Operating System in question. The judgement appears to broadly address this issue. However, Microsoft have a well-established reputation and a clearly demonstrated ability, to make very minor changes retrospectively that will remove sufficient crucial features without appearing to do so.

It is in the process of delivery and in the sustainability of the Judgement that the real risk now lies. Please take care to keep an eye on the proverbial ball as Microsoft become involved on a day-by-day operational basis.

In addition, there is one point that is overlooked. There is an indirect and subtle (therefore hard to measure) leverage of the Operating System's harmony with applications—above the Middleware layer. The problem here is the tendency of a consumer or business to make a buying decision on the implied or real benefit from utilising both Application software and Operating System from the same Vendor, with the private internal knowledge cited above. This is, at best, very weakly addressed in the Judgement and requires better attention if it is not to significantly undermine the worthwhile nature and effectiveness of the provisions outlined.

Finally, if you were really genuine about levelling the operating system metaphorical "playing field", then you would have added the provision that MS would be obliged to make equally available every application or middleware component on at least one other "major" operating system. It doesn't matter which, so long as it was reasonably widely used and supported. This way, there would always be choice and opportunity for users to select operating systems and/or select applications (etc.) without interdependency that might benefit Microsoft exclusively.

I hope this is helpful and constructive—I look forward to your revised press release!

Best regards,  
James.

#### MTC-00001693

From: Christopher C. Stump  
To: Microsoft ATR  
Date: 12/6/01 2:28pm  
Subject: Microsoft settlement

Dear DOJ,

Please put a stop to the Microsoft empire! The recent settlement in which MS has to provide computer equipment to some of the nation's poorest schools is a total sham. They need to provide \$1 billion in computer equipment, which includes software, and MS sets the price on the majority of that software!!!! That is ridiculous. You are allowing the crooks to dictate their own punishment. Furthermore, the computer software and hardware will be obsolete in a few years (5 maybe less), then what? Those schools have to pay MS to upgrade their operating systems and come up with extra cash to buy new hardware just to keep up-to-date the computer labs that MS so graciously endowed them with!!! Come on, please slap this monopoly in its heart and break it apart!

One last point as to why this settlement is bogus: The current operations of Microsoft

with its introduction of .NET technology & its new line of operating systems (XP) which provide tight integration with the MS website are far worse offenses than why they were brought into court in the first place. If you thought integration of Internet Explorer with Win98/NT was a bad idea, what about the fact that so many applications/services of XP are only compatible with other MS products? That nearly everything in the web browser defaults you to a MS site? That MS products offer zero compatibility with Apple, Sun, HP, Red Hat, etc. software, while all these other companies strive to make software with compatible standards? You already know that MS has a history of bad business practices, and what they are doing now is the worst!

Please seriously consider prosecuting MS again for its newest offenses and reevaluating the most recent settlement. The offer by Red Hat, Inc. to provide open source software with the hardware that MS buys is reasonable. This move would encourage competition between MS and Linux and would lessen the impact of Microsoft being able to dictate the number of computers/OSs that come out of its \$1 billion settlement (although it wouldn't end the chaos because MS has companies like Dell, Compaq, and HP in its pocket). My opinion: If you're not going to hit this monopoly any harder than the current settlement, then make MS buy Sun SPARC machines and load them with Red Hat Linux to give to the schools :) That would at least embarrass the corporate giant.

One last note: Please do not let corporate America (MS) control our country's legal system. From this settlement that is the impression I, and many others, are getting.

Sincerely,  
Christopher C. Stump  
chris@thestump.net  
Loyola University Chicago computer  
science graduate student  
Linux user/Open Source software  
supporter

#### MTC-00001694

From: Kevin Philips  
To: Microsoft ATR  
Date: 11/20/01 7:37pm  
Subject: Settlement

So, as I understand it, the settlement allows them to INCREASE their installed Win-Tel product base! Rather than require them to donate THEIR software and computers it should require them to actually give \$\$\$ to be used BY the SCHOOLS for software and computers OF THE SCHOOLS CHOICE! Why should the SETTLEMENT of a MONOPOLY allow them to INCREASE their installed base and PROFIT?? Also, THEY should be required to pay ALL LEGAL FEES. Why should I as a taxpayer pay them. The payment of legal fees is NORMAL! I really think more than this should happen but I know from the way you are currently approaching this that more would be unrealistic. Also, the issue was never really MONOPOLY as much as it was extortionate business practices, lying etc. But these are all things that are condoned by government. Microsoft is really just a microcosm of our politics.

**MTC-00001695**

From: macworks@telocity.com@inetgw  
 To: Microsoft ATR  
 Date: 11/20/01 7:37pm  
 Subject: Anti-Trust Settlement, Penalties  
 Gentlemen,

The Judiciary branch's gutting of the U.S. v. MicroSoft decision, and the proposed settlement under the Bush administration's DOJ is a putrid, malodorous outrage. But, what else would one expect?

**MTC-00001696**

From: Timothy Worman  
 To: Microsoft ATR  
 Date: 11/20/01 7:40pm  
 Subject: Microsoft still using same tactics

To whom it may concern:

As someone who is employed in the technology sector I am extremely displeased with the settlement which has been agreed to between Microsoft and the DOJ. This settlement amounts to years of wasted effort and money and it has not changed Microsoft's tactics one iota. Even as you broker a deal, Microsoft continues to use one product to foist another separate product on what is nearly entirely an unsuspecting public.

As an example, take my recent purchase of a cordless Microsoft Intellimouse Explorer—a fantastic mouse. In order to register my new product with Microsoft, I am being directed via their software to sign up for a "Passport" account. If you're not familiar with Passport, it is Microsoft's protocol to store consumer names and passwords so that you are not "inconvenienced" with having to remember multiple passwords on web sites you frequent.

However, if I don't deem Microsoft trustworthy, there doesn't seem to be a way for me to register my product otherwise. And as coincidence would have it, Passport is the centerpiece of Microsoft's new .Net software strategy whereby applications such as Word would be accessed over the internet on a subscription basis. However, Passport is a completely unrelated product to the mouse I purchased yet I don't see how I, as a consumer, am presented with other options.

However, merely giving me a choice about what method of registration I prefer is not nearly the whole issue—DOJ efforts have fallen short on exactly this type of action. Microsoft is attempting to move their monopoly from the desktop to the Internet via their .Net strategy. I do not want Microsoft to be in a position of being able to choose, for example, what Bank I use if in fact they leverage Passport and .Net to promote strategic partners.

Passport is just one more example of a technology which would serve the public better if it were an Open Source standard that did not promote any one company or its partners. And indeed there is an alternative to Passport being proposed by another consortium. However, does it stand a chance? Microsoft can force almost its entire desktop consumer base to use Passport or some aspect of its .Net strategy simply via the sheer numbers of its installed base—THE VERY SAME TACTIC THEY ARE SUPPOSED TO BE UNDER DECREE NOT TO DO with respect to other products. Please, do not let

this kind of manipulation continue. Please don't reduce your penalties to simply forcing Microsoft to provide options and concessions along with the default—which is continued use of these tactics. Simply put: DO NOT allow Microsoft to use one product to force another UNRELATED product on consumers. Make this stop. PERIOD. Do you trust Microsoft with your personal information?? Already, using the same Windows/Outlook/Word/Excel/VisualBasic vulnerabilities which have made a recent rash of Windows-based worms possible, a programmer has demonstrated the ability to steal Passport information from another's computer. Should the products of a commercial company that stands to reap the rewards of my personal data be in control of protecting it? Please, MAKE THIS STOP!! PERIOD.

Thank you for your time,  
 Tim Worman  
 Database Administrator  
 Graduate School of Education and  
 Information Studies  
 University of California Los Angeles  
 worman@gseis.ucla.edu  
 CC:Tim Worman

**MTC-00001697**

From: kenbutcher@mac.com@inetgw  
 To: Microsoft ATR  
 Date: 11/20/01 7:57pm  
 Subject: I am VERY disappointed with the fed DOJ settlement, it is FAR TOO WEAK!

I am VERY disappointed with the fed DOJ settlement, it is FAR TOO WEAK! I would ask you to pull out of the settlement and pursue a stronger settlement.

Thank You  
 Ken Butcher

**MTC-00001698**

From: Jeff McManus  
 To: Microsoft ATR  
 Date: 11/20/01 7:55pm  
 Subject: Microsoft Settlement

A prime example of the need for campaign finance reform. If Microsoft is not a monopoly, what is? I would like to have an alternative to the "blue screen of death" and debugging Microsoft's software for them, but I guess that is too much to ask. All Microsoft has to do is stall and put in an administration more to its liking and it's like nothing happened. Violate the law at will. Call the judge crazy. Everything is for sale. Including justice. Pathetic. And they settle with the states by giving them money and software. Theirs! Now their own marketing is part of the settlement! You ought to be ashamed and embarrassed! After the election fiasco, we found out that the Supreme Court is biased. Now we know the Justice Dept can be bought. Disgusting!

**MTC-00001699**

From: Brian Hansen  
 To: Microsoft ATR  
 Date: 11/20/01 7:49pm  
 Subject: Break Up the Cheaters!  
 Sirs:

In our industry, web development, Microsoft has consistently used its position to bully and steal. Break them up!  
 Brian Hansen  
 President

Total Site, Inc.  
 "Net Solutions from Concept to Aftercare"  
 1221 Pearl Street  
 Boulder, CO 80302  
 (303) 415-9404 fax (303) 415-9405  
 bhansen@totalsite.com http://  
 www.totalsite.com

**MTC-00001700**

From: Lee J. McLean  
 To: Microsoft ATR  
 Date: 11/20/01 7:46pm  
 Subject: Where do I begin?

Dear sir,

I would very much like to add my opinion regarding the settlement the DoJ reached with MS, but frankly there is so much to say that I don't even know where to begin. Take the recent debacle regarding non-Microsoft browsers being blocked from msn.com, for example. Is there anything in the agreement to prevent such anti-competitive practices as this? Not that I can see.

Sure, they backed down in this case, but do you think they still will when Passport effectively gives them control over all XP users' access to the internet? History has shown us that when they hold the cards, man do they play them. And they tried to do this at a time when they had already been found guilty of being an illegal monopoly on appeal! Does this look like a company that is in any way afraid of the terms of the settlement they have reached? More importantly, does this sound like a company who would even agree to anything that would have a significant impact on their monopoly position? Once again, history tells us no. The mere fact that such a flagrantly arrogant company has even agreed to this settlement in itself demonstrates that settlement's inadequacy. Then there is the simple fact that Microsoft has not been punished in any way for their (legally upheld) past misdeeds. What they have done effectively amounts to theft on an unprecedented scale, yet you let them go without punishment? I understand your desire to expiate this case, but if this was more important than getting a fair result then it would have been better to have reached settlement years ago. But then and again, this entire case was precipitated out of the failure of your previous settlement with MS, wasn't it? Clearly there is something else that is far, far worse than a lengthy court case: an unfair result. And clearly—from the point of view of both the consumer and the computer industry as a whole—that's what this settlement is.

Regards,  
 Lee McLean

**MTC-00001701**

From: RK  
 To: Microsoft ATR  
 Date: 11/20/01 8:22pm  
 Subject: Microsoft settlement

So I as the customer that was/is forced by microsoft to use their product by them disabling or deciding to no longer support a competitors product get no relief. I as a taxpayer will have to subsidize the settlement with my tax dollars as microsoft will be able to write it off as a business expense. The schools, who's leaders decided

that computers where not important to education will now get the "Benefits" without doing anything. The schools, businesses, and people that paid for the software that led to the suit being filed get nothing but the pleasure of watching microsoft make more money at the government trough by writing off the settlement. Writing off the software as good will, or as a charitable donation, and then writing off the cost of manufacturing it also at inflated costs.

I am glad that the justice department is on my side, allowing me to help Bill Gates keep his money on selling incomplete bug ridden systems. Windows is NOT an operating system. It is an application designed to run as a shell over a true operating system. An operating system should only run the guts of the computer. The video, sound players, word processors, Email systems, etc. ARE applications that should be able to run on any operating system, but are restricted by the design of the so called operating system. Any program should be able to run when compiled on the operating system with the operating system sub-routines static on the system.

R. Krogol  
Lynchburg, VA

**MTC-00001702**

From: Reid (038) MJ  
To: Microsoft ATR  
Date: 11/20/01 8:16pm  
Subject: Microfoft

Please do not let Microsoft off the hook so easily. They are counterproductive to the computing industry. They do not inovate, they stong arm and bully competitors. They are a cartell and should be delt with accordingly.

Thank you  
Christian Manasse  
971 e monterey st Chandler, AZ. 85225.

**MTC-00001703**

From: Dave C. Hill  
To: Microsoft ATR  
Date: 11/20/01 8:11pm  
Subject: You call this Justice!!!

This settlement is pathetic!!!  
This just plays into the hands of Microsoft!!! Who the hell thinks this is punishment to a monopoly. All this does is allow Microsoft to "SEED" it's hardware/software further into the schools under the guise of "Gee look at us ! aren't we great donating all this software and hardware that only runs Microsoft software"

What a way to insure you'll stay a Monopoly!! And to think the courts actually proposed this????

Pathetic !!!  
David C. Hill  
Arvada, Colorado  
"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."—John Fitzgerald Kennedy—1/20/61  
Dave Hill <dchill1@qwest.net> :-)

**MTC-00001704**

From: Nate Schwenk  
To: Microsoft ATR

Date: 11/20/01 8:02pm  
Subject: Microsoft  
Sirs:

I have watched over the years as Microsoft has crushed one competitor after another. It troubles me greatly that the Justice Department had clearly proven that this was done unethically and now you are essentially abdicating the case. Microsoft was shown to be lying several times in court, yet the "penalty" is nothing more than a request that Bill be nice for a while. The company is so devious that what you consider to be restrictions will be twisted into license for further dominance.

Now that Microsoft is well on its way to software monopoly, it is beginning to enter the hardware market also. Examples are the Xbox and the tablet PC. It will never rest until it is stopped by force or there is no more competition, and even then it will be vigilant to stamp out any possibilty.

I believe you have abdicated, probably in the hope of large political contributions. I am thankful for a few state attorneys general who are standing to fight for freedom and truth.

Sincerely,  
Nate Schwenk  
2701 Old Stage Rd.  
Spring City, TN 37381

**MTC-00001705**

From: Craig Simmons  
To: Microsoft ATR  
Date: 11/20/01 8:28pm  
Subject: Great Attempt at Destroying an American Company!

To whom it may concern,  
I just wanted to give my sarcastic thanks from consumers around the world in the communist antitrust case against Microsoft. I do not and have never worked for Microsoft so do not misunderstand. But I have followed this case from start to finish and have hoped for one socialist from the DOJ to explain how this case was ever helping consumers; the whole point of antitrust legislation and enforcement. How have consumers been so seriously hurt by Microsoft that years and millions of dollars were tied up in this venture? If so, will someone explain how? Microsoft provided most software for free, such as Internet Explorer, which allowed the Internet Information Age to begin and explode. Operating Systems were provided at market value and consumers were not gouged for upgrades once the OS was installed. Windows OS's allowed the installation of competing software such as Netscape Navigator. I'll tell you what the point of this whole insane abuse of an American company was: Money. Competing companies needed a way and time to catch up and attempt to get a piece of Microsoft's market share. States saw an opportunity to get money....what did they settle for? Money in essence. They get free software from the very company that they were attempting to break up. Is that all they wanted? Microsoft would have given it to them had they asked and do so to many poor school districts around the country. I'll bet if Gates and Microsoft had given money to the Democratic National Committee like the CEO of Novell did and still does, this would have never happened. So, in conclusion, I just wanted to send out a hearty

thank you from consumers around the world. Thank you for sparing me from paying \$89 for the best operating system. I could have payed \$89, but now it will be \$289 to compensate for legal bills caused by the DOJ protecting consumers. Great job once again and another great use of American tax dollars.

Sleep well at night communists. You lost again...Microsoft was smarter than you as usual.

Regards,  
Craig Simmons  
Baton Rouge, LA  
simmons5150@home.com

P.S. I would include my address but someone at DOJ would probably turn me over to the IRS for another one of those protecting America's pork spending audit. Get back to seeing if there are more civil liberties you all can destroy.

**MTC-00001706**

From: Mabel(a)Home.com  
To: Microsoft ATR  
Date: 11/20/01 8:24pm  
Subject: Against settlemnt

(1) It does not address the improper use of their monopoly to drive out competition.  
(2) It give them cover to "buy" one market, education they do not already own.

This is wrong and should be reversed. I agreed with the nine states AG would see through this capitulation for the sake of the economy?????

Tim Yackle  
Glastonbury, CT

**MTC-00001707**

From: matthew goossen  
To: Microsoft ATR  
Date: 11/20/01 8:23pm  
Subject: microsoft anti-trust

what was the point of finding microsoft guilty of monopolistic practices when all they get is a slap on the wrist? the punishment did not meet the crime.

i am disappointed.  
matthew g. goossen

**MTC-00001708**

From: Tim Carroll  
To: Microsoft ATR  
Date: 11/20/01 8:44pm  
Subject: Disciplinary Action Needed  
Dear Sirs/Madams,

Microsoft needs some harsh disciplinary action brought against it. You backed off on the punishment and look at the immediate result, they've pratically copied Apple Computer's "Mac OS X" with "Office XP", not only by naming the system software in an almost identical manner to confuse consumers, but also by the "look and feel" of the system software.

They pratically copied Netscape with their Internet Explorer and essentially put that company out of business and the government stood by and did nothing, so Microsoft is seeing how far they can push the line again—don't let them get off scott free.

Thank You!!!  
tim@cornicemac.com

**MTC-00001709**

From: Donald Patzsch  
To: Microsoft ATR

Date: 11/20/01 8:42pm

Subject: How awful

I do not believe that the people who have been involved in the Microsoft suits are ethical, or even decent citizens. You have agreed, apparently, that Microsoft can set out its programs and its "services" to schools as a result of the various lawsuits. Such a miscarriage of Justice. Microsoft will get the CREDIT and the PUBLICITY and the fact that its software will be used by more people. Such awful people we have in the courts. Since the last Presidential Election, I have certainly changed my mind about the courts from top to bottom.

Donald W. Patzsch  
Brandon, Florida.  
November, 2001

**MTC-00001710**

From: Tim Carroll

To: Microsoft ATR

Date: 11/20/01 8:42pm

Subject: Disciplinary Action Needed

Dear Sirs/Madams,

Microsoft needs some harsh disciplinary action brought against it. You backed off on the punishment and look at the immediate result, they've practically copied Apple Computer's "Mac OS X" with "Office XP", not only by naming the system software in an almost identical manner to confuse consumers, but also by the "look and feel" of the system software.

They practically copied Netscape with their Internet Explorer and essentially put that company out of business and the government stood by and did nothing, so Microsoft is seeing how far they can push the line again—don't let them get off scott free.

Thank You!!!  
tim@cornicemac.com

**MTC-00001711**

From: Jerry Myers

To: Microsoft ATR

Date: 11/20/01 8:29pm

Subject: the proposed Microsoft settlement is a joke.

I am truly appalled that an agreement as blatantly supportive of Microsoft is even being seriously considered. It does NOTHING to address their behavior at all. Other than the dollar amount involved it actually serves to extend and support their monopoly by adding even more windows machines to schools. This is like punishing a drug dealer by making him give away most of his supply of crack cocaine to schoolchildren. You may think this is too harsh of a comparison. It is not. The situation is exactly like that. "We will give them free software (ours)" offers Microsoft. This will ensure that, later in life, they are a part of the Microsoft masses. "We will get them a bunch of \$500 (or less) computers" says Microsoft. Which, incidentally, will not buy anything by Microsoft compatible computers, so the "they can buy Apple Macintoshes if they want" argument is completely spurious. Ignorant School Boards will always choose to get more machines for the dollar, ignoring all other factors (cost of ownership/support/etc). Microsoft KNOWS that. They encourage it. So do the IT guys who get bigger budgets because they have to spend tons of man

hours supporting those windows machines. So they encourage buying Microsoft as well.

The harm that Microsoft has done to the consumer and to the computer industry as a whole is hard to judge. What would our world be like of Microsoft would have allowed their products to compete on their own merits instead of engaging in all of the seedy and outright abusive tactics that they have? Would we have IBM's OS2 Operating system forcing Microsoft's products to be less buggy and better supported? Would Apple, SUN, and SGI (among others) be more of a presence in the marketplace? Thereby forcing an even higher level of innovation, quality, and lower prices?

I think the answer to both is a resounding YES.

PLEASE do not allow Microsoft to walk away from this with no measures in place to correct it's position and it's policies.

When a man is convicted of a felony he loses certain rights. When a company commits certain crimes (repeatedly) then they should be penalized in ways that would never be considered for a company not guilty of those offenses. Do what is right. Do what is best for our businesses, our consumers, and our economy. Force Microsoft into a position where they cannot repeat their offenses. AND penalize them for having committed them in the first place. If you do not, then you have failed in your oath of office.

Jerry Myers

**MTC-00001712**

From: LaPalme, Joe

To: Microsoft ATR

Date: 11/20/01 9:03pm

Subject: Microsoft antitrust case

Excellent. Microsoft has shown again that they continue to benefit our society in every way.

**MTC-00001713**

From: Dave La Vack

To: Microsoft ATR

Date: 11/20/01 8:54pm

Subject: ms settlement

To whom it may concern,

As the CEO of a small information technology firm I have tried to follow the Microsoft suit from it's inception several years ago. As time has gone by I've seen Microsoft not only continue its predatory practices but position itself to completely take over the computer software market and has even broadened it's focus to other markets. The new .net strategy makes the current predatory practices appear miniscule. If this happens, there will be nothing you can do to stop them. From my point of view the settlement is pure and simple politics. The current settlement proposal slaps Microsoft on the hand and asks the company not to do it again. The sad part is that Microsoft makes, at best, mediocre software. The people who are creating great software can't compete so the consumer loses every time.

The way I see it, stopping Microsoft from taking over this and other industries would be too inconvenient. We have long forgotten the principles on which this country was founded. We have sold them out for convenience. It would be too inconvenient to

do the right thing. It was too inconvenient to count each and every ballot in Florida regardless of whether the voter's rights were infringed. It would have taken too long, and well, we were just not willing to wait. My suggestion is to get them out of either the application or OS business. Let them have one but not both. Make them get rid of the Office suite of products so the buyer can make them work equally well under linux, mac, unix, etc. This way they would have to actually create some decent software to keep people in their camp. If only it were convenient.

I'm quite sure that Microsoft will continue to dominate the computer OS and Application software industry forever because no one can afford to challenge them—not even the U.S. Government. With the hidden agendas of the current administration, it would be a pipe dream to think that the justice department would consider the consumer's interests over big business in such a matter. So there, if you couldn't tell already, I'm not happy about the proposed current settlement. Big business wins and the consumer loses no matter how you dress it up.

Regards,

L. David La Vack

dave la vack, systems engineer

shiner systems

information technology for creative

professionals

101 west fifth street suite 239

winston-salem nc 27101 usa

tel 336 722 0001—fax 336 722 4477

dave@shinersystems.com

"Don't waste your time on jealousy.

Sometimes you're ahead, sometimes you're behind. The race is long and, in the end, it's only with yourself."

**MTC-00001714**

From: Timothy Worman

To: Microsoft ATR

Date: 11/20/01 8:49pm

Subject: Microsoft still using same tactics

To whom it may concern:

As someone who is employed in the technology sector I am extremely displeased with the settlement which has been agreed to between Microsoft and the DOJ. This settlement amounts to years of wasted effort and money and it has not changed Microsoft's tactics one iota. Even as you broker a deal, Microsoft continues to use one product to foist another separate product on what is nearly entirely an unsuspecting public.

As an example, take my recent purchase of a cordless Microsoft Intellimouse Explorer—a fantastic mouse. In order to register my new product with Microsoft, I am being directed via their software to sign up for a "Passport" account. If you're not familiar with Passport, it is Microsoft's protocol to store consumer names and passwords so that you are not "inconvenienced" with having to remember multiple passwords on web sites you frequent.

However, if I don't deem Microsoft trustworthy, there doesn't seem to be a way for me to register my product otherwise. And as coincidence would have it, Passport is the centerpiece of Microsoft's new .Net software

strategy whereby applications such as Word would be accessed over the internet on a subscription basis. However, Passport is a completely unrelated product to the mouse I purchased yet I don't see how I, as a consumer, am presented with other options.

However, merely giving me a choice about what method of registration I prefer is not nearly the whole issue—DOJ efforts have fallen short on exactly this type of action. Microsoft is attempting to move their monopoly from the desktop to the Internet via their .Net strategy. I do not want Microsoft to be in a position of being able to choose, for example, what Bank I use if in fact they leverage Passport and .Net to promote strategic partners.

Passport is just one more example of a technology which would serve the public better if it were an Open Source standard that did not promote any one company or its partners. And indeed there is an alternative to Passport being proposed by another consortium. However, does it stand a chance? Microsoft can force almost its entire desktop consumer base to use Passport or some aspect of its .Net strategy simply via the sheer numbers of its installed base—THE VERY SAME TACTIC THEY ARE SUPPOSED TO BE UNDER DECREE NOT TO DO with respect to other products. Please, do not let this kind of manipulation continue. Please don't reduce your penalties to simply forcing Microsoft to provide options and concessions along with the default—which is continued use of these tactics. Simply put: DO NOT allow Microsoft to use one product to force another UNRELATED product on consumers. Make this stop. PERIOD. Do you trust Microsoft with your personal information?? Already, using the same Windows/Outlook/Word/Excel/VisualBasic vulnerabilities which have made a recent rash of Windows-based worms possible, a programmer has demonstrated the ability to steal Passport information from another's computer. Should the products of a commercial company that stands to reap the rewards of my personal data be in control of protecting it? Please, MAKE THIS STOP!! PERIOD.

Thank you for your time,  
Tim Worman  
Database Administrator  
Graduate School of Education and  
Information Studies  
University of California Los Angeles  
worman@gseis.ucla.edu  
Home Address:  
417A North Mentor Avenue  
Pasadena, CA 91106

#### MTC-00001715

From: Mike Kwiatkowski  
To: Microsoft ATR  
Date: 11/20/01 9:31pm  
Subject: Microsoft Settlement—Do not give up the fight!

I am very disappointed is the settlement. It lets MS off the hook with a hand slap. To make things worse, MS got off easy in the latest class action settlement regarding the donation of MS products to schools. This is a shame. It will extend their monopoly power even further.

Mike Kwiatkowski

#### MTC-00001716

From: Richard Cooper  
To: Microsoft ATR  
Date: 11/20/01 9:21pm  
Subject: intelligence

It is my personnel opinion that Mr. Gates is smart enough to come up with all the software ahead of other companies that the Government should leave him alone and his company. The plain truth is that no one wants to be outdone and get the kind competition that Microsoft is dealing out. This is suppose to be the land of opportunity and free enterprise. If the Government wants too get a large Company for antitrust law breaking they should take a long and hard look at The Coca Cola Company. These people hold a greater monopoly than Microsoft.

Investigate and you will find out that this is very true!

God Bless  
Richard Cooper

#### MTC-00001717

From: The Washingtons  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw  
Date: 11/20/01 9:11pm  
Subject: Micro\$oft Monopoly

I think that Microsoft has gotten away with something. The courts found them to be an illegal monopoly. I think it is a shame that they stand to benefit from their illegal actions. I am asking you to pursue a stronger penalty. They continue to claim publicly that they did nothing wrong, even after the courts findings. Now as part of the settlement they are going to be allowed to "donate" more of their technology to schools. This will further the Microsoft cause. It will increase their exposure and the public's reliance on their products. I think it's a crime. DON'T LET THEM GET AWAY WITH THIS!

Craig Washington  
3 Cayuse Ln.  
Rancho Palos Verdes, CA 90275  
CC:attorney.general@po.state.ct.us  
@inetgw.ag @oag.stat...

#### MTC-00001718

From: Steve Abrams  
To: Microsoft ATR  
Date: 11/20/01 9:07pm  
Subject: shame on you!

It looks like Microsoft has bought themselves a Justice Dept. I understand the pragmatics of politics, but you people swear an oath to serve the citizens of this country. Turning a blind eye to Microsoft's predatory pricing policies and anti-competitive practices and, even worse, believing that they'll actually abide by their public statements, is ludicrous and I have to tell you that the respect I held for the USDOJ is completely dissipated. What's more, I know that many of you agree with me (I've only recently moved from Washington, DC) but choose to violate your oaths and completely reverse yourselves on their criminality. I understand that politicians must roam as the winds of social change blow, but that's the rationale for having civil servants swear an oath. Oh, and if anyone there has the temerity to float an economic rationale for the USDOJ's decision, don't bother. I've spent

the better part of the past decade trying to deal with the problems that Microsoft's technology invariably brings, but I've never doubted their ability to turn a profit. So, shed no tears for Microsoft ... shed them instead for the respect and integrity you once held, and have now squandered.

Finally, I know how easy it is for a civil servant to distance themselves from such things but, in my opinion, everyone at the DOJ deserves a share of the shame ...

So, shame on you all...

Steve Abrams  
Steve Abrams Fingers:  
sabrams@ics.uci.edu  
CORPS (//www.ics.uci.edu/corps/)  
Mouth: +1.240.461.3610 (cell)  
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2521 W. Sunflower Ave., #K-7  
University of California-Irvine Santa Ana,  
CA 92704-7523  
Irvine, CA 92697-3425 http://  
www.ics.uci.edu/sabrams/  
"Annoying me just makes it easier to  
understand the voices"

#### MTC-00001719

From: mdavid@musicanimation.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 9:37pm  
Subject: My concerns

Defenders of Justice,  
I have no doubt my associates who will also read this may feel the need to fear their careers as a result of my statements here, and since I will also be submitting this for their review, I intend to collect their comments and keep them ready in case they feel I am terribly out of line.

Nonetheless I will express my experience and my perception of these matters, for I see it's negative effect on their choices as much as on my own.

In my own experience over the last 15 years in the computing community I have witnessed a number of individuals decide not to enter into various markets, from desktop software to vertical applications such as film effects, simply because Microsoft threatened to enter into that market. I realize that the competition itself is not against anti-trust laws, but many who see the predatory practices simply do not bother to try, and thus, in my opinion, the market is denied great new ideas, and those who originate them are left with no compensation and no realistic way to exploit their own dream to their own benefit.

As a very small operator, offering customized support operations to creative professionals, I, like others, am in no position to defend my works from the exploitation. I fear, as I have for some time, that the practices of Microsoft are now so entrenched that it is nearly impossible to properly evaluate the extent of the damage. Those damaged have long ago faded away to lowly positions in IT or as private consultants, and have for more than 10 years now, elected not to compete.

We have not given up here at Silence, but as a small firm, we have to work harder to maintain our vision and pursue our dream, all the while fearing that when it is realized, we will be sued by Microsoft for infringing on a market that they will not bother to

exploit until we have success with our product. We feel that to compete with Microsoft, we too, will have to give away a product concept we have worked most of our lives to develop. This fear and the realities of Microsoft's eventual intrusion, also affects the ability of the entrepreneur to secure financing. I am sure you will understand that if I sold out to Microsoft, I could get all the financing I want. Unfortunately I am not willing to roll over and deny my purpose in life. I quote from a letter to us dated July 18th, 1994, where, when seeking legal representation, the law firm we approached, Klarquist, Sparkman, Campbell, Leigh & Whinston (Portland, Oregon) told us in no uncertain terms, "...; In the end, we decided we could not, in good faith, take on representation of your venture, due to a possible future conflict of interest with the work of Microsoft and SoftImage." and ... you revealed just enough of your technology for me to recognize a potential conflict. In particular, you noted that your technology involves generation of video effects base on an audio soundtrack." Although Mr. Cornwell of the above mentioned firm who wrote the letter misrepresented the technology we were developing, we live in a climate today where few legal counselors and attorneys are even willing to take on the legal behemoth that this corporation has become. When I cannot even interest the law in protecting our ideas for money, the issue of monopoly power may be at play. At the very least, the definition of Monopoly Abuse, as the law currently stands, may be in need of review. Standing as they are as the most infiltrated, unsecured and unreliable product line available for personal and business systems, (why doesn't the defense department run their servers and operating systems) they are hardly in a leadership role. We must remember that their position is not based on innovation but intimidation. Everything I have read about the trials shows that these things are true and proven. I do not understand why it takes our government longer to right wrongs than ever before. The Justice department seems more concerned about avoiding economic calamity. I suggest the downturn would not have been as severe for technology stocks had there been numerous operating system and internet browser alternatives.

Microsoft proposes a world in which I am increasingly uncomfortable, and our society becomes ever more enamored of Bill Gates skill at cheating the system and stealing his way to success. Few can prove it, but everyone seems to know it. We are proud that Bill Gates can cheat his way to the wealth level of a small nation unto himself. He has created nothing of value in my eyes, and I wonder why I remain unable to build my firm, and compete on an equal level. Why so many of my professional associates wish I could compete? because they understand and approve of my vision of technology. They are creative professionals, many of them. And they find our works supportive of their needs, and less trapping than the Fear, Uncertainty and Doubt that Microsoft has managed to engineer into every aspect of their product lines. Some of my customers remain upset that I am unable to set them up

with a completely Microsoft Free system. If I cannot, and they cannot produce their works, I am out of business.

As regards remedy, I am certain that most will be pleased by the acts of philanthropy that Microsoft will do, but it will do nothing to motivate the amazing engineers and programmers I have met to complete their dreams free of fear of reprisal and coercion. I have felt this coercion many times in my travels and meeting with computing professionals, all of whom have sadly concluded that competing with Microsoft in any market is a foregone failure.

Please do not reward their behavior.

M. David Acosta  
Founder and Chief Technical Officer  
Silence  
103 Summit Ave.  
Elmwood Park, NJ 07407  
201 703-2966

Feel free to contact us on any of these matters, We are less afraid of Microsoft than most.

#### MTC-00001720

From: John Fuhrmann  
To: Microsoft ATR  
Date: 11/20/01 9:31pm  
Subject: Don't you get it?  
Dear DOJ  
Re Microsoft:

Even if you broke them up they wouldn't change. You know this. They are still engaged in the same slimey practices. It is part of their corporate culture now.

Heaven help us all.

Regards,  
John Fuhrmann

#### MTC-00001721

From: Jeff Martens  
To: Microsoft ATR  
Date: 11/20/01 9:44pm  
Subject: Why Cave?

What I don't understand is why DoJ would cave in to the country's most egregious monopolist, the company that single handedly has stifled all commercial operating system development and has done more to harm the US software industry than any other entity, just as they release a new operating system more heavily laden with anti-competitive features than any of its predecessors.

Jeff Martens jmartens@mathcs.hood.edu  
Assistant Professor and Director of the MS Program in CS Hood College 401 Rosemont Ave. Frederick, MD 21701 http://mathcs.hood.edu/~martens 301-696-3980

#### MTC-00001722

From: mentholiptus  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/20/01 9:44pm  
Subject: Microsoft got off easy....

I don't want to use windows. Ever.

The way things are looking, I'll have no choice in a matter of a few years.

They MUST be stopped. They have bigger plans, and it will be too late if we wait any longer.

A couple of examples (I don't have the time to go into detail): They are in the process of killing the mp3 format. They are trying to kill JAVA, buy replacing it with

their C# (or .NET strategy), which is a stolen and jumbled JAVA.

These will be their next two targets. Just watch.

Anyway, know my friends and I are disgusted with microsoft's abuse of power, and lack of taste and compassion in an otherwise very fertile industry.

Jesse Volner  
859 1st ST NW  
Rochester, MN  
55901

#### MTC-00001723

From: Abe Jellinek  
To: Microsoft ATR  
Date: 11/20/01 9:42pm  
Subject: Please no...

Don't settle, please! This company is a convicted monopolist that has caused and is causing massive harm to the industry. Netscape wasn't the first and it isn't the last (Look at Spyglass Inc., Stak Co., etc.).

Take them to court and make them pay.  
Abe J

#### MTC-00001724

From: Brian  
To: Microsoft ATR  
Date: 11/20/01 9:53pm  
Subject: Not a punishment

I have been following this case loosely, but I keep current, and the overriding feeling I get from the case is this is just a big game to Microsoft. They are largely making a mockery of the US Justice Department and national anti-trust laws, and as some of my foreign friends have pointed out this would seem to be the exact case the anti-trust laws were designed for. They shouldn't be any more of a monopoly than a car manufacturer—why would you punish a monopolistic car manufacturer by having them distribute promotional materials to poor children? And with the built-in lifespan of the few years that Microsoft software has, those poor schools will forcibly become Microsoft customers.

Brian

#### MTC-00001725

From: Jonathan Walseth  
To: Microsoft ATR  
Date: 11/20/01 10:18pm  
Subject: MicroSoft

Ok, at work we sit around on our hands NOT getting anything done.

Why, because we are not allowed to use any other software except that lousy Microsoft shit.

Clear..??

Jon Walseth

#### MTC-00001726

From: Kevin Schumacher  
To: Microsoft ATR  
Date: 11/20/01 10:18pm  
Subject: I'm totally against the DOJ's proposed settlement...

To Whom It May Concern,

I'm totally against the DOJ's proposed settlement...and very surprised and disgusted with Mr. Ashcroft's decision to completely reverse the prior administrations' years of hard work by abandoning the case against Microsoft.

Joseph Klein did his job very well, has integrity and dedication which is absent in the current top job in the DOJ.

Judge Jackson was correct in finding Microsoft guilty of anti-competitive business practices, among other things. Even the Court of Appeals unanimously agreed with his findings of fact,—that Microsoft is a monopoly, and illegally maintains a monopoly.

Now the DOJ suddenly abandon's it's case? This, after winning???

John Ashcroft DOES NOT REPRESENT ME, nor do I believe he has the best interests of consumers (the world over, NOT just in the United States) in mind. He is either a foolish man, or a very naive one if he believes that any "agreement" with Microsoft can be effectively enforced. Has Mr. Ashcroft no familiarity with the prior "agreement" between Microsoft and the DOJ? It seems he is completely ignorant of Microsoft's history and business practices.

I support the States who must now assume the burden of performing the DOJ's job.

Mr. Ashcroft, do you have any idea what this world will be like in the future, after Microsoft controls everything in the computing world?

I hope you realize what you've done.

Respectfully,

Kevin Schumacher  
(a voter)

**MTC-00001727**

From: James Botaitis  
To: Microsoft ATR  
Date: 11/20/01 10:03pm  
Subject: comment

I understand that the DOJ is accepting comments from "joe public" on the Microsoft case.

I found it a bit disturbing, yet not surprising, when the years of court battles and so obvious contempt for the people and laws of the land by Microsoft, that the proposed settlement is nothing more than a slap on the wrist for the offender. I, my family, my friends, and my business contacts would like to observe "justice" served on Microsoft. While there is always some need to take pot shots at, and make fun of, a winner...it is obvious that Microsoft did wrong and tried to hide that fact.

Justice should hurt... and hurt more than ones wallet. Righting a wrong, and punishing previous behavior, should be a burden on Microsoft... not a line item in a spread sheet.

Regards,

James Botaitis Esq.

**MTC-00001728**

From: Ron Severdia  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/20/01 9:58pm  
Subject: Microsoft settlement

To Whom It May Concern,

It's remarkable how powerful corporate America has become. So powerful that even our own federal government will bow to their every whim. I am, of course, referring to the latest proposed settlement between the DOJ and Microsoft. It's nothing less than an embarrassment to the Department of Justice. Though the DOJ defends the settlement by stating it will eliminate Microsoft's illegal

practices, prevent recurrence of the same or similar practices and restore the competitive threat, the legal wording has too many loopholes. In addition, it does not adequately punish Microsoft for damage it has already done to the tech sector.

I still have a little faith that this matter will be resolved appropriately, and the mafia tactics Microsoft has employed for many years will not go unpunished. This situation is slowly becoming a travesty of justice ... another black mark on the face of the judicial branch. The best solution is to make Microsoft make retribution in a fashion that they will not soon forget; be it a break up or severe penalty.

If this recent settlement passes, they will walk away from all this with a smirk on their faces ... and no incentive whatsoever to halt any future activity which unfairly and ILLEGALLY bullies competitors.

Ron Severdia

**MTC-00001729**

From: George Wagner  
To: Microsoft ATR  
Date: 11/20/01 10:34pm  
Subject: Microsoft anti-trust case

I was quite disappointed when I heard that the prosecutors were going to let Microsoft off with a slap on the hand (again). It was so ineffective before, I am amazed that anyone would consider it this time. While I don't know how to deal with the monopolistic and predatory business practices that Microsoft continues to employ, but to let them off without sufficient safeguards is simply asking for more of the same. The current plan does NOT provide enough protection for the consumer, and does not level the playing field for competitors. This is something that I was brought up to believe was an integral part of our business model.

I was pleased to hear that your office also feels that the proposed remedy is insufficient. Please continue to pursue this until a fair settlement is reached.

Thank you,

George Wagner

**MTC-00001730**

From: Stanley Weilnau  
To: Microsoft ATR  
Date: 11/20/01 10:24pm  
Subject: Microsoft anti-trust settlement

To US Dept of Justice:

I feel that the proposed agreement with Microsoft on the settling of the anti-trust case to be a total waste of taxpayers money. The judgment came down that Microsoft had performed some illegal acts and the agreement is a repudiation of that finding. The proposed settlement that was rejected before the judgment was stronger than the agreement that is now being discussed.

I do hope that the states continue their lawsuit and that Microsoft actually has to own up to it's uncompetitive practices that have reduced the competitiveness in the marketplace. Past practices of Microsoft are a guide to what the future of an unrestrained Microsoft will be. The entry of Microsoft into the video game console market shows how Microsoft is leveraging its monopoly position in the PC operating system market into another area to dominate.

This failure to hold Microsoft accountable for it's practices shows me that justice is simply a matter of how rich you are and how much you have donated to the current political party in office.

Stanley Weilnau

**MTC-00001731**

From: Dennis (038) Diana Wright  
To: Microsoft ATR  
Date: 11/20/01 10:33pm  
Subject: Shame on you!

I am appalled at your bogus settlement of the Microsoft Antitrust Suit!. How dare you agree to such a lame punishment for all of the damage that has been done to the computer industry by Microsoft. It is clear that Microsoft's political contributions to the Republican Party and the present administration was not in vain. America will see this ultimately for what it is. This is simply another example of the well heeled political contributors buying out the Justice System. Shame on you for this Microsoft settlement! They have been found overwhelmingly guilty and they are going to be punished by having a few consultants lounge around the Microsoft campus while Microsoft continues their predatory practices. That will really curb their predatory practices. If I am ever found guilty of anything, I hope to have these government negotiator\$ handle my negotiations for me.

The US DOJ is a true embarrassment to the entire world.

Robert Wright

**MTC-00001732**

From: andrew arnold  
To: Microsoft ATR  
Date: 11/20/01 10:48pm  
Subject: Microsoft Settlement Too Lenient

I am writing to voice my concern over the proposed settlement with Microsoft. I feel that as a consumer, I do not enjoy the amount of choice I should in the computer software industry. There is no credible alternative to many of the product categories that Microsoft dominates. It is clear that they have continuously "strangled" new technologies that they saw as a threat to their dominance (Web Browsers, Word Processors, Java, Media players, etc).

Please consider taking a stronger position against this company that was found GUILTY in court for being an anti-competitive monopolist.

Sincerely,

Andy Arnold

505 Oxford Pl

Louisville, KY 40207

a0arno01@athena.louisville.edu

**MTC-00001733**

From: Merkaba22 @aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 10:48pm  
Subject: Please take care of this

Dear Madam or Sir:

Since you are still hearing on this case, this article says it better than I could:

OPINION: Microsoft on Truth Serum—the Antitrust Settlement Examined  
Contributed by Tom Nadeau  
osOpinion.com  
November 20, 2001

The proposed Microsoft agreement looks good and feels good, but listen to how the definitions in the agreement would play out in real life, and then the agreement doesn't sound very good for competing software companies or consumers.

The recent antitrust settlement between the U.S. Department of Justice and software monopolist Microsoft (Nasdaq: MSFT) has enough loopholes to sew a circus tent.

The settlement actually grants Microsoft extra legal powers beyond what it had before the trial.

Don't think so? Well, here is a simulated conversation that may convince you. This is what I believe a Microsoft official would say to a neutral examiner asking questions about the settlement agreement, if the software giant were under the influence of a truth-enhancing substance.

Microsoft on truth serum. Listen in.

Set You Free

Examiner: "Let us start with the definitions, shall we?"

Microsoft: "Of course. Words mean things, whatever we want them to mean."

Examiner: "A. Application Programming Interfaces (APIs)"

Microsoft: "APIs running on one operating system (.NET) and calling a different operating system (on your PC, remotely via the Web) are exempt from regulation."

Examiner: "B. Communications Protocol"

Microsoft: "Since the settlement exempts code to remotely administer Windows2000 Server and its successors, all our communication software will be embedded with pieces of this code. We will not have any Communications Protocols that can be regulated according to this definition."

Legal Loopholes

Examiner: "D. Covered OEMs"

Microsoft: "The 20 highest licensees? Does that mean licenses paid for, licenses delivered to customers, licenses committed to, or licenses actually registered by the end user?"

Examiner: "H. IHV (Independent Hardware Vendor)"

Microsoft: "The settlement says they're only 'independent' if they depend on us for Windows. Unless we already 'own' them, we don't have to give them anything."

Examiner: "I. ISV (Independent Software Vendor)"

Microsoft: "The settlement says they're only an 'independent' if they depend on us. But if they only sell software for non-Microsoft operating systems, we don't have to give them anything. They will never be able to make their non-Windows products interact with our Windows-only products." Hidden Message

Examiner: "J. Microsoft Middleware"

Microsoft: "The settlement says it's only Middleware if it has a X.x version number. But we don't use version numbers any more. We use year numbers. So our Middleware is not regulated by this settlement."

Examiner: "K. Microsoft Middleware Product"

Microsoft: "The settlement calls it a 'middleware product' if it is embedded in the operating system.... But it's just 'middleware' if it is distributed separately. If it is distributed by a shell company controlled by

Microsoft through stock ownership, then it's not 'middleware' because it is not distributed by Microsoft or a wholly owned subsidiary." A.P.I. Arrogance

Examiner: "L. Microsoft Platform Software"

Microsoft: "We'll ship the APIs as a standalone product through a third-party company, or sitting on a Web server somewhere. But we don't have to divulge any details of the APIs because they won't have a version number. So they're not 'middleware'—and therefore are not covered by 'middleware' clauses. Since they are not part of Windows, they are also not a 'middleware product.'"

Examiner: "M. Non-Microsoft Middleware"

Microsoft: "Sure, like we wouldn't give away free copies of comparable 'Microsoft middleware' to put them out of business. Except that it's not 'Microsoft middleware' if it has no version number, so it would not be regulated by this settlement."

Examiner: "P. Operating System"

Microsoft: "If we ship the APIs separately—on the Web—then it says that Windows is not even an operating system! It's totally unregulated!"

More Monopoly

Examiner: "Q. Personal Computer"

Microsoft: "Right, only PCs are covered. They let us extend our monopoly into game boxes, TV, servers, handhelds, phones, PDAs, whatever."

Examiner: "R. Timely Manner"

Microsoft: "We have to deliver product info as soon as we ship to 150,000 beta testers per version. However, we no longer beta test with more than 148,000 testers per version."

Examiner: "U. Windows Operating System Product"

Microsoft: "Ha! Doesn't even cover DOS-based stuff. We can keep spreading that stuff around any way we want. Oh, and that last sentence... We can put anything we want to in Windows—any code owned by anybody! Yes, just give me that last sentence!"

Best For Last?

About that last sentence.

The slickest part of all is to put the definitions at the end of the document, where they legally overrule all that comes before, and to place the loosest definition of all at the very end of the document, slyly positioned to trump any preceding malarkey.

That last sentence ostensibly was inserted to protect Microsoft from having to ship code that it did not choose—so that Microsoft would not have to ship a rival company's code, such as Java or Netscape, for example. But Microsoft can choose to claim that a competitor's product \*is\* a Windows Operating System Product, because the last sentence says that the court grants Microsoft the "sole discretion" over "the software code"—not just "the Microsoft software code"—that Microsoft chooses.

Above the Law

While other companies may have their claim to software ownership reviewed by the courts, this "settlement" exempts Microsoft from such review—immunizing Microsoft from copyright lawsuits.

This is a license to hoist the Jolly Roger and sail the seven seas, pirating any rival code that Microsoft chooses.

Peace,  
Geoffrey McCabe  
36 East 7th Street  
NYC 10003

#### MTC-00001734

From: George H. Norsworthy  
To: Microsoft ATR  
Date: 11/20/01 10:46pm  
Subject: Microsoft Settlement

I urge our elected officials to act responsibly on the matter of monopolistic practices. It's a matter of law, not expedience.

George Norsworthy

#### MTC-00001735

From: Chad Hartley  
To: Microsoft ATR  
Date: 11/20/01 10:43pm  
Subject: Microsoft

I find it hard to believe that the current settlement benefits American Citizens. After all, Microsoft now has an opportunity to continue with their practices of restricting competitive software and they now can market their own software in school systems across America. The school systems in which they would be giving computers/software to, would have to eventually upgrade their operating system. Is this the spirit of competition????? No! Please be bold and strong in your stance against Microsoft. I must say that I do use widow applications, however, I also use Apple, Unix, and Lenox. I find it hard to believe that this settlement has accomplished anything, except what Microsoft wanted!!!!!

Sincerely,  
Chad

#### MTC-00001736

From: tom  
To: Microsoft ATR  
Date: 11/20/01 11:22pm  
Subject: comments on microsoft settlement

I feel that the proposed microsoft settlement is woefully inadequate and will do nothing to take the teeth out of microsoft's monopoly. If approved as it stands, it will be a complete failure on the part of the united states to address the problem of Microsoft's monopoly.

Tom Bryce  
1375 26th ave  
San Francisco, CA 94122

#### MTC-00001737

From: Alvin L Nazario  
To: Microsoft ATR  
Date: 11/20/01 11:18pm  
Subject: Microsoft Settlement

Hello,

I'm writing this letter to voice my concern about the possible settlement of the Microsoft Monopoly trial.

If what was publish in The Wall Street Journal is true 3Under the deal, Microsoft would provide software valued at approximately US\$900 million to schools where at least 70 percent of the students qualify for the federal free or reduced lunch programs, the representative for the law firm confirmed. Microsoft would also have to supply some 200,000 reconditioned PCs and

laptops, the representative added. In addition, the software maker would be responsible for providing \$90 million in teacher training and \$38 million in technical support. An independent foundation would also be set up to ensure that objectives of the deal were met, with Microsoft shelling out another \$250 million to set up the foundation, as well as seeking \$200 million in matching funds.

Additionally, Microsoft would contribute another \$160 million to help support a program that teaches students how to repair and service computers and networks." then please explain to a simpleton such as myself, how is this going to hurt or eliminate Microsoft's monopoly? Equipping schools with PC's running Windows would only further their dominance in the computer industry, as these schools will become dependent on Microsoft's future upgrades and not to mention hurt sales of other operating systems such as Macs, Linux, BEos etc.

This settlement would only benefit Microsoft by standardizing their operating system for the future generation of America. I hope that fairness will prevail, and all parties hurt by this monopolization will gain to benefit rather than depend on M\$.

Thank You,  
Alvin

**MTC-00001738**

From: D. Dietzel  
To: Microsoft ATR  
Date: 11/20/01 11:09pm  
Subject: Microsoft Settlement  
CC: dd  
FROM:

Dennis Dietzel  
301-G Marshall Street  
Jefferson City, Missouri 65101  
11/21/2001

Dear U.S. Department of Justice, Attorney General John Ashcroft:

Having read the latest relevant and recommended documents on your website regarding the currently proposed settlement of the monopoly/anti-trust case with Microsoft, I wish to give you my comments, and urge you to reconsider and rewrite this 'settlement', as it does very little, if anything, in offering any meaningful, significant remedy or relief to the average home computer user/Citizen, who has been harmed by Microsoft's prior and continuing illegal, restrictive and extremely invasive behavior/business practices.

I am 49 years old, a disabled American citizen living solely on Social Security Disability, and I have been not only a computer user, but a computer builder, system administrator and computer service person for many years. I have used many of Microsoft's (and other companies') software products for many years, and have followed this court case involving Microsoft with keen interest.

It is my firm belief, and the belief of many Citizens with whom I am acquainted and have spoken with concerning this case and proposed settlement, that Microsoft has in the past, can and will continue to control, inhibit and restrict not only other companies' products (competitive or not) purchased by

the end user from working and interacting well with the Windows OS, but will also reduce the average Citizens' and users' control over and use of their operating systems (Windows XP) and unwanted and competing Microsoft programs 'added into' the Windows OS by Microsoft, (as Microsoft has demonstrated time and again, most conclusively and consistently over many years, and was in fact convicted of).

In examining the Proposed Settlement and Impact Statement, I can find no effective or realistic proposed remedy for or benefiting any of our Citizens and legal computer end users of Microsoft software in the United States of America from the past or the present continued illegal misconduct and monopolistic, invasive and restrictive misbehavior by Microsoft Corporation, unless said Citizen(s) would be fortunate enough to have access to an unlimited amount of funding which would be required to obtain effective legal representation at a powerful and persistent enough level to bring any such violations to the attention of the Court and sustain such action, much less in order to obtain any meaningful Judicial relief. If you, our United States Department of Justice and our Federal Court system cannot obtain effective relief for the public now, at this time, in this settlement as a result of Microsoft's conviction, it is extremely unlikely you will be able to do so at 'some future date', as is commonly stated by most lawyers in their conversations when discussing 'remedies' for violations of court orders or illegal or improper behavior by any person or entity convicted of a crime..

As far as any evidence I can offer for my views and comments, I can factually state that by my own exhaustive efforts, Microsoft Internet Explorer still cannot be effectively removed by the average end user (which was one of the main issues in this case when it was brought), either in past or in the newest and present Windows XP OS released last month (October, 2001). Most if not all home end-user/Citizen control or adjustment of program control involving home user interaction with Internet Explorer and windows XP itself is either eliminated or severely restricted, and most other computer software programs sold for use with any previous Windows OS prior to the date of release of 'XP' is made instantly incompatible with the upgrade installation of XP, and will in fact not function. If I want to upgrade my current version of Windows 98SE to Windows XP as of this writing, 9 out of 10 of my own quite beautifully functioning, very expensive and non-Microsoft software programs will absolutely not work with Windows XP, and I will be forced as a result of this to buy entirely new or alternate versions of the various programs I mention, in order to continue using them with this 'new and improved' version of Windows. As an analogy, why should I have to overhaul the engine of my car, put in a new car stereo, seats and interior, and pay for a new paint job on the exterior, just because I want to purchase a better set of better tires and wheels for the car, i.e., as the new Windows XP OS upgrade represents to me and my use of my personal home computer?

To use an upgrade to Microsoft's 'XP' past 30 days following my legal purchase and

installation of this software on my computer, myself or any other legal home computer user must either have an active Internet connection or physically make a telephone call to Microsoft, in order to 'activate' Windows XP by transmitting or quoting a very long sequence of numbers, and then in turn enter into my computer another extremely long sequence of numbers EXACTLY as quoted to me by a Microsoft representative, in order to receive 'activation permission' to continue to use the software upgrade on my computer; if I do not do so, my computer is made instantly INOPERATIVE, and I must reformat my hard drive, losing all of my programs, data and hard work, since the computer will not boot! Microsoft's new advertising slogan may be, 'Yes, you can', but rest assured that most home users do not and cannot find it amusing to stay on hold on their telephones with a company for 30 minutes, in order to receive permission from a Microsoft company representative to continue using a product they have obtained and paid for legally, that they have taken great pains to install and upgrade on their personal property, i.e., our home PC's.

At this writing, Microsoft has acknowledged that the public uproar and reaction to their newly-adopted 'activation' requirement', has resulted in an illegally written 'pirate' software program that is currently in world-wide distribution as a no cost download, and is readily available to anyone in order to overcome Microsoft's Orwellian invasion of a legal computer user's right to privacy. This illegal software, which if downloaded and used by any legal computer user in order to continue their use of their already-paid-for and installed product upgrade on their home computer, would of course, make said prior legal users new criminals.

Microsoft by their own admission, has clearly stated since the release of XP and the illegal software 'fix', that they had anticipated such an event, so the question is raised, if Microsoft has publicly announced that it anticipated that it's own behavior would inspire otherwise law-abiding computer users to become criminals, in order to continue to use their already legally acquired and paid for software upgrades on their home computers, then why does Microsoft engage in such invasive and restrictive actions in the first place? As the proposed settlement or impact statement does not address this specific matter in any manner that I can recognize, I must state for the record that NO other American software requires this type of outrageous, restrictive and invasive seeking of it's 'permission' in order for it's software product to continue to be used legally by the average home user/Citizen, who has already paid their license/software charge and installed the XP OS software on their home computers. As long as the home user/Citizen pays for their own licensed use of the Windows software/operating system (obtaining by legal purchase of course), it is NONE of Microsoft's business what brand name computer the Citizen uses, how many or what kind of hardware components a Citizen chooses to uses/alter/change, nor what component changes the

home user may decide to make in the future to his/her privately owned personal computer and its components in order to legally install, re-install or to continue to use the Windows XP upgrade or any other Microsoft Operating System on their home computer. It is the same principle, in that it is no more the business of my local Wal-Mart grocer how many dozen eggs I am going to buy from their store, how I will arrange the eggs in my kitchen, how I am going to cook my meals with any of the food I purchase from them, what kind of frying pan, bowl, spatula, microwave oven or stovetop range or oven I cook my food with, as long as I am not going to break the law doing it! (Please note my previous analogy to the automobile tires).

This is another continuing example of the extremely restrictive and invasive behavior being currently forced at this very moment in our history, upon the average home user/Citizen by Microsoft, as it is already illegal to make copies of Windows, or to install the software on more than one personal computer at a time. I believe that not only I, but the vast majority of my fellow citizens and home computer users in this country respect and obey this law, and that I/we do NOT infringe on Microsoft's rights in any way, shape or form!! It is not credible to any reasonable and law-abiding person that Microsoft would honestly respond to any such request from anyone made to Mr. Gates or his company, Microsoft, for their personal information, or that anyone would inform him that he cannot make changes to his own or his companies' computers' components without contacting all of his registered customers first. (I don't think it would be reasonable that I or any other Citizen or home computer user who buys or uses Windows XP would make such an invasive personal request of Mr. Gates or Microsoft, nor would I be realistically interested in said personal information, before deciding whether to buy the Windows XP upgrade from Microsoft., much less before installing and continuing to use it, but this IS my point).

If I or any other legitimate computer user keeps my/his/her legitimate sales receipt and CDKEY registration number provided with the Windows XP OS software upgrade purchase as proof of ownership/license, as has always been the acceptable practice in the past by Microsoft when a Citizen pays for it's software/OS upgrades, why must I/we be forced to comply with such an invasion of my personal computing privacy, by and from a company who in fact has been convicted of monopolistic wrongdoing and lawbreaking, whose only intent is to poke it's corporate nose inside of not only the inside of my computer (my personal PRIVATE property), but more specifically, where my computer is located in my home; in my bedroom??!! I repeat; as long as I or any other legal user is not engaging in illegal behavior, such as making illegal copies of Microsoft's programs or re-selling them, altering their code or installing more than one copy of the XP OS upgrade software, it is MY business what I do with the inside components of my computer, and certainly not Microsoft's!!!

Continuing further, on each bootup of the new Windows XP OS upgrade, and at various

other intervals determined by Microsoft, the end user/Citizen is currently bombarded with constant harassment from Microsoft to entice him/her to enter intimate personal information (including financial information) in order to use it's 'Passport' system, which Microsoft tries to pass off as a computer users'/Citizens' 'convenience', but is actually subjecting me or any other home user to more extremely invasive and harassing behavior, on Microsoft's behalf, to say the least. IT IS NONE of Microsoft's or anyone else's BUSINESS what my personal information is! I don't want to pay for continued, forced sales pitches or Microsoft's corporate propaganda every time I boot my computer's operating system or open a 'window'. I want a functional operating system upgrade for my computer with NO post-installation nonsense from Microsoft. As far as I can determine, there is no clear way to stop this automatic harassment which is now sold and incorporated inside of the XP OS upgrade, short of un-installing Windows XP, which endangers my previous version of the operating system, and my personal data! Microsoft's only concession on this point is to say that their harassing invasiveness will eventually 'go away by itself'.

I note that there is some evidence offered in the Impact Statement concerning the automatic way the Windows XP OS upgrade currently forces unwanted and unapproved changes of configuration or operating system environment conditions, such as, that in the future, the user/Citizen must be given notice and the chance to approve or refuse such automatic, unwanted or unsolicited changes by Windows XP. I applaud this part of the Statement, but it does not address any of the concerns I have raised in my comments above, nor does the Statement address the fact that in buying, installing and using Windows XP, Microsoft forces a user/Citizen to obtain a 'virtual' program from Microsoft in order to run programs containing 'Java', their own 'virtual Java download'. Part of the original complaint in this lawsuit dealt with Microsoft's illegal behavior toward the Java writers (the company who owns the Java code) and subsequent users of programs utilizing Java code. If a home user/Citizen does NOT comply with Microsoft's edicts by downloading Microsoft's 'virtual Java download', the home user's currently installed and used programs utilizing Java will no longer work with the XP upgrade. If the average home user/Citizen who legally purchases the Windows XP OS does not possess an internet connection to download all of these 'fixes' or other such relief which may be provided by Microsoft such as 'virtual Java', or other remedies that may be imposed by the Court, there is effectively no relief or remedy provided to the American public at large in this matter, as Microsoft has never before and most likely will never in the future voluntarily issue free disks (CD's or otherwise) to impacted legal users, consumers and Citizens, without first demanding some type of mandatory charge or fee from those users concerned, to correct/remedy this behavior.

As far as the '3 person, Court appointed committee of computer experts' that will supposedly have total access to all of

Microsoft's inner workings, computer code, documents, etc., to ensure that Microsoft will not further engage in any illegal and bad behavior, could you kindly please reassure and inform me (and all of the other American home computer users who pay for, legally own and use Microsoft software), whom these 'experts' might be, what makes them computer experts, and how any average, reasonable Citizen can be expected to believe that only '3 computer experts' can possibly be constantly examining all of the inner workings of the Microsoft Corporation, all of it's programming activities and business divisions in any meaningful way, so that Microsoft WILL be forced to comply with the Court's Order? Only 3 people/experts?? How many attorneys contributed to bringing this case before the Court, and to it's current status of Proposed Settlement? I don't think that 3 lawyers much less 3 'computer experts', could or would have taken the particulars of this case on for trial, much less to ensure compliance with a settlement, although it might currently take 3 lawyers just to explain the current proposed settlement and Impact Statement to the average end user/Citizen, so that they could fully understand the terms and future implications of said settlement in order to intelligently offer their concerns and comments to the Court!

I strongly believe that there should be NO EXPIRATION DATE of any final order regarding this proposed settlement, just as there is no expiration date mandated by law or court order, for notifications and recalls to the American public regarding dangerous or defective consumer products. As I mention at the beginning of my comments, I have used Microsoft software products for many years, and have NEVER seen a product recall involving the failures of their software (or of any Court order forcing them to comply with any court order or law dealing with flawed products).. If the automobile industry were allowed to make cars that were as restrictive to use, and as defective in use, as Microsoft Windows operating systems and upgrades have proven to be time and again over the years, the auto industry would have gone out of business many, many years ago.

In closing, I again respectfully but most strongly request and urge the U.S. Department of Justice and the Court to rethink and rewrite the 'proposed settlement' of this case, and to instead offer a settlement that will actually benefit the public; the average home user/Citizen, including the stated alternative considerations listed, such as mandating Microsoft to issue a stand-alone version of it's operation systems completely devoid of it's own 'Middleware' products, without the OS's automated changes and restrictive, invasive 30-day 'activation' ploy/scheme, at a reduced price. Allowing Microsoft to give \$1,000,000,000.00 worth of 'free' software to the American public schools is a very nice gesture, and I'm sure our schools will be very happy with this philanthropic gesture by Microsoft and Mr. Gates, as the news media is reporting today.

However, this gesture doesn't protect nor does it offer any relief the average home user/Citizen to any degree, nor does it mandate any form of punishment to Microsoft for

breaking the law in the past or in the future, except to 'extend' the period of time for court-ordered supervision of Microsoft by the '3 computer experts'. Such action does NOT constitute remedy, protection or punishment that is readily observable to the average, reasonable American.. Personally, I don't want to have to go back to high school to use Microsoft's gift of free software to the American school system, in order to benefit from this 'proposed settlement' as it stands. Surely Mr. Gates can do something more meaningful for the public to show Microsoft is attempting to mend their ways and to redeem their illegal behavior, than to give away software to only our public schools, something which Mr. Gates' private 'Gates Foundation' does already. I think that a more meaningful and appropriate condition of settlement would be for Microsoft to be required to offer at no cost, a new and current Windows operating system upgrade (without restrictive and invasive actions required by the end user) to legal computer user/Citizens, who have purchased and installed any Windows operating system during the period of time that this legal action has transpired, until final settlement of this case. To the American public, it might be worth \$1,000,000,000.00 for Microsoft to be mandated in this settlement to undertake such an action, as said condition would truly address the wrongs committed by Microsoft upon the public in a far more genuine and realistic manner than by Microsoft's 'giving' the same/equivalent amount of unspecified 'free software' to the American public school system. Admittedly, our public schools are a deserving but extremely select, publicly supported organization/institution benefiting America's children, but said current offer would not immediately or in any way benefit the majority of the adult segment of the American Citizens whom have been wronged by Microsoft's illegal behavior.

Thank you for your kind and generous time and attention in reading my comments, and I pray that they will be brought to the Court's attention, on behalf of all of the end users and average Citizens in America, so that 'We, the People' (besides the children in our public school system) will have relief from Microsoft's unlawful behavior. (Just how did the original lawsuit allege that the school system was harmed by Microsoft's illegal behavior, anyway? I could not find any allusion to this fact in any of the relevant court documents in this case).

Very Truly Yours,  
Dennis Dietzel  
301-G Marshall Street  
Jefferson City, Missouri 65101  
ljkllove@home.com

CC: The Honorable Ike Skelton, Member of Congress (MO)

**MTC-00001739**

From: Mick Conners  
To: Microsoft ATR  
Date: 11/20/01 11:51pm  
Subject: An outrage

Folks,

I truly cannot believe that this settlement is even considered. Why? I can't list everything here, but consider this. If I buy a Windows based system, I am truly stuck. I

choose another OS to run on that machine, I have no other software to choose from to become compatible with the windows world. Novell and Apple are both in the same dilemma they are trying to fight an up hill battle with a 800 lb. gorilla as some would say. However, to be fair both products MUST remain compatible with you know who, Microsoft. Without this compatibility these companies cannot compete. Why should they cater to someone that already OWNS the PC market.

Finally, the use of a gorilla in the above analogy is wrong. A gorilla is a social, caring and docile animal. Microsoft is not.

So please think about your decision. We want Microsoft to be competitive not force others out of business. Many a good company has failed. They tried to compete, however, because Microsoft will either take over or use their leverage to create an anti-competitive market. Read from a few years ago in Business Week a Day in the shoes of Bill Gates then make your final judgement.

Thanks much,  
Mick  
Mick Conners  
136 W. Goodland St.  
Sun Prairie, WI 53590  
608-825-9919  
email: mconners@mac.com

**MTC-00001740**

From: JLam19073@cs.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 11:44pm  
Subject: microsoft

i deplore your suit against microsoft while allowing major oil companies to unit. where will it stop? with one or two major companies who will tell us and you, of course what to pay and how to pay it. of course i know they are already telling the government what and when to do something.

what i am really saying is that you are all a bunch of stupid jerks!!!!!!!

**MTC-00001741**

From: John F. Koen  
To: Microsoft ATR  
Date: 11/20/01 11:30pm  
Subject: proposed settlement

Hi, I wanted to comment on the settlement Microsoft proposed today (or yesterday). I am against this latest proposed settlement. I think that having the only penalty be Microsoft's providing computers and software will only go further toward reinforcing Microsoft's monopoly position, clearly against the intent of the law and the finding of guilt. Microsoft (as have other computer/software companies) has previously donated equipment and software to schools. This can serve several purposes such as good public relations, favorable media coverage (Microsoft has done it during previous trials, apparently to help sway the 'court of public opinion') and increasing 'market share.' Allowing this 'settlement' only reinforces the problem.

John Koen  
1204 Cypress Street, #2-F  
Philadelphia, PA 19107  
johnfkoen@mac.com  
tel: 215-875-8555  
cell: 215-275-1842

<http://www.johnfkoen.com>

**MTC-00001742**

From: Mike Chambers  
To: Microsoft ATR  
Date: 11/20/01 11:54pm  
Subject: RedHat wants to help Microsoft  
Thought someone might be interested in this article by RedHat to help them settle.  
[http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)  
Mike Chambers  
Mt. Prospect, IL  
Netlynx

**MTC-00001743**

From: Ronald Gallimore  
To: Microsoft ATR  
Date: 11/20/01 11:52pm  
Subject: Microsoft settlement is unwise & unjust

What has been proposed by the DOJ is inadequate given the serious misdeeds of Microsoft. The settlement will deter Microsoft from continuing the practices that have been so harmful to many consumers and companies. I read the trial judge's findings carefully, and it is unbelievable that the US government would be so dismissive of the implications.

I urge you to reverse course and propose remedies that might actually have some effect.

Ronald Gallimore  
302 15th St., Santa Monica, CA 90402  
(telephone: 310-395-1375)

**MTC-00001744**

From: Paul (038) Cindi Armstrong  
To: Microsoft ATR  
Date: 11/20/01 11:52pm  
Subject: Microsoft Settlement

To whom it may concern, I would like to express my disappointment regarding the settlement with Microsoft. It appears that Microsoft will be left in tact with billions of dollars in profits from its "monopolistic" practices while only being punished for a mere billion. Further, they continue to maintain a monopolistic market share on computer operating systems and key software programs. The capacity for Microsoft to outmaneuver competitors through legal and fiscal brute remains. The fear of Microsoft has not been diminished.

There has been no real service to society in the punishments awarded. A billion dollars for schools is token money. Further, their products are often mediocre at best and prone to crash costing me and my business hundreds of dollars each month in lost time. If they had better products, I might be more enthused by this settlement. Instead, I'm feeling locked in without real consumer choices of alternate programs. I strongly oppose this settlement.

Paul Armstrong  
Fond du Lac WI

**MTC-00001745**

From: G Ramos  
To: Microsoft ATR  
Date: 11/20/01 11:59pm  
Subject: MS

Microsoft is getting off easy; they have put out-of-business or out of competition one too many companies.

Their manipulative and predatory way of doing business needs to be severely limited to prevent further abuse. Fines are also warranted.

G. Ramos

**MTC-00001746**

From: LedJermz@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/20/01 11:56pm  
Subject: No Subject

If they spread into all areas of education, you set a long term snowball rolling of a much bigger monopoly. Microsoft would become inbred into an entire generation. Most competition would be dead before conception. Thank you for your time.

Jeremie Lederman

**MTC-00001747**

From: Mike(a)Blumenthals.com  
To: Microsoft ATR  
Date: 11/20/20 2:53pm  
Subject: Microsoft settlement

Your proposed settlement does nothing to address the real issues raised by the monopoly of Microsoft.

Mike Blumenthal

**MTC-00001748**

From: jrosenbe  
To: Microsoft ATR  
Date: 11/20/20 7:46am

Subject: You should know that in its infinite wisdom, you cannot get the feed from MSNBC on anything other than a Windows computer now. This started a few days ago.

Just a little nibble by Microsoft. Another choice gone. I consider them the most dangerous company/organization in the world.

They provide mediocre to poor software that you are forced to use by sheer weight of their numbers while innovative companies with better ideas or processes are either crushed by their power or bought up.

They should have been broken up.

Joe Rosenberg

**MTC-00001749**

From: 2bulldogs  
To: Microsoft ATR  
Date: 11/21/01 12:10am  
Subject: Microsoft Wins Again...

Who is Microsoft fooling when they promise to give 1 Billion in cash and software to the poorest schools in the nation? Don't our children deserve the best? By the time the software gets to our schools it will almost certainly be outdated. Why not just give the American education system 1 Billion dollars in cash. That way the neediest schools can choose their own operating system. Maybe an operating system that is more stable than the Windows platform. Remember our children deserve the best.

Sincerely,

Mr. RJ Carswell

**MTC-00001750**

From: Sharshazz@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 12:09am  
Subject: Good To End This Case

To Whom It May Concern:

I am just an ordinary citizen with little knowledge of the legal system, but have understood, from the beginning, that the Microsoft Antitrust Case is more a case of government interference than a case of/for "justice." Reminds me of the lyrics; "...because I have friends in high places..." wherein the competitors of Microsoft ask the DOJ to fight their case for them vs. duking it out in the marketplace.

Now, I sincerely pray that the states Attorneys General (those refusing to agree to the settlement reached by the DOJ and nine other states Attorneys General) will stop the bullying, tighten their belts and STOP. The entire fiasco has harmed the consumer, the stockholders...and the United States economy! As the foregoing makes clear, I, and thousands of Americans, are extremely pleased with the settlement reached. As a next reform, I would suggest that legislative and judicial bodies stop harassing the tobacco industry and the millions of Americans who choose to smoke. What kind of justice is it to pass the costs of the settlements to consumers, making multimillionaires of the attorneys prosecuting these cases? It is downright frightening what legal, legislative and other administrative bodies are doing TO American citizens in the name of "protection."

Sincerely,  
Sharon Dunton

**MTC-00001751**

From: Bruce Rogovin  
To: Microsoft ATR  
Date: 11/21/01 12:09am  
Subject: Microsoft

Dear Sir:

I remember as a child reading about the Standard Oil Trust and how the monopoly was terrible for competition and the country. As a result, Standard Oil was broken up, so that the American way of fair competition could prevail.

Whether or not there is a direct correlation with the Microsoft case, it is obvious that Microsoft has become a totally corrupt and completely out of control monopoly. I read with utter disbelief the judge's Statement of Facts on the case. It was hard to believe that one company could do so many illegal activities and still be free to do more. The US government on previous occasions has simply slapped Microsoft on the wrist and allowed it to continue almost completely unchanged. Now the justice department is about to do the very same thing. It is as if the justice department has not read the statement of facts. I would beg anyone involved with the case to watch Bill Gates taped testimony. I have never seen anything as sleazy. This was the president of the world's largest corporation, lying and covering up under oath. I implore you to do something to stop Microsoft from its illegal and immoral attempts to dominate every corner of every market they deem important. Please do something to break the monopoly.

Sincerely,  
Dr. Bruce Rogovin  
7555 Fernwood Dr.  
Cincinnati, Ohio 45237  
513-731-9669

**MTC-00001752**

From: Carl Blackman  
To: Microsoft ATR  
Date: 11/21/01 12:03am  
Subject: comment on the draft agreement between the DOJ and MS

I am strongly opposed to the current draft agreement between the Dept of Justice and Microsoft. Microsoft has already shown its contempt with and continued illegal activities following the last agreement they entered regarding their anti-competitive practices. The only ruling that will bring an end to these practices is to breakup the company into at least two parts, perhaps more. Innovation is the fundamental asset the US IT community has; the currently proposed settlement will do much to limit new innovation.

I urge you to reconsider your draft agreement and return to the only suggestion that will be beneficial to computer users, both individuals and corporations.

Carl Blackman  
3413 Horton St  
Raleigh, NC  
27607-3414

**MTC-00001753**

From: michael branton  
To: Microsoft ATR  
Date: 11/21/01 12:13am  
Subject: Microsoft

I urge you to vigorously pursue much stronger penalties against Microsoft than are in the current proposal by the DOJ. This company has been shown to be a monopolist and its actions are not in the public interest, nor is the proposed settlement in the public interest. Further, Microsoft has continuously flaunted its violation of US law in its monopolistic practices, and is thus very unlikely to change its behavior without severe penalties being imposed.

Dr. Michael Branton  
1910 Deerfoot Run  
Deland FL 32720

**MTC-00001754**

From: cvers  
To: Microsoft ATR  
Date: 11/21/01 12:11am  
Subject: Penalties To Encourage a Competitive Market

There must be real penalties with the Microsoft settlement. Penalties which improve the competitive software market. Microsoft should be fined a significant amount of money (say 2 billion dollars) which should be specifically allocated to Netscape and other vendors to develop a competitive browser with all browser standards cross platform. Microsoft should be barred from adding to their browser any special capability that is Windows only. If they want to add some special capability, source code should be available to competitors (six months in advance) for other OS's migration. Any significant efforts must be made to maintain the World Wide Web OS neutral design. As for their major leverage with Windows, the settlement should delute their competitive advantage to leverage Windows only applications with their Windows Operating system.

Microsoft should be required to make their applications available on both Linux, Solaris,

HP and IBM Unix for the next five years as they are doing with Apple Computer. This must include all significant Business applications including Office, Microsoft Project, and Visio. Note: for Apple at present, they have this agreement only for Office. Corporations cannot consider switching to another OS until the other Business applications are also available. This should also include any other future significant Business applications. Also, when Microsoft releases updates, all pending competing product vendors (or translator vendors) should have a release at least six months in advance of all information necessary for the development translator. This should be the law for all software vendors anyway. These suggestions I think will make the software market more competitive.

Michael Barto  
IT Project Manager (Over 25 years)  
Cell Phone: 714-883-1949

**MTC-00001755**

From: kapilnath  
To: Microsoft ATR  
Date: 11/21/01 12:17am  
Subject: comment....

To Whom it may concern,  
I think this "solution" is ridiculous. It serves to extend the Microsoft monopoly into areas where hitherto they have had no market at all. I think a better solution would be to have Microsoft spend \$1 billion towards computer hardware, thus giving computer access to the less privileged. (This is good) The software should be a form of Linux. I believe that Red Hat... a well established software company has extended their software free of charge. Future updates of their operating and system software can be downloaded for free or purchased for a few dollars.

If Microsoft is allowed this solution... in a few years it will be time to update the software. Microsoft just gained a new user base and who is going to pay for it then?

This is no solution for a monopoly.  
Kapilnath

**MTC-00001756**

From: Joe Paul  
To: Microsoft ATR  
Date: 11/21/01 12:36am  
Subject: Microsoft Settlement

Not tough enough! Not only that, the settlement puts more of their products in the hands of young impressionable kids. You should have demanded they provide Lotus and Corel software instead.

**MTC-00001757**

From: Michael De Jong  
To: Microsoft ATR  
Date: 11/21/01 12:31am  
Subject: letting Microsoft off

I feel Microsoft is not being dealt with harsh enough. They should allow companies such as Apple, Netscape and Real display their application shortcuts on windows desktops and make sure they work flawlessly. The same should also be done with Apple Macintosh Desktops. The government should look into using more Macs, as they will provide a safer and more cost effective solution to government needs. Letting Microsoft donate Windows machines

to low budget schools as a form a punishment is plain stupidity. The children will be exposed to a MS world and nothing else. Deal with Microsoft with harsher punishment, the US economy will benefit in keeping other competitors alive vs supporting a Microsoft world.

Michael De Jong  
Calgary, AB

**MTC-00001758**

From: Tadd Torborg  
To: Microsoft ATR  
Date: 11/21/01 12:24am  
Subject: Re: MacInTouch: Mac news, information and analysis

I am disappointed with the press reports that the heavy handed leveraging of Microsoft's monopoly in Operating Systems (and Office applications) has been used against IBM and others successfully and now will not be punished. MS should be limited such that it's sales never exceed 50% of the total sales in any marketplace. This would mean that no more than 50% of all installed OSs was made by Microsoft. No more than 50% of all installed Word Processors could be made by Microsoft. If Microsoft ever does go beyond 50% they should be punished in a trivial and obvious way, say by having it's entire U.S. operation closed for a month for each infraction following the determination of any infraction. If Microsoft truly does innovate and provide better products, they should do rather well with just under 50% of each market they venture into. If they do not, an under 50% market share will spoil all of it's illegal practices and Microsoft will either learn or go away.

**MTC-00001759**

From: Richard Levine  
To: Microsoft ATR  
Date: 11/21/01 12:44am  
Subject: Microsoft Settlement

Microsoft has made a generous settlement proposal. It will benefit those who need it the most. States that have been depending on the settlement will get the benefit of better education, and California that ranks 48th in Academics would do well to settle. It is truly a pity that Gray Davis will be leaving the governorship in such a sorry state, but penalizing industry for revenue would be his most egregious act of his career.

Richard Levine

**MTC-00001760**

From: Jordan  
To: Microsoft ATR  
Date: 11/21/01 1:06am  
Subject: RE: Microsoft monopoly

Hi,  
I would like to voice my position on the Microsoft anti-trust case. It is suggested that Microsoft has become the biggest software company not by offering a good product, but by criminal acts. This is a serious matter for all computer users and business around the world. To be offered one product by one company, we might have just been taken over by the Nazis. Let's free the computer industry of such a controlling and manipulating company. —

Jordan Koutroumanidis  
Art Director  
MOF Advertising

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**MTC-00001761**

From: JMC  
To: Microsoft ATR  
Date: 11/21/01 1:03am  
Subject: The proposed settlement

Sirs:  
After reading some of the details in the proposed settlement of this case, I have concluded that:

- 1) Microsoft has applied political pressure on the DoJ to achieve it's goals, or
- 2) The DoJ team is incompetent / poorly advised and cannot credibly represent the interests of the U.S. in this case.

If either of these are true, it's a sad day for America and for consumers who will be subject to the continued adverse business practices of the monopolistic, ruthless empire that Microsoft has become. As a minimum, Microsoft should be divided, and the applications business should be isolated from OS development efforts.

Sincerely,  
James McSheehy

**MTC-00001762**

From: Dave Austin  
To: Microsoft ATR  
Date: 11/21/01 12:59am  
Subject: Settlement conditions

I believe that MS's offer of \$1B in goods and services to schools merely serves MS's purposes and is a Trojan horse furthering the monopoly. In the end those schools with MS products will extend reliance on MS.

A better solution would be for MS to spend the same \$1B purchasing their competitor's (i.e. Sun and Apple) goods and services. That would provide the schools with the same or better technology and give MS competitors the opportunity to compete, essentially helping to level the playing field.

MS's offer to give away their own goods and services worth \$1B is ludicrous. That \$1B give away will not only extend dependence upon further goods and services but will earn them that much and more over the an extended period because others (i.e. teachers, parents) will have to purchase equipment and software at home to support school children's work.

Please don't accept the MS offer as a golden goose. It has too many pitfalls.

Thanks,  
Dave Austin

**MTC-00001763**

From: Ben Geyer  
To: Microsoft ATR, attorney.general

@po.state.ct.us@inet...  
 Date: 11/21/01 12:57am  
 Subject: Comments re MS suit and settlement  
 Sirs & Mesdames:

The writer is not a resident of any of your states, but just a retired citizen of Arizona who would like to be heard. By way of background, after receiving my MSEE from MIT in 1949, I participated in the design and construction of one of the very early computers—OARAC, built by the GE company in 1949–51 for the US Air Force. Most of the rest of my career was in the field of military electronics for various military services at the GE plant in Syracuse, NY. I have, however, maintained a serious interest in the field of computers all of my life. First of all, this may be a done deal, but it is nonetheless a bad one. I have just today seen reports to the effect that MS is being allowed to settle one or more suits by giving MS products and equipment to certain schools. That is certainly a back door method of undercutting the only minor competition that they have—namely Apple Computer. This gift should be required to be in cash with the specific provision that the schools should decide what equipment and software they need. If Apple goes down, we are all at the non-existent mercy of MS.

Perish forbid!

Relative to other aspects of this case, it is my opinion that without some provision for the separation of MS into two (or more) separate companies—perhaps 'Operating Systems' and 'Application Programs'—the entire court action will have come to naught! MS has demonstrated on numerous occasions that it is able to find its way around lesser court imposed restrictions. Let's not bother to repeat that experience. It would be a waste of the taxpayer's money and the court's time.

In short, you, ladies & gentlemen, are our final hope that the MS juggernaut can be stopped, and IT MUST BE! Please give it your very best effort!

Bernard H. Geyer  
 1938 Forest View  
 Prescott, AZ 86305  
 928-445-0494

**MTC-00001765**

From: smacsteve(a)mac.com  
 To: Microsoft ATR  
 Date: 11/21/01 1:13am  
 Subject: Re: Microsoft agrees to settle private antitrust suits

You people haven't a clue. This will only further the Microsoft stronghold on the consumer market! This money should be made available for schools to buy computers and software from competitors like Apple. Apple is the only real competition to MS and it's software domination. Thus it should benefit the competition not offender. This will show students there is still a choice. What sense does it make to say "look there is still only one choice, Micro\$oft. Think about it.

Stephen Lauterbach

**MTC-00001766**

From: zbyter  
 To: Microsoft ATR  
 Date: 11/21/01 1:12am  
 Subject: Microsoft

Dear Sir,  
 I feel that this latest decision to let Microsoft off the hook is a slap in the face to the thousands of consumers and companies that have been manipulated and controlled by Microsoft's manipulation and deceptive tactics. Please make them accountable for their actions. If they are allowed to get away with what they have done where will it stop. Who will be the next victim of the corporate abuse. Please stop this injustice and protect us from the future abusers.

Thank you.  
 Julio Cardona  
 1402 Hoyt St.  
 Lakewood, Colorado 80215

**MTC-00001768**

From: Wally  
 To: Microsoft ATR  
 Date: 11/21/01 2:02am  
 Subject: Microsoft Settlement

Dear Folks at the Department of Justice,  
 I just watched a local newscaster read a story in the most incredulous manner about the latest in the Microsoft's dealing with the law. Even he couldn't believe what he was reading. The story was that Microsoft would agree to fund the 12,500 poorest schools with computers and software as "settlement in dozens of private antitrust suits." I can't believe it either. Here is a link to a CNN story about it: <http://money.cnn.com/2001/11/20/technology/microsoft/index.htm> What are we doing, feeding our children to the monopolists?

I have to say that I was severely disappointed with the proposed antitrust settlement that came out in early November of this year. It seemed not even a slap on the wrist, but more a pat on the back.

Despite an incredible onslaught of money, resources, lawyers and political pressure, the basic judgement against Microsoft stood: They are guilty of monopolistic practices. Plain and simple. Nothing has changed that. The Microsoft business plan of centralizing all services onto the Windows platform is easily understandable. They are a business operating in a capitalist system which rewards predatory and proprietary behavior. If all roads lead through Microsoft in the computer world, then Microsoft gets to extract its ounce of flesh from all of us and reap great profits. Great work if you can get it.

This business plan works wonderfully for Microsoft in terms of profit and longevity, but does it really serve the public? No. It isn't meant to. No matter what spin it is given.

What is good for the public? Certainly, having more than one operating system in general use is a must. Thank goodness a lot of web servers run UNIX/Apache or the whole internet would be brought down in a regular basis every time a new Microsoft email virus makes its rounds. This happens with increasing regularity. One monopolistic operating system becomes a very inviting target for plain idiots as well as true cyber terrorists.

One monopolistic operating system doesn't really foster innovation as well. If Microsoft only controlled the operating system arena, one could argue that innovation could

flourish. However, Microsoft wants you to use their word processor, web browser, email client (I'm using Outlook Express at this moment), spread sheet, database, et al. Where is there room for third party developers to flourish? How does one compete especially given the programming "hooks" that Microsoft has written into their operating system solely for the benefit of its own applications?

I work on the Internet. I build web sites and teach the same at Cabrillo College in Aptos, California. Although I haven't been in the computer business for that long, I have been happy that the Internet is an open environment that works for all computing platforms. HTML, the language that is used for web pages is a universal language. One should be able to view a web page using any web browser on the UNIX, Linux, Be, Solaris, Mac or Windows platform with equal success. This open environment promotes innovation. Microsoft would like to sew up the internet to only its platform. Earlier this month, the corporate Microsoft website couldn't be accessed except with the Microsoft browser and (I believe) a computer running Windows. They called it a glitch, I see it as a glimpse of the future. Nat a very cheery one.

My expectations of you at the Department of Justice are very high. I expect you to treat these convicted monopolists as the criminals that they are under U.S. law and punish them accordingly. I understand that the current agreement is even easier on Microsoft than the one that Microsoft itself proposed last year.

Microsoft would have you believe that what is good for Microsoft is good for the economy and the country. The truth is that what is good for Microsoft is good for the Microsoft bottom line and not necessarily the rest of us. I hate to say this, but the folks in Redmond Washington are laughing at the Department of Justice and the American public. They arrogantly and apparently correctly felt that could break the agreements they made in the antitrust suit in the mid 1990s with impunity. And so they have. Now, the current proposed agreement looks like candy in the eyes of a kid. The reputation of the Department of Justice is on the line as well. Is the Department of Justice to be known as an arbiter of law, a protector of the American public, a sword in the hand of justice to smite down the enemies of our nation?

Or just another minion of big business.

Well folks, in a long winded way, you have found that I strongly disapprove of the proposed Microsoft Antitrust Settlement. I see it as a travesty of justice. It looks like a sell out by my government to a business and I find that extremely disturbing.

Thank you for your time.

Regards,  
 Wally Parham  
 831-459-0449  
 wallyp@sasquatch.com  
 CC:senator@boxer.senate.gov  
 @inetgw,senator@feinstein....

**MTC-00001769**

From: El (038) Lois Koelder  
 To: Microsoft ATR

Date: 11/21/01 1:41am  
 Subject: Microsoft Settlement  
 Dear DOJ:

You have made the right decision in your reaching an agreement with Microsoft. The Law Suit was a big mistake to begin with.  
 El

**MTC-00001770**

From: WMBennett  
 To: Microsoft ATR  
 Date: 11/21/01 1:33am  
 Subject: Microsoft antitrust settlement

Is this proposed settlement in the public interest???? Either you people simply do not understand the computer software market, or you are in Bill's pocket. You have let us down.

Sincerely,  
 William M. Bennett

**MTC-00001771**

From: Tom  
 To: Microsoft ATR  
 Date: 11/21/01 2:06am  
 Subject: MICROSOFT SETTLEMENT

I would like to comment on the news of a settlement offer of computers and software by microsoft to settle the private party litigation.

Is this the address that can be used for that?

Thanks  
 Tom

**MTC-00001772**

From: Hans Gerwitz  
 To: Microsoft ATR  
 Date: 11/21/01 2:04am  
 Subject: Settlement

I find it unacceptable that punitive measures for established criminal offenses are being influenced by "the economy" and other items of temporal context. I could only hope, were I to commit a crime, the public prosecutors would have reason to believe it was best not to punish me because of the impact it might have on, say, my employer.

Hans Gerwitz  
 hans@phobia.com

**MTC-00001773**

From: LUABEYA@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/21/01 2:22am  
 Subject: Microsoft violated the Anti-Trust law: Why rewarding them!!!

It's sad to find out that people in charge to punish Microsoft are in fact helping them to be a dominant company in American schools.

Settlement terms could bite Apple in schools By Michael Kanellos Staff Writer, CNET News.com

November 20, 2001, 5:45 p.m. PT A proposed settlement agreement in a series of antitrust suits may not only give Microsoft a fairly inexpensive legal resolution, it may also help the company and its PC allies further erode Apple Computer's position in education.

Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately \$500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also

allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else.

Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products.

Microsoft could wind up "undercutting everyone in the education market," Gerard Klauer Mattison analyst David Bailey said. The best-case scenario for Apple would be that Microsoft increases the overall level of PCs in schools without directly harming a company like Apple, he said.

Linux specialist Red Hat Software tried to counter Microsoft's move soon after the settlement was announced. The company said it would provide its software to every U.S. school district and encouraged Microsoft to convert the software component of the deal to increased hardware donations, which costs the company little.

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly," Red Hat CEO Matthew Szulik said in a statement. An Apple spokeswoman declined to comment on the issue.

The potential pain for Apple comes in the unique settlement terms. Under the deal, Microsoft will grant approximately \$500 million to help underprivileged schools create self-sustaining technology programs. Of that, \$90 million will go to teacher training, while \$160 million will go to technical support. Microsoft will also match contributions from other donors.

Additionally, Microsoft will donate approximately 1 million refurbished PCs to these schools and provide them with complimentary Microsoft software. The donations would go to public elementary and secondary schools, at which 70 percent of students are eligible for federal meal assistance, or approximately 14 percent of the nation's schools, according to Microsoft. Approximately 12,500 schools, representing 7 million students and 400,000 teachers, would be eligible to participate in the program.

With these donations, Apple equipment becomes far less attractive to cash-strapped districts. Even if the grant funds are used to buy Apple equipment, a district would have to pass up opportunities for free software. In recent years, Apple has seen its share of the market decline because of price competition. Dell is now No. 1 in the education market, with 37 percent of new elementary and high school sales in the second quarter, according to IDC. Apple came in second, with 23 percent.

Familiarizing students with Microsoft technology could also make loyal customers out of today's students. Developing

familiarity, in fact, was the basis for Apple's push into education back in the 1980s. The theory was that students would stick with the technology they understood best. While there may be some truth to this, it hasn't completely panned out in the numbers. Apple's share of the PC market is below 5 percent, far below its share in education.

Microsoft CEO Steve Ballmer denied the proposed settlement was an attempt to boost the company's share of the education market. "The benefits we provide can be used for PCs or Macintoshes," he said. "It can be used for PC software or Macintosh software. Certainly, the money can be used for non-Microsoft software, so I don't view it as some big thing about market share." Microsoft also produces applications for Apple computers, pointed out IDC analyst Roger Kay.

Although the settlement terms will likely help Microsoft's position in education, more tangible benefits come from the relatively light terms. The company is effectively making a \$500 million charitable donation and giving away its own software to settle a case where the liability could have stretched into far higher figures.

The case in some ways is being settled for pennies on the dollar, according to Bob Lande, an antitrust professor with University of Baltimore School of Law.

The company will also likely get positive public relations messages out with the deal, said Gartner Dataquest analyst Michael Silver. "This gets Microsoft out of all these lawsuits in one fell swoop," Silver said. "It's a penalty, but it makes Microsoft look good and gives schools PCs, and in so doing would give Microsoft an even larger installed base than they already have."

Best Regards.

**MTC-00001775**

From: Cliff Crouch  
 To: Microsoft ATR  
 Date: 11/21/01 2:07am  
 Subject: Still accepting comments on the proposed Microsoft anti-trust case settlement?

Dear Dept. of Justice:

I subscribe to a daily email "Technology Update" from The Wall Street Journal. In today's issue, the WSJ.com editors write:

Microsoft is set to settle scores of private antitrust cases that charge the company abused its Windows software monopoly. Under the settlement,

Microsoft would provide software and computers to over 14,000 schools at an estimated cost of about \$1.1 billion.

Let me get this straight: Microsoft Corporation is tried and found guilty, in U.S. federal court, of being a monopoly that has deliberately engaged in illegal and abusive practices to achieve and maintain that monopoly status ... and then it is allowed to settle lawsuits against it by "providing software and computers" that will further entrench its monopoly status?

Has the legal world gone utterly barking mad?

I mean, although I'd like to believe otherwise, a small still voice tells me that these aren't Apple Macintosh computers, Linux-based software programs, UNIX operating systems, or even old BeBoxes that

Microsoft plans to dump ... er, "provide" ... are they?

Don't you realize that even in providing "free" software to these schools (or other entities), Microsoft hooks them into the upgrade cycle? That it creates an environment where people will shy away from anything that's not compatible with the Microsoft Windows operating system? Don't you realize that if an anti-trust case settlement allows Microsoft to provide "free" software to schools, you are effectively shutting out the company's competitors? How can any other software maker—for example, Apple Computer—even \*hope\* to compete in, say, a school district, if Microsoft has already strategically placed "free" Intel-based computers running "free" Windows software throughout it? If you let this happen, you are \*furthering\* Microsoft in its monopoly, not hindering it. \*Please\* do something meaningful to penalize Microsoft for its predatory behavior and to allow other companies to compete with it on a more even playing field.

Astonished, incredulous, & appalled at my government's leniency toward this monopoly,

Cliff Crouch

\* \* \* \* \*

<mailto:sheercliff@aol.com>

<mailto:macsperkins@earthlink.net>

\* \* \* \* \*

#### MTC-00001776

From: Rob

To: Microsoft ATR

Date: 11/21/01 2:29am

Subject: Microsoft anti trust agreement

I would like to voice my disappointment with the anti-trust remedy being discussed by the DOJ. I feel this remedy falls well short of having any significant impact on Microsoft's predatory business practices.

I believe the only solution is one often discussed in public forums. That is separating Microsoft into two separate companies with one developing system software and nothing else. Any remedy short of bisecting the company is simply window dressing. The US tax payer will be paying for another anti-trust law suit within a short period of time.

#### MTC-00001777

From: GeeBeeRacers@aol.com@inetgw

To: Microsoft ATR

Date: 11/21/01 2:25am

Subject: A MOST GENEROUS SETTLEMENT OFFER BY MICROSOFT !

GENTLEMEN: I repeat the subject matter!!!! V e r n C l e m e n t s

CC:MSFIN@microsoft.com@inetgw

#### MTC-00001778

From: Bert Mahoney

To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

Date: 11/21/01 2:24am

Subject: Sharing my opinion of the Microsoft anti-trust case

Dear Madams and Sirs,

I am not a resident of many of your states (I reside in California) but I feel compelled to share my opinion with you. I'm writing you to let you know of my absolute

dissatisfaction and displeasure with the current results and reports coming from the Federal Government's Microsoft anti-trust case.

I've been following this case in the news for many years and feel as though I am well-informed, not just the casual observer, but I also know that I do not know every single detail of the case. I feel that Microsoft is being given a light slap on the wrist for the actions they have indulged in. It is outrageous that they are "reaching a settlement" and not being handed very strong punishment!

Remember that this is a company that has over 90% of the desktop operating systems market and without question used that advantage in ways which were illegal. I would be willing to bet that you are reading this email on a PC using one form or another of Microsoft Windows.

I happen to be writing you on a Macintosh.

Thank you for your time and for your efforts in the fight against the anti-trust operations of Microsoft.

Best of luck in your efforts.

Regards,

Bert

Bert Mahoney

Digital Media Director

The Thacher School

e: bmahoney@thacher.org

p: 805.640.3201 xt. 264

f: 805.646.3251

w: www.thacher.org

CC:jleplastrier@thacher.org@inetgw

#### MTC-00001779

From: herrmaaf@SLU.EDU@inetgw

To: Microsoft ATR

Date: 11/21/01 2:23am

Subject: Microsoft Settlement

A Quote from CNet on your proposal:

"Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately \$500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else. Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products. "

Here's an idea. Make Microsoft buy \$500 million worth of Apple iMacs to put in those schools. This way the children xcan learn a great new Unix variant in the Mac OS X and the professors wont have to stop teaching to troubleshoot.

Andrew F. Herrmann

Tech. Coordinator

College of Arts & Sciences

Ext. 3635

herrmaaf@slu.edu

"I do not feel obliged to believe that the same God who has endowed us with sense,

reason, and intellect has intended us to forgo their use."—Galileo Galilei

#### MTC-00001780

From: Wayne Fox

To: Microsoft ATR

Date: 11/21/01 2:47am

Subject: I can't believe this

After all the work and all the money spent to prove Microsoft broke the law, now we've decided to back down?

This is crazy. Microsoft is the most monopolistic company of all time, and have crushed hundreds of competitors. The are not innovative and lack of innovation has created a nightmare system. Their security holes have cost billions of dollars for which all they do is fix the hole.

This sounds like a complete political decision and not based on what is right and just. Something needs to happen to put competition and thus reward back into the computer industry. Without major remedies, in a few years, all hope of innovation will be gone, and we will have one choice, whether it is good or bad.

Please reconsider ... This is madness.

Wayne Fox

#### MTC-00001781

From: thevoidboy

To: Microsoft ATR

Date: 11/21/01 2:46am

Subject: Re: MacInTouch: Mac news, information and analysis

Sell out, weak-kneed, pathetic loss of millions of our tax dollars after securing a conviction on monopolistic practices.

If you were consistent, you would treat poor criminals as fairly with a slap on the write and note to be signed by Mommy that they would never do anything bad again.

Your President lost the election; it looks like his cronies are making sure he'll lose the next one.

#### MTC-00001782

From: Michael Laurence Meyer

To: Microsoft ATR

Date: 11/21/01 2:46am

Subject: Microsoft whould receive harsher penalties

Microsoft whould receive harsher penalties

Michael Laurence Meyer

Obernhausen 25

36129 Gensfeld

Germany

meyer.wasserkuppe@t-online.de

or

m.meyer@lsr-fulda.de

#### MTC-00001783

From: David Bishop

To: Microsoft ATR

Date: 11/21/01 3:31am

Subject: Microsoft Settlement

In regards to the settlement proposal I'd like to suggest that Microsoft donate the \$500,000 into a general fund which would then be used by those receiving the money in any appropriate way they see fit.

One struggle many schools have had recently is to maintain some autonomy over their school districts and this settlement very neatly undermines or unduly influences that ability.

A Trojan Horse by any other name.....

Sincerely,  
David Bishop  
320 D St  
San Rafael, CA 94901

**MTC-00001784**

From: LunaRich@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 3:09am  
Subject: why settle?

After all the expense of the original trial and appeal that found MS had indeed violated antitrust statues, I don;t understand why the settlement allows MS to continue using the same techniques that the Gov sued them in the first place.

Antitrust is all about consumer choice. Thanks to MS I find I have less and less choice over what software choices I can make. I like Netscape but feel prssuried to use IE. Ditto for word processing, spreadsheet and presentation software (Word, Excel and Powerpoint).

The .NET strategy will force less and less conumer choice and more & more monopolization by MS.

Please consider some other "settlement."  
Thanks  
Richard E. Luna  
lunarich@aol.com

**MTC-00001785**

From: Andrew R. Reimisch  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov @inetgw,...  
Date: 11/21/01 2:57am

Subject: Microsoft is getting off easy.

I have just seen an article on a web site that describes a "Grassroots effort against Microsoft settlement". This is a movement that I am proud to join.

As an avid Macintosh user and supporter, I have been profoundly against anything that has the Microsoft name attached to it—especially software. As it stands Microsoft has been a monopoly since the introduction of Windows 95. Ever since, I and other fellow Mac Users, have been subject to the same pressures and attitudes that is equally seen with racism. Using such a powerful term is the only way to describe what I have endured for my entire life as a Macintosh User.

I personally feel that when the anti-trust case was brought out into the open, it was going to be a step in the right direction for fairness within the computing industry. As it currently stands, I have been let down AGAIN. I felt that with the backing of the Department of Justice behind this suit, things would grow for Computing. Right now I see this situation as another fat cat getting off with a slap on the wrist, getting a stern lecture, where the cat is faking sincerity and has its fingers crossed.

Today we have to stand up to this "giant" and say that everyone deserves equal time and representation. This giant has its grip on just about everything available and this is fundamentally wrong. Please include my name in support in the effort to bring down this bully of the Technological Age.

Andrew R. Reimisch  
(aka) MacPhx  
Addicted/Devoted/Obsessed to Macintosh  
KillGates, Inc.  
I can be reached at:

macphx@mac.com

**MTC-00001786**

From: Wallace Karraker  
To: Microsoft ATR  
Date: 11/21/01 3:40am  
Subject: Microsoft offers \$1B to schools—  
How is this a punishment?

I must comment on an AP Newswire story this evening (Excite.com) that "More than 12,500 of the poorest schools in the nation would receive \$1 billion in computers, software, training and cash in an unusual deal offered to settle most of Microsoft Corp.'s private antitrust lawsuits." How does this punish Microsoft? Can you please explain to me how the current software and hardware vendors of these schools will be compensated for the loss of income from this arrangement? Won't this effect the local businesses that depend on school districts for their income, as well? This effectively eliminates competition for those school districts and allows Microsoft to become the only provider of services. Doesn't this constitute a "MONOPOLY"? The article mentioned that the company currently has a \$32B cash reserve, so implementing a \$1B levy over five years would hardly be a punishment.

Please reconsider this arrangement. This is not a punishment for Microsoft, nor is it a bargain for the school districts it supposedly assists. The initial investment of hardware or software is typically a small part of overall operational cost. Providing the schools with a solution crafted from Microsoft will lock these school districts into software that is well known for its expense of maintenance and overall difficulty of usage. If the schools are as poor as indicated, anyone trained as an MCSE or above will use it as a ticket out of that system, leaving behind a complex, expensive system that will require expensive support after Microsoft has paid "their dues to society".

This is a red carpet treatment for Microsoft to displace Apple computers small lead in the education community. Apple maintains a narrow margin in the education market through innovation, understanding what their customers want, solid and reliable computers, considerable value for the money invested and remarkable ease of use. By reducing income over five years made on server, hardware and software sales by this free "gift" from Microsoft, any company would likely be in pretty serious trouble at the end. Will Apple survive a shelling like this, possibly, but will the DOJ be able to reverse a decision of this magnitude, within a timely manner, if the company is wiped out?

The current antitrust litigation on the Microsoft lawsuit has been proceeding since 1998. In that time the company has released Microsoft Windows 98SE, Windows Millenium, Windows 2000 and now Windows XP, each progressive operating system has incorporated the best of third party software from the version before. No other company can compete with Microsoft on a feature by feature basis within their own operating system. Microsoft controls all aspects off the computer market, and have been aggressively pushing their technology

into other markets that will provide even more income and inherent power over all of our lives. My suggestion is to have Microsoft provide monetary donations only. With the added cash infusion, poor schools can provide what they need to make their system work based upon what they need, not what is offered. If they decide to purchase Microsoft products, let them purchase it with Microsoft money, but at no different pricing than any other school system would be asked to pay. If a school has another operating system (Apple, Unix, or Linux), the administrators would not feel compelled to dump their existing systems in favor of a Microsoft only solution.

Sincerely,  
Wallace Karraker  
CC:wkarraker@gmrrmarketing.com@inetgw

**MTC-00001787**

From: Leon van Schie  
To: Microsoft ATR  
Date: 11/21/01 4:48am  
Subject: Grassroots effort against Microsoft settlement growing

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.

Best regards,  
Leon van Schie.  
Bervoetsbos 189  
2134 PP Hoofddorp  
The Netherlands  
Email: leon.van.schie@euronet.nl

Don't say you don't have enough time. You have exactly the same number of hours per day that were given to Helen Keller, Pasteur, Michelangelo, Mother Teresa, Leonardo Da Vinci, Thomas Jefferson and Albert Einstein."

H. Jackson Brown  
CC:microsoftcomments @doj.ca.gov  
@inetgw,attorney.gener...

**MTC-00001788**

From: Zoran  
To: Microsoft ATR  
Date: 11/21/01 4:28am  
Subject: Do the right thing!

I have just read in a similar case regarding private litigation for Anti-trust that Microsoft will settle the cases by putting more Window's Machines and Software in public schools. Doesn't that just further the monopoly? You guys sound almost as bad. Do the right thing—somebody has to...

Respectfully,  
Zoran Nedich

**MTC-00001789**

From: Gavin Lapeyre  
To: Microsoft ATR  
Date: 11/21/01 4:06am  
Subject: do computer users a favor fight microsoft

Microsoft is a company that has abused it's power worse than any company I can think of. They do innovate they steal and squash anybody and anything that can gets in their way. Look what there doing to the federal government. You must keep on fighting

Gavin Lapeyre  
551 Venice Way  
Venice, CA 90291

**MTC-00001790**

From: Steve S. Scherping  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/21/01 3:50am

Subject: Microsoft Antitrust Case  
To Whom It May Concern:

I am writing you because I am extremely concerned about the current state of the settlement concerning the Federal Governments case against Microsofts antitrust practices. I feel that harsher penalties should take place. Take as an example, the recent offering by Microsoft as a settlement for the private antitrust cases brought against them. Not only do I believe this offer allows them to continue their monopoly since they will be imposing more of the software, operating systems, and hardware onto users, it also is quite meager since the potential value is \$1.1 billion, when they readily have \$36 in readily available capital. In this case, being a monopoly, Microsoft also controls the value of its products so again it is able to shorthand those involved in the settlement. I understand that this does not directly relate to your case, but it is deeply troubling that a company that is supposed to be punished, in the end will probably come out the winner again. I am not a rogue citizen that has a vendetta against Microsoft. Rather, I am an experienced system administrator that utilizes Microsoft products on a daily basis. In a university setting we are forced into pricing schemes and meager product offerings from Microsoft since our students are not capable of using other offerings since they consistently use proprietary technology and also force developers and manufacturers into sole platform support scenarios. Microsoft continues to test its corporate boundaries by attempting to force users into using their products. A recent example would be that their hotmail service which

once supported email clients for other platforms, no longer supports those clients because of its .netPassport strategy. They also continue to alter known standards into their own proprietary technology.

Please continue your efforts to halt the illegal business practices of

Microsoft.  
Sincerely,  
Steve S. Scherping  
Business:  
Communications Technician  
CLA Language Center-U of MN  
51 Folwell Hall  
9 Pleasant St SE  
Minneapolis, MN 55455  
Home:  
810 Thornton St. SE, Apt. 1004  
Minneapolis, MN 55414  
scher037@umn.edu  
http://umn.edu/home/scher037  
http://www.ssstech.net

**MTC-00001791**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR,antitrust@ftc.gov@inetgw,Ralph@essen...  
Date: 11/21/01 6:18am  
Subject: Microsoft Hegemony' Public Sector MUST Guide Private Sector CC: letters@latimes.com@inetgw,letters@sjmercury.com@i...

Re: Microsoft's Great Web Offensive  
"The paradigm shift"—in which corporate customers would move an ever-increasing volume of business functions to the Web—"was going to happen with or without Microsoft," "That's why they jumped in."

Microsoft, the great follower, with tens of billions of monopoly rent dollars available to create paradigm shifts simply waits 5 years after someone ELSE blazes a trail, then flits along the well-cut path just in time to sabotage the pioneer and steal the ripe fruit of his labor.

In short, .Net is a good idea. But can it be done?—As much as we like to pick on big companies, it's the big companies that have the resources, wherewithal, and clout to make something of this scale happen." says Burton Group's Lewis.

WRONGO. Uncle Sam drove aviation, radio, telephone, transistor, UNIX and the internet. So stop selling us your hallucinations about the private sector's competence—the public sector MUST guide the private sector or it will derail—sorry. Truth sometimes hurts. "Give me credit for inventing internet, I'll take it, ha ha ha..."

**MTC-00001792**

From: Mark Hurty  
To: Microsoft ATR  
Date: 11/21/01 5:05am  
Subject: Remedy for Microsoft Monopoly

I venture that remedy, not punishment is the key to a great outcome of the Microsoft anti-trust case. Punishing a bully only serves to inflame and enrage the bully—guaranteeing that the bully will renew his efforts to assert his dominance through, well, bullying.

There is a remedy—elegant in its simplicity, meaningful in its effect—and it would test whether Microsoft's ongoing claim that its aggressive business tactics are

merely reflections of their desire to innovate for the benefit of their customer, is genuine. Let's start with a little comparison to another technological industry, telecommunications.

There are hundreds of different telephones on the market today, offering an array of clever technological features. Your phone can announce who is calling, take messages when you are away, and provide you with a tool to control the lighting in your home, or perform a host of other little tricks. And even if I have a high-tech, feature laden phone made last year by Panasonic, it's no problem for me if you have a plain vanilla phone made in 1920—we can still talk to each other. We can communicate with each other without the slightest hitch, because once phones are plugged into the network, they speak a single, common language. All the glorious features of the handset, or the wonderful advantages of call waiting and caller ID or other phone company technologies which we've come to take for granted do nothing to change the information carried on those thin copper wires from my house to yours. Perhaps call is translated into a digital signal somewhere along it's route, then reconstituted as an analog message just before arriving at its destination. I don't need to worry about that, nor does the person at the other end of the line. We can trust that no matter what kind of phone we use, we can communicate. And with the breakup of AT&T, and increased competition between telephone carriers, it has remained relatively inexpensive to own and use a phone.

Now in the software industry, there is a different paradigm, and one that Microsoft has exploited to its advantage for years. Let's say you buy into the Microsoft value system, and purchase a computer that uses one of the various flavors of Windows. And suppose you purchase a copy of Microsoft Office with its suite of applications. Now you can communicate flawlessly and readily with anyone else who has bought into Microsoft. You can write a document in Microsoft Word and send it to your Microsoft buddies and they will have little problem opening that document and viewing on their computer. Let's say, however, that you have some friends who use Linux, or MacOS, or some other operating system. And let's say they didn't buy a copy of Microsoft Office. Now when you send that same file to them, there is a problem—how do they read what you've written? There is a cottage industry, providing solutions for translating files between operating systems and word processing programs, but the real burden, both in terms of cost and effort, falls on the shoulders of the person who receives the document. If that's how the phone system worked, it would fail miserably. If I needed a phone just like yours so I could talk to you, I would of course be compelled to either have a bunch of phones—one for everyone I needed to talk with—or I could buy a phone from a dominant monopolist who controlled the largest share of the market. Microsoft's goal appears to be to dominate the software/computing/communication/entertainment industries, compelling all of us to buy something from them just to be able to take part in community life. Their argument that their products are dominant because they are

more innovative or easier to use or simply better than the competition's products is hollow. Their products are dominant because Microsoft has cleverly eliminated the competition.

Under the existing paradigm, Microsoft has an easy time squashing competition. Because they can use their control of the operating system to make it just a little easier to use their programs, and just difficult enough to use competitive programs, corporations will do the dirty work of building Microsoft's monopoly for them. Information Technology departments insist on a single, standard suite of programs for corporate use because it makes it easier for them to do their work. Most often they chose Microsoft, because Microsoft controls the whole computing/networking/information environment—everything is just a little easier to use. And each new corporate installation takes Microsoft a step closer to killing all its competitors, once and for all. And since mom or dad uses Microsoft Windows and Office at work, the home computer needs to have—big surprise—Microsoft Windows and Office. The franchise just keeps growing and competition keeps disappearing.

So to the remedy. If Microsoft were compelled to give out a complete specification for all the document formats for all their programs, and agree to maintain an open, standard version of that specification so that every software company that wanted to could write a program that would open, edit and write documents in the same format, there would be a meaningful and real opportunity for competition in the software industry. If every program created documents with an identical structure, it would be just like the telephone. I could choose software that made it easier to compose a letter, or software with a more intuitive interface. I could buy a plain vanilla program that just allowed me to type words on a page, and you could open it with your high-end, Microsoft word processor, with all its bells and whistles. Of course there might be a need for more than one file format. Spreadsheets, databases, presentation programs, etc. would need different specifications—but they could still be standardized. Layout programs with fancy designs already have a well established, open specification in the Portable Document Format (PDF) created by Adobe. (Although, even that format could stand a bit more "openness," too.)

What would be the ramifications of such a remedy? For starters, Microsoft would be forced to live up to it's public relations campaign that it merely does what it does out of it's desire to innovate for customer benefit. No longer could the gang in Redmond compel whole corporations to buy thousands of licenses for it's programs (so that the corporate IT Manager can be assured that everyone in the company can communicate with each other). Innovation and quality interface design would become the currency of the software industry. Competition will thrive, and consumers will benefit through lower prices for software, and greater ease of communication.

I appreciate your consideration.

Mark

Mark Hurty

mark@hurty.com 650.328.1399  
http://www.hurty.com/ideas.shtml

**MTC-00001793**

From: Lu Timdale

To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

Date: 11/21/01 7:15am

Subject: Microsoft SHOULD NOT be allowed to set its own monopoly-extending remedy

How is it possible that a declared monopolist is allowed to set their own remedy. Especially since this remedy is extending their monopoly and even squeezing out some main competitors for that market namely Apple. They should not be allowed to make donations of software to anyone. Firstly because it extends their monopoly and secondly because the retail value of their software is far greater than what they would actually have to dole out. Let's not let them get away with murder here.

Lu Timdale, dissatisfied professional

**MTC-00001794**

From: Scott Wiesenmeyer

To: Microsoft ATR

Date: 11/21/01 6:52am

Subject: Comments on Microsoft Case

I've been watching the anti-trust case against Microsoft with much interest over the past three years. Like the court judgment, I agree that Microsoft is a monopoly which has abused its position in the market. Unfortunately, the current settlement proposal between the Department of Justice and Microsoft is worrisome. I recognize the fact that the task of finding a suitable penalty for Microsoft is a difficult task, but the current proposal appears too weak to bring any noticeable change in the market. If this settlement is implemented in it's current form, Microsoft will only continue to get stronger. Past cases against Microsoft where it has either won (Apple v. Microsoft regarding GUI designs), come away with a light penalty (previous settlements between Microsoft and the DoJ), or even lost (Sun v. Microsoft regarding Java), it gives Microsoft a sense of invincibility that it can take whatever action it likes without fear of severe punishment.

Microsoft claims that any action against it will harm innovation in the industry, but when has Microsoft ever really been a pioneer in the computing field? It did not invent the operating system (the core of what became MS-DOS was bought), the Graphical User Interface (first developed at Xerox PARC and later popularized by the Apple Macintosh), the World Wide Web (CERN) or the web browser (the first mainstream browser was Mosaic, developed by programmers at the NCSA, and whose code was licensed to Microsoft as the foundation of Microsoft Internet Explorer), or just about any other major computer technology. Instead, Microsoft sits like the spider in the center of the web, waiting for the next major technology to appear and then moves in to dominate it using its position to its advantage and whatever means at its disposal to succeed.

The case of Microsoft bundling Internet Explorer to take the dominant position in

Web browsers has been well documented in the court case, but it is not the only instance of Microsoft using the bundle tactic to gain the upper hand. About a decade ago, the office productivity software market was incredibly diverse. Today, about the only product left is Microsoft Office. Once, programs like Lotus 123 and WordPerfect were the top products, not Excel or Word. On the Macintosh, Microsoft held the high ground with Excel, but Word was rivaled by competitors such as WordPerfect, MacWrite, WriteNow, FullWrite, and others. My choice was MacWrite, having turned away from Word after getting tired of it's bloated nature. Then Microsoft began Microsoft Office, where the only way to obtain a program like Excel was to buy the complete bundle. Since Office came with a word processor, Word, it became harder for businesses to justify the expense of staying with their existing word processor, spreadsheet, or presentation program when one already came with Office. The net result was Microsoft took over the market segment in the matter of a few years. Competing products were discontinued as Microsoft drove them out of business. Now, choice is limited and Microsoft touts it's victory as standardization. But did we get the best product or merely a bloated, buggy, piece of software that cheated in the marketplace to win the top position?

The dominant position with Office also gives it an additional club to use against any competing operating system. It could be argued that the inability of operating systems such as IBM's OS/2, NeXT's NextStep, or Be's BeOS, or Linux to gain market share in the desktop operating system market was that Microsoft Office was not available. The Macintosh continues to survive in the desktop marketplace because Microsoft markets (and makes a large amount of profit from) MS Office for the Mac. The price of this support is that Microsoft's web browser, Internet Explorer, is the default browser on all new Macintosh computers. This has become the Microsoft way: use one advantage to gain another.

Sadly, whatever action is taken against Microsoft, the damage it has done to the market has already happened. Between its monopolies of the Windows operating system and the Microsoft Office productivity package, the odds of any competitor taking market share from Microsoft is very slim. But what can be done is to show Microsoft that its actions are wrong and to prevent it from using predatory tactics to gain market leadership instead of innovation like every other company in the business. This means a STRONG punishment that Microsoft will not forget. Judge Jackson's remedy of breaking up Microsoft was proposed for this reason. It needs a penalty that will get its attention, not one that it will ignore in a matter of months. It will not do much for the damage Microsoft has done already, but it gives a glimmer of hope to future competitors who will take on the giant. The people want choice, not Microsoft taking it away. In no other market sector do we lack choice as badly as in ones where Microsoft dominates. Something must be done, otherwise we face stagnation.

Scott Wiesenmeyer

Decatur, IL

[If you need a summary, here it is: "Back to the drawing board, DoJ."]

**MTC-00001795**

From: Binarystar@aol.com@inetgw

To: Microsoft ATR

Date: 11/21/01 6:50am

Subject: Microsoft Settlement is Anti-Republican, Anti-Business 11/21/01

Dear Friends at the Department of Justice: I am a former paralegal and law librarian. I am a long-time and relatively happy Windows user (with past experience in FORTRAN, COBOL, DOS, and Mac's Apple OS, and some familiarity with Linux). I am also a current America Online user, with past experience using Earthlink and MSN. So I have some informed perspective on the proposed antitrust settlement with Microsoft. From the numerous press account summaries of the proposed DOJ settlement with Microsoft that I have read, I am convinced that the settlement will not end Microsoft's anti-competitive conduct. The settlement is anti-Republican and anti-business, surprising coming from a conservative Republican administration. Indeed, it appears like a re-run of the failed 1995 antitrust settlement brokered by the Clinton administration.

The settlement (and, by inference, the DOJ) is an object of ridicule in many online computer forums and magazines, even among Windows users. You are being portrayed as patsies for Microsoft. It is said that the DOJ has been directed by the Bush administration to end the suit because Microsoft is a big political money donor. Your settlement with Microsoft is viewed by computer-literate businesses and commentators as a capitulation. I thought that Republican administrations favored increasing competition in various industries and increasing the numbers of small businesses. Microsoft's conduct throughout its history has been exactly the opposite, and I predict that if this settlement is implemented in its current form, new antitrust suits will arise in the future, necessitating DOJ intervention again. Among many other defects in the settlement, Microsoft appears free to continue its pattern of adopting and bundling imitations of 3rd party products, and then crushing 3rd party suppliers.

I am especially disturbed that you will allow Microsoft to "lock-in" the United States with its new and very anti-competitive and privacy-invasive "product activation" policies for Windows XP, restrictive licensing policies for businesses, attempts to force businesses to upgrade every two years, etc., etc. I thought a Republican administration wanted to help businesses! By leaving MS Windows as the default monopoly operating system in the United States, you are giving unfair advantages to an operating system that even its users and defenders admit is full of security holes, buggy, unstable, priced beyond its actual worth, and marketed from a monopolistic posture. (Bear in mind, I'm a relatively sophisticated computer user, and I spend a lot of time running diagnostics on my Windows system.)

Ironically, the rest of the world has already figured this out: in Europe, adoption of Linux

is growing rapidly. The mayor of Mexico City recently announced that his city government and their public school system will adopt Linux, because Microsoft's high costs and restrictive licensing policies place Windows beyond their reach. The Chinese government refused to adopt Windows as its preferred operating system, and has chosen Linux, partially due to cost considerations, and partially due to fears that Microsoft will deliberately plant security holes in systems marketed to the Peoples Republic to assist the US military intelligence-gathering. A Chinese corporation in Hong Kong recently gave an interview to the press in which they said that they were abandoning their Windows servers and desktop computers in favor of Linux after a recent virus epidemic put half of their Windows servers out of business. A story from Kenya says that one of their primary computer development people is urging customers to adopt Linux—he says that Windows' costs will place it permanently beyond the reach of most African countries. Many U.S. corporations have begun adopting Linux for their servers and desktops, including Amazon.com. You notice that the U.S. Defense Department isn't using the Windows Office Suite? They're using StarOffice, which can be used with Windows or Linux.

So, you'll say, what's the problem, if people don't like Windows, they can switch to Linux. But even though Linux and other competing systems are available in the U.S., they face formidable obstacles to adoption in this country because of the "most favored nation" position Microsoft has been allowed to seize. The current antitrust settlement will allow MS Windows to retain its unfair monopoly advantages in the U.S., making the adoption of competing systems like Linux far more difficult than they would be if the antitrust laws were enforced upon Microsoft.

Just for starters, Windows comes pre-installed in virtually every PC—to get a Linux computer or a dual boot computer with Windows and Linux, you must either special order it, or buy a Windows computer (priced accordingly!), uninstall Windows, and then install Linux yourself, or install a dual boot of both systems, a lengthy process that is not always safe for your computer, and a process that is very complicated for average computer users.

Why should the rest of the world have more freedom of choice with regard to their preferred computer operating systems than the U.S.? This is ridiculous. We're the richest country in the world, and we should have the greatest choice in computer operating systems, but we've allowed one company to flout our antitrust laws, circumvent weak settlement agreements, and become a monopoly.

Please, do not continue pursuing this settlement agreement. I hope that the nine states holding out against it continue to do so.

In conclusion, I am seriously considering switching to Linux. My current Windows Millennium system performs reasonably well (if I continuously monitor it for DLL problems, download patches, and fuss over it)—but I am not upgrading to a Windows XP system with invasive privacy intrusions, and

I am very upset at the conditions that Microsoft is going to impose on businesses, including forced upgrades every two years, licensing of every desktop copy, etc., etc.

But I'm a relatively sophisticated user—what about the average consumer, trapped on Windows because the DOJ has, over the last decade, let Microsoft engineer its products and market them, so that it is very difficult to switch to other operating systems?

Can you imagine a situation in which the DOJ would give such advantages one variety of car? Allowing one car manufacturer to gain complete ascendancy over the U.S. market? Every car sold would be say, a DaimlerChrysler, and if you wanted another type of car, you would have to buy a kit, and laboriously remove parts of the car and its engine to install the car parts of your choice? No way.

Very sincerely,  
Robin Margolis  
binarystar@aol.com

**MTC-00001796**

From: Robb Roaten

To: Microsoft ATR

Date: 11/21/01 7:48am

Subject: This Settlement Stinks

I can't believe what I've read this morning about the settlement and MS being forced to (expand its market share by) expanding into MS putting software/equipment into schools only makes schools depend on the microsoft system. Education is one area that MS does not completely dominate. Please reconsider your settlement.

That's only one point of contention out of very, very many Thanks DOJ, You're handing MS more money and power on a silver platter.

Robb Roaten  
Taxpayer  
Memphis, TN

**MTC-00001797**

From: Bobby Hays

To: Microsoft ATR

Date: 11/21/01 7:45am

Subject: Microsoft makes our govt look like chumps!

Microsoft has bought, cajoled, threatened, and destroyed so many powerful companies. They have taken the freedom of people to live their life they way they want to by forcing their swill upon us. If they can buy our government so easily, how much longer until they just flex their strength and take over? Do we really want to see "USA—XP"? Please your part to keep competition and technology growth alive.

**MTC-00001798**

From: talosman

To: Microsoft ATR

Date: 11/21/01 7:37am

Subject: please let my voice count

I read this yesterday..... wired news (wired.com)—Microsoft confirmed Tuesday it has reached a settlement in most of the private antitrust lawsuits filed against the software giant.

Under the proposed settlement, the company will provide more than \$1 billion to over 12,500 of the nation's poorest schools over five years. The money will pay for teacher training, technical support,

refurbished computers and virtually unlimited amounts of Microsoft's most popular software, such as Windows and Office, company spokesman Matt Pilla said....

I think the money should allow the schools to buy whatever systems and software they want. They make their own decisions!!!! they give away more "winodws" and "office" software for free... that expand their market share even more????? a lot of schools use macintosh, I think at least 50% of the education market use Apple Computers. this deal no doubt hurt Microsoft's competitor—Apple Computers.

I am against this settlement. and ask for a better settlement deal!

Talos Tsui

**MTC-00001799**

From: Tony Silva  
To: Microsoft ATR  
Date: 11/21/01 8:31am  
Subject: Microsoft Case Opinion

I sit here dumbfounded at how this corporation has managed to totally subvert the legal process and buy it's clemency. The recent judgment is anything but. The farce of this verdict rivals that of the O. J. Simpson case.

This company, this monopoly has broken the law, repeatedly, knowingly, continually. They have made mockeries of past legal judgments against tem. They have lied in court.

The recent suggestion that they make amends by donating software to schools is a final slap in the face. It is like a convicted heroin dealer asking for lenience if he provides the drugs free to school children for X number of years. Just hoe pervasive is the influence of this man Gates?

This corporation needs to be disempowered. Their monopoly of the computer software industry in the US (and worldwide) hurts all of us, daily. Please have the courage and integrity to do the right thing. Stop Microsoft from its parasitic drain on innovation and progress.

Tony Silva  
Nishinomiya, Japan  
U.S. Citizen  
tonysilva@mac.email.ne.jp

**MTC-00001800**

From: Greg Mader  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/21/01 8:06am  
Subject: I beleive that the proposed settlement does not create a more com petitive environment.

Dear Department of Justice,  
The proposed settlement with Microsoft does not protect the consumer, and it certainly does not create an environment that advances competition. Out of the many companies that were destroyed by Microsoft's anti-competitive behavior, (such as Netscape, Ashton-Tate, and Wordstar) none of them can be brought back to life. Rather, I would hope that any settlement will allow new companies to come back into the arena, and have a chance at a successful business operation. The settlement also does nothing to facilitate the growing field of open source software. Instead, MS has taken open

source standards, and attempts to reduce their interoperability with non Microsoft systems. Specific examples of this include Kerberos, and the SMB file sharing protocol.

Gregory A. Mader  
GIS Analyst,  
Chicago, IL

**MTC-00001801**

From: Stonewall Ballard  
To: Microsoft ATR  
Date: 11/21/01 7:51am  
Subject: Comments on Microsoft settlement

This proposed settlement is a sweetheart deal for Microsoft. It will do nothing to repair the damage from their past actions, and it will have no practical effect moving forward. Microsoft will maintain and even strengthen their monopoly.

It's clear why this has happened. The Bush administration is hostile to anti-trust enforcement, and Microsoft has become a major contributor to the Republican party.

The official corruption is evident in the terms of the settlement, which sound ok on their face, but contain enough loopholes that they will not actually have any effect. This allows the government to claim that they're doing something, when in fact, they are not. I strongly urge the government to reject this settlement and adopt Judge Jackson's breakup plan. While Judge Jackson may have personally screwed up, his remedy plan was the right approach. Don't let his personal failure keep us from doing the right thing.

—Stonewall Ballard  
34 Aurora Lane  
Concord, MA 01742  
Stonewall Ballard  
stoney@sb.org <http://www.sb.org/stoney/>

**MTC-00001802**

From: Praedor  
To: Microsoft ATR  
Date: 11/21/01 8:48am  
Subject: Microsoft's offer to end lawsuits is not acceptable

The recent offer by Microsoft to give computers, software, and training to hundreds of needy schools is NOT an acceptable means to end any lawsuits. It is entirely self-serving and monopoly-feeding.

They would give computers containing Microsoft software to these schools and train individuals on how to use Microsoft software and manage Microsoft networks. This is merely intended to create future paying customers since Microsoft would NOT provide free upgrades—they would have to pay and feed the monopoly in order to maintain and improve their "generous gift". Not acceptable. It is not acceptable that any punishment or acts of contrition on Microsoft's part would serve to maintain and expand its monopoly, which is has always illegally strengthened and maintained. Nothing in any settlement can in any way enhance their monopoly status now or in the future. ANY settlement must serve instead to enhance competition and erode its monopoly.

You have caved in to money and caved in to pro-monopoly forces in the Republican Party with your giving Microsoft what IT wants in the settlement. You have made a mistake that is undefendable and can only be

corrected by actually acting properly against an inarguably illegal monopolist (there is NO question as to legality here—the courts have clearly and unambiguously determined that Microsoft has acted illegally in maintaining and growing its monopoly—no argument). You do not have to continue your mistake. Correct the situation, reject the current Microsoft offer, and put real teeth and punishment and correction into the settlement.

Praedor Tempus  
Utah

**MTC-00001803**

From: williamhuchting  
To: Microsoft ATR  
Date: 11/21/01 8:48am  
Subject: \$1 billion in settlement money spent on...

I read that Microsoft is going to give \$1billion away to disadvantaged schools as part of their settlement.

The trouble is it is in the for m of their own product.

Better solutions:

1. Make Microsoft give them cash so they can lower class size, etc. Microsoft has \$20 + on hand
2. Or make Microsoft provide the schools with \$ 1 billion of their competitors' products.

Now #2 would be a boost for competition.  
Cheers,  
William Huchting

**MTC-00001804**

From: rj friedman  
To: Microsoft ATR  
Date: 11/21/01 8:48am  
Subject: MS Settlement is Unacceptable

As a concerned US citizen living abroad, I wanted to write to let you know that I am extremely disturbed at the proposed terms of settlement that the US Dept. of Justice has agreed to with Microsoft.

Given Microsoft's past history of maneuvering around their supposedly binding agreements; given the huge number of loopholes in the proposed agreement; given the overall weakness of the remedies in relation to the crime; it would make a mockery of all the time, effort, and money that went into the proceedings to date, to accept those terms. I would like to STRONGLY urge you to reconsider this ill-advised proposed settlement, and to hold out for a more just and more meaningful remedy.

RJ Friedman

**MTC-00001805**

From: phjul  
To: Microsoft ATR  
Date: 11/21/01 8:39am  
Subject: Microsoft Settlement  
Does the settlement include anything about the DOJ supporting Microsoft Word Documents

Its kind of annoying having to use Word Perfect to read the complaint against Microsoft!!!!!!!!!!!!!!

**MTC-00001806**

From: Dennis F. Kahlbaum  
To: Microsoft ATR  
Date: 11/21/01 8:53am  
Subject: Disagree with 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 OS market, but to whatever Microsoft decides to conquer next (PDAs, Gaming Consoles, etc.)

Thank you.

Dennis F. Kahlbaum

**MTC-00001807**

From: Michael Sperazza  
To: microsoft.atr(a)usdoj.gov  
Date: 11/21/01 8:51am  
Subject: Comments

You really have Gates laughing now. Two courts have ruled he had abused a position of a monopoly and you are giving him a slap on the wrist. He has not been effected by other orders to change his practices, why do you think he will now. In fact he is already positioning things to go around the restrictions and they have not yet been finalized. Microsoft continues to claim the each new version of software adds features the customers ask for. But I can tell you (having 15 years experience in the business world and now in academics) they have added very little to office, since the first windows version, that even advanced users need. What they have done is incorporated features into Windows that little designers have developed and put them out of business.

And now this school 'gift' is part of the penalty, ha! Gates feels if he can get the young using his software he will have them when they are older. He should have to donate 1B worth of other developers software, to make up for past practices, help the competitors and dilute Microsoft' hold on the market.

If Gate's can out muscle IBM (OS/2), Lotus (Office suite, also IBM) and other large corporations, what chance does the consumer have of seeing creative new produces from small developers? You need to do much more!

Michael Sperazza

**MTC-00001808**

From: Andrew Edmondson  
To: Microsoft ATR  
Date: 11/21/01 8:49am  
Subject: Microsoft

Since the economy is in a downward spin anyway shoring it up by letting Microsoft get away does nothing as they are only the last in line to shore things up.

It is the corporation that buy their product that need help. The need it terms of pricing and of choices—and a great way of doing that would have been to break the monopoly up to stimulate growth in the computer sector to allow for this.

All this deal has done is to allow Microsoft to shore up defences and allow it to continue what it was doing all along.

Effects of this agreement will be seen throughout not only the tech sector during the next decade, but aerospace, national defence, banking, and all related activities—and I am very afraid it will be extremely negative.

It is too bad the current administration did not have the courage to do what was right.

I am very worried and sad at the same time.

A. Edmondson

**MTC-00001809**

From: Rodney Smith  
To: Microsoft ATR  
Date: 11/21/01 9:12am  
Subject: Microsoft—Anti Trust (2nd Appendage)

Dear DOJ,

This eMail serves as an appendage of the first eMail sent 11/16/01 and second eMail sent 11/19/2001 (they are included after the following text).

I read in technology news that a aspect of a settlement with Microsoft involved the company supplying a billion dollars of Microsoft software to the dis-advantaged. I did not intend to get this involved with supplying suggestions but I feel very strongly that this type of rectification although expensive, works in Microsoft's favor. They are able to leverage this situation by extending the usage of its own software. My role is not to direct the legal situation, only to observe and maybe comment if the opportunity arises.

This current eMail is just my observation and note of dis-satisfaction.

Thank you for the opportunity to participate in such an important legal proceeding.

Sincerely,

A Concerned Citizen

(The first two emails follow...)

First Appendage

This eMail serves as an appendage of an original eMail sent 11/16/01 (which is included after the following text).

The previous message neglected to mention the browser issue. During the court proceedings under Judge Thomas Penfield Jackson, William Gates (as I have read in technology news) states he didn't know what a browser is. I take his statement to mean that there is no clear definition of a browser simply because his own software package can be found specifying the need for a browser. Further, tying in of his browser to the Windows OS is not as clear an issue as Microsoft has pressed. My experience with Windows and the accompanying browser lead me to understand that:

- 1) The browser technically has nothing to do with the OS.
- 2) The Internet has nothing to do with the OS.

3) Internet access and a browser are two separate things. To explain the above declarations in simple terms. The browser that was originally created as a method of viewing information stored and accessed from the internet was later extended to the OS as a means of maintaining consistency of appearance and usage between the OS and the internet. To simplify further, the code used for the browser and the code used for

connecting/accessing the internet are two distinct components. Competing browser products as it relates to the internet are defrauded on the basis of underlying code that uses the Windows OS (now the primary use) browser to display internet information. Again, to simplify further, it is the internet access code that is the object of tying or commingling. It is this component that should be the focus of litigation.

To clarify why I chose to de-emphasize the technical merits of the browser with the OS (Windows) is that confusion arises from Microsoft's argument about the importance/difficulties of the browser. The browser as it stands today is important to Microsoft only as it relates to the importance that made the GUI (Graphical User Interface) a successful technology. However, my PERSONAL opinion is that this is contrived to a large degree. I PERSONALLY don't like the CONVENTION (browser as it relates to the OS) which is all it offers, in MY OPINION.

Original Message

First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable outcome. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has "the inside track" and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind "A" target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis

alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a "fair sharing of technology is used", then I would also suggest that Microsoft be restricted from bundling "value added applets". Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to "use" or "try" a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is "a part of Windows" and what is offered as an alternative.

These alternatives would be included with the Windows OS with respect to competitor participation. This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen

**MTC-00001810**

From: Lee  
To: Microsoft ATR  
Date: 11/21/01 9:10am  
Subject: Proposed Settlement

I can not disagree with the proposed settlement with Microsoft enough. Despite the clear ruling that Microsoft is a monopoly, who has illegally used it's power to enforce it's monopoly, none of the settlement terms would affect the key components of Microsoft's monopoly. I will not go into the details here, I'm sure you are aware of what I'm talking about. Please reconsider your proposed settlement and consider positions such as California's.

Yours Truly,

Lee G. Shapiro  
22833 Kings Court  
Hayward, CA 94541  
510-728-0114

**MTC-00001811**

From: Robert B. Waltz  
To: Microsoft ATR  
Date: 11/21/01 9:06am  
Subject: Comments on the Proposed Settlement

I must write to express my dismay that the Justice Department is letting Microsoft off the hook so easily.

Let's look at it this way: I use a Macintosh, not a Windows PC. I'd like to buy a spreadsheet with macro programming capability. I have exactly one choice: Microsoft Excel. This is not a choice I want. This company is so omnipresent that it can

dominate even the computing platform it DOESN'T absolutely control. Something has to be done.

I agree that Microsoft probably can't be broken up at this time; Windows is almost as much a part of our national infrastructure as the power grid. But it needs to be much more strictly controlled. Something needs to be done about the categories it dominates, such as spreadsheets and word processing. The logical solution, it seems to me, is to treat it as a public utility: As with a power or a gas company, it should need advocates for consumers overseeing its pricing practices, and ALL source code for EVERYTHING should be published so that competitors can see what Microsoft is doing.

I want that non-Microsoft spreadsheet. Any solution failing to provide that clearly has not addressed Microsoft's monopoly.

Robert B. Waltz

St. Paul, MN

waltzmn@skypoint.com

**MTC-00001812**

From: David Wisniewski  
To: Microsoft ATR  
Date: 11/21/01 9:15am  
Subject: their performance is unacceptable  
From the Macintosh (<http://www.macintosh.com/>) website, dated Tues November 21. Microsoft has admitted it was wrong when it denied earlier knowledge of an Internet Explorer security hole discovered by another firm, according to a ZDNet story: "IT security firm Online Solutions discovered the exploit on 1 November and informed Microsoft's Security Response Center with the technical details of its discovery on the same day. Microsoft acknowledged the alert along with the promise that it would investigate the issue as quickly as possible. But a lack of feedback on the investigation prompted Online Solutions to place increasing pressure on Microsoft to issue a bulletin about the IE hole. After one week of waiting, the security company went public with a press release about the exploit on 9 November—Microsoft published an alert on its Web site later that day."

This sort of behavior is unacceptable from a company that supplies software to the majority of the country. If the company seizes monopoly control of the market, it must remain responsive to threats and problems with its software. If it cannot, I am sure smaller companies would care more about pleasing its customers, and would react in a more timely fashion. Please don't throw away this monumental case. There are far too many important issues at stake to let Microsoft off with a slap on the wrist.

Regards,

David Wisniewski

**MTC-00001813**

From: Daniel L Christie  
To: Microsoft ATR  
Date: 11/21/01 9:14am  
Subject: microsoft settlement

the microsoft suits are a millstone around the neck of the tech industry and the economy as a whole. The sooner it is settled the better for everyone, consumers, stockholders, and the general economy. It will give new hope and

optimism to us all. We will also feel the government has shown a little more common sense.

sincerely

Daniel Christie 11/21/01

**MTC-00001814**

From: ILPI  
To: Microsoft ATR  
Date: 11/21/01 9:13am  
Subject: The MSFT settlement is absurd

The proposed settlement with Microsoft is absurd for many reasons. Here are just a few, in our opinion:

1. Where is the PENALTY? Microsoft illegally stole/won the browser market through anti-competitive practices. What is the penalty?

2. They are still up to the same practices. Microsoft no longer supports Java, a widely accepted language supported by their arch-rival Sun. Microsoft did so under the spurious claim that Java is an extreme security risk while their alternative implementation of ActiveX (long ago rejected by the free market) is even more so (remember, this comes on the heels of a lost court battle over MSFT's attempts to co-opt and bastardize the Java language in violation of their licensing agreement). Now, all but the most tech-savvy users, a small minority, will have the knowledge or time/effort to add Java support to their machines. In fact, Microsoft products are such large security risks that the Gartner Group recently recommended that Microsoft IIS users immediately migrate away from that platform. Likewise, MSFT is leveraging their monopoly to force the market over to subscription-based services under the banner of .Net. .Net was not something the market requested. Users did not ask for mandatory leasing of their software and operating systems. Most users upgrade when they believe the newer software gives them an advantage; MSFT has realized that word processors etc. can't get any more feature-bloated and that upgrades won't drive their bottom line. They wish to milk the cash cow forever by forcing their captive audience into a subscription-based model. Microsoft is forcing this upon them by virtue of its monopoly position; most other users have no other choice but to give in to this extortion.

MSFT is also leveraging their monopoly to disingenuously convince its users that they must subscribe to Passport/Hailstorm. This requires users to divulge personally identifying and sensitive information which will be stored on MSFT's "secure" server in order to take advantage of the OS features.

Want some more? MSFT, for no apparent technical reason, decided to do away with the standard plug-in feature of browsers in IE 6. This instantaneously removed Apple QuickTime and Real Media players from the IE browser unless the savvy user knew what workarounds were required.

3. Their newly announced private "settlement" of antitrust cases allegedly features a penalty of "free software and computers to more than 14,000 of the poorest U.S. schools over five years". This is not a penalty, it is a REWARD. This will give them an incredible amount of ammunition in finally dislodging Apple from the education

market once and for all. The settlement should be MONETARY with schools free to make their own choice about computing decisions free from the Microsoft hegemony. And if this settlement was to acknowledge unfair practices, maybe forcing MSFT to buy the school whatever Linux and Apple products they wanted instead would be even more fair.

The list goes on, but we'll end here to keep this letter relatively short.

Regards,

The ILPI Support Team

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#### MTC-00001815

From: Jeremy Reichman

To: Microsoft ATR

Date: 11/21/01 9:12am

Subject: My view on the proposed Microsoft anti-trust settlement

I find the government's recently-announced Microsoft anti-trust settlement agreement wholly unsatisfactory. I work in the technology field and am a user of both Microsoft and non-Microsoft technologies. In my role at work and my life at home, I am continually pressured to use Microsoft technologies "because they are the standard" or "because that's what everyone else uses." In many cases, I would rather use something compelling from another company, but the demands to "just fit in" are unceasing.

The courts have found Microsoft to be a monopolist. This is undisputed. Nothing but radical measures can reshape or reform the competitive landscape—or anti-competitive landscape, as I see it—that Microsoft has created.

It is true that no competitors have had the willpower to sustain a long and expensive campaign against Microsoft in our free marketplace. But it is also true that everyone just expects Microsoft to win, market after market, dominating each new field they enter. This single company owns the majority of desktop computer systems on the planet with their software, and turned that into dominance of the desktop applications market. They own the Web browser, and are working to make the Internet their own by tying new services to their proprietary Web technologies. They are moving into the hardware realm with input devices (mice, keyboards, etc.) and have worked aggressively to build media properties (MSNBC, MSN). They want to own the handheld computer space, and are doing so based on their already-built monopoly on desktop computers. They seek to own the game console market. They are fighting tooth and nail to push out competition in the server rooms and data centers of the world, and are again doing it by leveraging their position in desktop computing.

Each step is based on their overwhelming control of another market. This is not simply a company trying to stay profitable for its shareholders. This is a company working against the public good of a free and open market. This is a company that has built legal

defenses and deep pockets that sustain it in money-losing endeavors in new markets, until they can push competitors into niche spots. Their competitors cannot fairly respond to these attacks because Microsoft builds upon its past and attacks from all angles at once.

I also find it disturbing that Microsoft offers its products to large organizations at such discounted prices that there's very little chance that a competitor could get its foot in the door with a rival product. There's simply little way an independent developer can hope to outprice Microsoft, whose products can go for much less than a quarter of the retail price when bought on contract. While this saves money, it freezes out other kinds of solutions from different companies.

Do not mistake me: Microsoft builds products that are compelling to consumers and can often stand on their own merits. They are successful at what they do. My point is that they are too successful, and in too many areas, precisely because the technology arena allows them to tie all of their products together so that customers have nowhere to go but Microsoft. I shudder to think that even my government buckles to this pressure, and will not produce a legal remedy which will actually do something to address the systemic problems that Microsoft presents to all of us.

Jeremy Reichman

545 Robert Quigley Drive, Apt 1  
Scottsville, NY 14564  
(585) 889-5343

#### MTC-00001816

From: Stan Diamond

To: Microsoft ATR

Date: 11/21/01 9:40am

Subject: Microsoft's proposed settlement  
Dear Sir,

I am writing to express my dismay at the proposed settlement of the Microsoft antitrust case. I think that many of us believe that Microsoft basically got off virtually free in the federal case, but my comments here are more directed to Microsoft's proposed support the schools tactic to mollify the remaining states.

While on the surface, it appears that Microsoft is being magnanimous in offering \$500 million in cash and an equal amount in software to be distributed over five years to more than 12,000 public schools nationwide, it would seem to this reader that the nature of the settlement only solidifies Microsoft's antitrust stance. If this were in fact a truly strings-free offer of support to the schools I would applaud it vigorously. However, in order to be such an offer, it should contain nothing at all proprietary to Microsoft. This includes the software component, the training component, and most of all the fact that two out of the five members of the new foundation's board would be Microsoft employees. All of these components of the settlement would appear to solidify Microsoft's dominant and dictatorial position in the world computer business. The proposed settlement should be completely vendor neutral—both by providing the schools with the freedom to secure software, hardware and training from any vendor they so choose and by preventing Microsoft from

having any presence or influence on the board of the proposed foundation which will have the responsibility of approving or denying school applications for aid.

I would further be cautious about allowing Microsoft to reap double tax benefits—first by taking a charge against earnings in the amount of the settlement and secondly by further deducting the amount of the settlement as a contribution to a charitable and/or educational foundation.

I would hope that the proposed settlement in its present form is not accepted by the states and countries still considering a real solution to the antitrust case that appears to be being swept under the rug by the Justice Department.

Sincerely,

Stan Diamond

24 Iliad Street

Leominster, MA 01453

Stan.diamond@verizon.net

#### MTC-00001817

From: Richard Mallamo

To: Microsoft ATR

Date: 11/21/01 9:38am

Subject: Your Microsoft Settlement Is A  
Disservice To America

Dear Friends,

Clearly, the ultimate outcome of the Micro\$oft settlement will be no net change in anything. This "punishment" is so light as to almost constitute a reward for their egregious behavior. In the unlikely event that Micro\$oft even complies with the consent agreement (and they have of ignoring and stonewalling prior court orders), it will do nothing substantive to end their behavior or to spur competition.

What is particularly outrageous is the fact that the latest version of Windows, and the emerging Micro\$oft strategy—and here I'm particularly thinking of their .NET strategy—contain mechanisms that will only create an even broader monopoly, putting a death-grip on the whole computing world. Your office's settlement offer does nothing to remedy the matter. I urge you to do what's right and truly put an end to Micro\$oft's lawlessness.

Richard Mallamo

PO Box 413

Liberty ME 04949

#### MTC-00001818

From: Paul Gorski

To: Microsoft ATR

Date: 11/21/01 9:31am

Subject: Settlement is anti-competitive itself

Hello,

The proposed settlement that requires Microsoft to donate software to schools will further erode competition. Microsoft for years gave away software, initially, just to reap the benefits of upgrade prices and pricing down the road.

By making Microsoft donate software to schools, you eliminate competition for those software manufacturers who'd have to sell software to those schools. Microsoft should set up computer trust funds (of sort) for those schools and let the schools decide how to spend the money. But not only schools, nonprofits too. A general fund for nonprofits, that they'd have to apply for, but at least have access to. Microsoft shouldn't be made to

donate their products to schools, Microsoft should donate funds for computer purchases and let the schools decide how to spend their computer dollars. This allow for hardware and software competition in the schools' decision making processes.

Sincerely,  
Paul Gorski

**MTC-00001819**

From: Patel Lokanath  
To: Microsoft ATR  
Date: 11/21/01 9:27am  
Subject: Microsoft Settlement

Good job! Hurray for the kids. I don't see anything wrong with this settlement. keep up the good work, Finally, everybody wins.

Sincerely,  
Lokanath Patel,  
Dubuque, IA  
PatelLokanath&JohnDeere.Com  
563-589-6328

**MTC-00001820**

From: ChristoCi@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 9:50am  
Subject: Real punishment

If Microsoft wants to donate computers and software to schools as a plea agreement, how about Apple computers with AOL and Netscape loaded and a few of the other companies they destroyed along the way. No sense in allowing this to be a self serving punishment.

christoci@aol.com Chris Cicala from  
Orland Park, IL

**MTC-00001821**

From: Network Administrator  
To: Microsoft ATR  
Date: 11/21/01 9:50am  
Subject: Microsoft  
DOJ,

I am shocked at the total lack of thought that went into this settlement- or maybe the Bush administration is further securing its role as corporate thug-thereby securing more millions for the next election.

Regardless, Microsoft has escaped justice again. They will parlay this into more abuses which hurt our economy and stifle competition. They are not innovators they are thieves. Its only legal 'cause they are getting away with it.

I don't believe Microsoft should be broken up creating more monsters. I believe that a substantial portion of Microsoft's assets should be seized and a sizable portion of Microsoft's future income should be earmarked for a multi-billion dollar pool of money to re-finance businesses that Microsoft has put out of business, help restore the lives of those devastated by their anti-competitive practices and restore the competitive balance in the computer industry. Microsoft uses these practices across almost every related industry. Gates, Balmer, etc. should be left with money but they should be required to work and maintain profitability in order to fund the pool of money under threat of criminal charges against them for racketeering. This case is only the weakest of the allegations against them. That is the appropriate remedy-make them finance the competition they have sought to squash.

While certainly my business is adversely affected by Microsoft (lack of OS security, dirty tricks with their servers, email viruses, on and on)-I would not be claiming any of this pool so it is not self interest that I suggest this solution.

And now, I hear that they are again attempting to escape private class action suits against them by further artificially securing market sector in education. They are laughing at you-again.

rick palmer  
network administrator sunflower  
community network kansas city's non-profit  
network access project since 1994

**MTC-00001822**

From: JoeB9@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 9:42am  
Subject: Microsoft Anti-trust suite

I am concerned with the current settlement agreement with Microsoft. It appears that there is no "bite" in this agreement and that business will be as usual with MS. I do not believe that those negotiating this deal are aware of the anti-competitive practices that this company has engaged in and will continue to engage in unless they are stopped. There are many published books on the subject that I would suggest that you read, several come to mind "The Microsoft File", "Barbarians lead by Bill Gates", "World War 3.0 : Microsoft and Its Enemies", "U.S. v. Microsoft: The Inside Story of the Landmark Case" and "Pride Before the Fall: The Trials of Bill Gates and the End of the Microsoft Era" all of which detail the anti-competitive nature of this company. Unless they are stopped from "innovating" which based on the context in which Bill Gates uses this word must mean "steal" or "rip-off" they will continue to kill true "innovation". Of particular concern is the \$1 billion investment in our nations poorest districts.

Although I have not been able to find any specifics on this deal I do know that it involves hardware and software. My question is do the users get a choice of Mac, PC, Linux, Sun box for the hardware or is it strictly MS and Windows machines?? This is important because if it is limited to Windows platforms it only re-enforces the Monopoly they already hold on the industry.

Joe Barisa  
CC:joeb9@aol.com@inetgw

**MTC-00001823**

From: Lee Allen  
To: Microsoft ATR  
Date: 11/21/01 9:51am  
Subject: Proposed Microsoft settlement

I wish to speak out in opposition to the proposed settlement of the Microsoft anti-trust suit.

My reasons for this opposition are many, but the primary objections are in that the proposal is so vague and open to interpretation as to insure nothing more than continued legal proceedings as Microsoft continues to leverage it's monopolistic market share in ways that shatter the very foundations upon which any and all competitive markets must sit. The market share held by Microsoft is so extreme that

Microsoft felt it was reasonable to not only consider the blocking of all browsers except it's own product, Internet Explorer, to msn.com they (Microsoft) actually did block access until public outcry became loud enough to make them reconsider. While this action by Microsoft in and of itself may not serve to warn us of the level of this danger, I would like to bring to your attention that a local radio station here in Seattle, Wa. (KVI 570 am <http://www.kvi.com/>) has now blocked all access to it's website to all browsers except Microsoft's Internet Explorer. Should you attempt to visit this site with other than Internet Explorer, you are presented this page <http://kvi.com/NetscapeUser.asp?Site=KVI.com>.

Such actions are contrary to the very foundation of the Internet ..... "The power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect."—Tim Berners-Lee, W3C Director and inventor of the World WideWeb. While it is understood that Mr. Berners probably had in mind physical disabilities when he made this statement, I have little doubt that he never dreamed that a browser would become so powerful as to block all others to "information".

Nothing in the W3C standards supports the single browser concept as a "standard". Indeed, any site that blocks all but IE is also blocking the editor/browser of the W3C, Amaya <http://www.w3.org/Amaya/>. W3C has a page addressing accessibility <http://www.w3.org/WAI/eval/> and it states "2. Use a graphical user interface (GUI) browser (such as Internet Explorer, Netscape Navigator, or Opera) and examine the selection of pages while adjusting the browser settings as follows....."

Your honor, I respectfully submit to you that when a company's product's have become so pervasive in the market that Radio Stations will abandon W3C standards for the internet and block access to their sites to anyone that isn't using a specific browser, then the threat to the public interest represented by that company is almost beyond comprehension. I now see that Microsoft is offering as a "settlement" to other law suits a proposal that only serves to expand it's sphere of influence even further. I urgently request that you reject the proposed settlement in the case before you and examine remedies and punishments that will truly serve the public's interest and not submit to the persuasions of fear.

The American market place is very strong and can easily overcome any temporary setback more extreme measures may extract from Microsoft at this time; however, if this monopoly is allowed to continue it's unbridled growth it, like all other cancers, will one day be so demanding that it will kill the very host on which it feeds.

Sincerely,  
Elbert Lee Allen

**MTC-00001825**

From: Larrys@macupgrades.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 9:59am  
Subject: Monopoly

Please stop this monopoly. It hurts us all.

**MTC-00001826**

From: Nevin Lyne  
 To: Microsoft ATR  
 Date: 11/21/01 9:54am  
 Subject: Microsoft Settlement

Dear DOJ Staff,

The proposed settlement in which I have included a short clip below: "Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately \$500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years."

How is this punishing a monopolistic company, by handing them a way to penetrate into a market they are not the strongest player in. Apple Computer is still be far the strongest player in the education market, and you are now going to make it even harder for Apple to compete as Microsoft is going to be allowed to give free Microsoft software to schools that would otherwise be buying from possible Microsoft's competitors. Microsoft should be made to give away and support competing OS's like Apple's MacOS 9 and MacOS X systems, or Intel based PCs running only Linux OS, or even Sun Solaris for Intel which is available from Sun for free. This \*Punishment\* for Microsoft in the end is more of a blessing for them as you are practically handing them long term victory in a market they have had a hard time penetrating to begin with.

Please reconsider supporting this currently poor excuse as a settlement, a punishment should be a painful thing, not something they can be proud of. Make them pay to support their competitors they have practically smashed out of existence instead of helping them complete the task of becoming the only Operating system maker on the planet with any clout.

Its agreements like this that we should all be ashamed of. Thank you for your time.

-Nevin Lyne

Small business owner (Gippy's Internet Solutions— <http://www.gippy.net/>, and working class citizen (I work during the day at my "day" job, and striving towards the American dream of owning a successful small business at night, and I try to do it all without Microsoft products as I feel as a small business owner they are NOT helping me in any way, they are harming me with their poorly written, bug filled and security deathtrap "software".)

Nevin Lyne—Production Specialist  
 Mayo Clinic—Research Web Team  
 200 First St SW—Siebens 630a  
 Rochester, MN 55905  
 Phone: 507-284-2704 Fax: 507-284-1772  
<http://www.mayo.edu/research/>

**MTC-00001828**

From: Marvin Mellem  
 To: Microsoft ATR  
 Date: 11/21/01 10:05am  
 Subject: Microsoft Settlement.

Hi,

Don't settle! It's as simple as that. I've read article upon article stating how antitrust

cases are supposed to be 'forward looking' and yet I don't see that happening here!

Why did you guys take breaking up the company off the table? There was no pressure to do that or for you guys to NOT go after Windows XP. Sigh...here's my beef. The whole deal is about how Microsoft ties these products into their OS's and kills off competition right? Well have you looked at Windows XP yet? I don't wanna HAVE TO get a MS Passport to enjoy some features in my OS. Especially since some guy has already compromised its security. Yet Microsoft is forcing me to do so, UNFAIR! I mean they killed Netscape for crying out loud, and I've been on the internet for about six years now, yet THIS YEAR is the first time that I have had to switch from Netscape to Internet Explorer as my default browser. The only reason I did that was because more and more sites are optimising surfing for Microsoft web browsers only.

Now all that I've said till now IS valid, but here is my main problem. I'm from South Africa, and economics being how they are the USD is roughly ten times stronger than our Rand. So, say I want to go buy a copy of Windows XP Home Edition, I have to fork out just under R1 100 to buy it directly from the SUPPLIER! And as a general consumer I don't even have the necessary access to buy it from the supplier. I have to buy it from the stores who are bound to charge me more. Now if you think that is bad, listen to this. I work in the IT field, I have a good PC at home, but if I'm to be taking my IT work and studies seriously I can't do it on Windows XP HE, I need to buy myself a copy of XP Professional so that I can learn it to keep ahead of the pack in this cut throat market we have here. But you wanna know the retail price on that? Can you guess? It costs over R3 200 at the SUPPLIER once more...now you see all those figures would be okay if I earned say...R20k per month or so, but I don't. I get to walk home with roughly R3,4k/month after tax deductions...etc. Can you see me getting my hands on a copy of Windows XP Professional LEGALLY? Now I read somewhere that it was discussed as part of a settlement that Microsoft develop a 'barebones' version of its OS? Well I like that idea!!! I LOVE my third party software, there isn't much in the actual Windows OS suite that I actually use. I prefer Symantec for antivirus software as well as disk maintenance software...etc. I used to prefer WordPerfect till MS Office became the standard down here(not that it's tied into the OS thank God). I may use media player from time to time, but that can be downloaded off the internet, and I can live without it because I have another video player(shareware) that actually works better than media player. Heck I even prefer Winamp to play my songs over media player, it's too big/bulky/clunky.

I startup Windows and what do I use? Windows Explorer, the MS Dos prompt(which is gone nowadays from what I hear), rarely notepad(it sucks like wordpad does, I mean why tie in barebones word processors like that which are never used?). I don't use Scandisk anymore since I have Norton's Disk Doctor which works only 100 times better(always has). I don't need to use disk cleanup either since Symantec

Systemorks has Cleansweep which works better than disk cleanup. Heck let's just say that I don't even use any windows 'glitter'. I use the OS, install my own study/work software and that is all I do. I don't sit in MS paint or imaging or any of those Windows apps. I just use the Windows OS.

So the proposed plan to get Microsoft to make a 'barebones' OS is a good one if it will drastically reduce software prices for me. I mean think about it, there is a GLOBAL economy here. MY country is one of many working on plans to BRIDGE the digital divide between first and third world countries, and how can we do that when the Software which is the 'blood' of the digital era is so darn expensive?

Just food for thought, use it, don't use it...it's free. :-)

PS: I read about the settlement that they give funding for PC's for underprivileged schools, well my questions is if you settle with a payment strategy, then how does that answer the question of a 'forward looking' anti-trust settlement? From my understanding it wont answer any of the questions of the laws Microsoft was found guilty of breaking and in doing so it only entitles them to a fresh round of breaking more antitrust laws. <http://www.webmail.co.za> the South-African free email service

**MTC-00001829**

From: Brian T. Anderson  
 To: Microsoft ATR  
 Date: 11/21/01 10:03am  
 Subject: Microsoft proposed settlement

To whom it may concern,

The recent proposal by Microsoft to give one billion in software and services to underprivileged schools is anything but punishment. While I would not argue that this is something that is badly needed, it will only help Microsoft to maintain their monopoly. Strict regulation of Microsoft is the only way to maintain healthy competition in the software industry.

Brian Anderson  
 Strike Anywhere Design  
[www.LogicAndProportion.com](http://www.LogicAndProportion.com)

**MTC-00001830**

From: GVIEric@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/21/01 10:02am  
 Subject: Your Settlement Spells Doom for Hi Tech

Gentlemen:

I've just read an article about how well Microsoft is doing in penetrating new markets... servers, handheld PDA's, even game computers. In servers and PDA's, they're increasing market share much more quickly than their competitors.

And it's no wonder. Microsoft has almost unlimited resources. There's really no market they can't eventually conquer with their deep pockets. In a free market, competition should be allowed to sort out the winners and the losers. And I agree with that. But in this case, it becomes a question of should the profits from the part of Microsoft that's been judged to be a monopoly (desktop operating systems) be restricted in their use in other markets?

I would think the answer is YES.

I bought a Handspring Visor PDA about a year ago. I love it. Walter Mossberg recently wrote a review for the Wall Street Journal about the latest generation of PDA's that uses Microsoft's Windows CE as the operating system. His conclusion was that the Palm/Handspring devices (which both use the Palm OS) would likely be more satisfactory to business users. And after reading his criticisms of Windows CE, I found myself feeling fortunate that I had chosen Handspring.

Well, due to the size mismatch, Handspring & Palm's days may be numbered. If PDA's that use Windows CE are priced significantly less than Palms & Handsprings, it's obvious what will happen. Most companies can't afford to "buy" market share by selling below cost or, as Microsoft did with web browsers, simply giving their product away. Microsoft can not only afford lavish marketing expenses, but can afford to sell below the margins required by their non-monopoly-subsidized competitors.

If it isn't too late, I wish you'd give this some thought in your settlement negotiations with Microsoft. If your proposed settlement is approved by the court, five years from now Palm and Handspring will likely be fringe companies, much the way Novell (remember Netware) is today. I'll be using Windows CE, not by choice, but because the other companies ran out of profits to fund R&D, and then got left behind. And I'll be cursing you because you let this inevitability occur.

Make Microsoft compete fairly in the new markets it covets. Don't let them use their ill-gotten monopoly profits to pave under the rest of the high tech sector.

Eric R. Lorgus, President  
Great Valley Industries, Inc. (GVI),  
928 Springdale Drive,  
Exton, PA 19341-2805,  
610-524-8200 x103,  
610-524-8665 fax,

#### MTC-00001831

From: Wilner, Richard A.  
To: Microsoft ATR  
Date: 11/21/01 10:22am  
Subject: Microsoft Settlement

Hi,

I am very disappointed with the Feds settlement.

Microsoft has been getting away with activities like this for years. From stealing the operating system from the Macintosh to pulling the rug out from under developers that were developing applications for OS/2, to taking control of the internet with their browser. With money brings power and they have much to much power. They wiped out Netscape by offering their browser for free and putting it on every PC that was sold

Richard Wilner

Command Media, AEW & EW Systems,  
Phone (516) 575-0997, Fax (516) 346-2577,  
email: richard\_wilner@mail.northgrum.com

#### MTC-00001832

From: Richardson, Paul  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/21/01 10:18am  
Subject: The Settlement

To Whom It Concerns,

I just wanted to drop you a note expressing my dissatisfaction with the Microsoft

settlement. The trial demonstrated that Microsoft participated in unfair, anti-competitive behavior and that it harmed consumers and the industry. The whole point of the trial was to determine whether Microsoft had caused harm, and if so to prevent them from repeating their actions and to attempt to correct some of the problems they created. The settlement is very weak and does not go far enough. Microsoft caused many companies to go out of business by bundling and by forcing computer manufacturers not to include competing products. This greatly harmed the software industry and caused many companies to go out of business. The original decision would have caused the company to be split up so that it could not so easily repeat its anti-competitive behavior. This at least would have paved the way to creating a more competitive software market. Instead of striving to correct the problems in the industry created by Microsoft, the current settlement is nothing except the lightest of slaps on the wrist for Microsoft. It does not attempt to rectify anything, and it barely punishes Microsoft for its long history of abuses. If the Department of Justice goes through with this settlement, it is just an invitation for Microsoft to continue its behavior and for other dominant companies to do the same. The Government is suppose to strive to protect the consumers and the settlement does nothing towards this goal.

Sincerely,

Paul Richardson  
2952 Bunker Hill Lane  
Santa Clara, CA 95054

#### MTC-00001833

From: Gedeon Maheux  
To: Microsoft ATR  
Date: 11/21/01 10:11am  
Subject: Re: Microsoft settlement

Dear Sirs,

How does letting Microsoft flood the education market with its operating system help discourage them from their current monopoly status? This proposed agreement does nothing to Microsoft short of making them dish out some cash over the long-haul, which, by all accounts they can well afford. I for one am VERY disappointed in this agreement and in those that helped draft it. It goes against logic and reason and should be discarded immediately.

Respectfully,  
Gedeon Maheux  
Gedeon Maheux  
The Iconfactory  
gedeon@iconfactory.com  
336.299.5251  
<http://www.iconfactory.com>  
icon design  
user interface design  
interactive design  
website design

#### MTC-00001834

From: Brian Jackson  
To: Microsoft ATR  
Date: 11/21/01 10:10am  
Subject: Microsoft Settlement

To Whom it May Concern,

I am personally DUMBFOUNDED that the Dept. of Justice has agreed to a settlement in

the Microsoft anti-trust proceedings that essentially ENCOURAGES Microsoft to further extend it's dominance in the desktop operating system/applications software market.

The currently proposed settlement, which would require Microsoft to donate \$500 million to disadvantaged schools, leaves the door wide open for the company to extend it's dominance into one of the few markets where actual competition stills exists: the Education market. In what way does this portion of the proposed settlement punish Microsoft for their anti-competitive practices? By further eroding the slim market share held by their only real competitor in the desktop operating system/applications market, namely, Apple Computer?

It is my personal opinion as an IT professional that the entire settlement is extremely weak in it's scope, and is little more than a slap on the wrist to the continually arrogant and aggressive management of the Microsoft Corporation. However, I find the portion that requires the donation to the Education market particularly offensive and short-sighted. I think the DOJ should rethink this whole thing, and do the right thing for everyone involved. In my opinion, that would be the breakup of the Microsoft Corporation into 2 separate companies, one that produces the Windows Operating System, and one that produces Application software (Microsoft Office, Internet Explorer, etc.). Anything less is damaging to both the consumer and businesses that compete with Microsoft in selling computer software.

Please consider these very important factors before committing to any settlement deal with Microsoft!

Sincerely,  
Brian Jackson  
Network Administrator  
Galerie au Chocolat  
4000 Red Bank Road  
Cincinnati, Ohio 45227  
513.527.8200 ext. 127  
513.300.9451 (mobile)

#### MTC-00001835

From: Andy Lee  
To: Microsoft ATR  
Date: 11/21/01 10:56am  
Subject: alternate proposal

To the US Department of Justice:

When I read about Microsoft's settlement offer, I thought of the old restaurant joke: "The food here is bad—and the portions are so small!" When it comes to software, you can't make up for qualitative flaws with volume.

I have seen Red Hat's proposal <[http://biz.yahoo.com/bw/011120/202744\\_1.html](http://biz.yahoo.com/bw/011120/202744_1.html)>, but for all the reasons it makes sense, it would make even more sense to have Microsoft spend that billion dollars on Apple hardware. Wouldn't it be much more appropriate to have Microsoft buy computers that can't run their operating system? If Microsoft would buy the hardware, I'm sure Apple could be persuaded to donate software and support, though Apple computers already come bundled with the operating system and many easy-to-use applications at no extra cost. Microsoft could donate copies

of Office, the Mac version of which is very well liked.

My proposal would be much better for students than either Microsoft's or Red Hat's. For example, Apple's iBook laptops, along with their Airport technology, are a very inexpensive way to get a whole school connected wirelessly to the Internet; there is no equivalent in the Wintel world. Also, Linux is terrific, but it's never been anywhere near the #1 platform in the education market, as Apple is. I doubt Red Hat would expand their offer to include porting hundreds of educational apps from the Mac platform to Linux—or retraining hundreds of teachers and administrators who are already happy with Apple computers.

I believe what I am suggesting is (a) fair to all parties, (b) more appropriate than what Microsoft is offering, and (c) much more beneficial to the cause of educating American students. I hope you will agree.

Respectfully yours,  
—Andrew G. Lee

**MTC-00001836**

From: LeeMcTarpB@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 10:54am  
Subject: Microsoft Settlement

I am a very strong supporter of Microsoft and the Bill Gates Corporation. I think he has done more for technology and continues to do more than any of the other companies. This judgement can have a huge impact on the economy of the U.S. I think his offer is most generous.

Eva McVay  
Fort Myers, FL

**MTC-00001837**

From: David Keller  
To: Microsoft ATR  
Date: 11/21/01 10:54am  
Subject: Don't let Microsoft fool you again!  
[http://www.thestreet.com/\\_yahoo/tech/software/10004276.html](http://www.thestreet.com/_yahoo/tech/software/10004276.html)

**MTC-00001838**

From: JLilly  
To: Microsoft ATR  
Date: 11/21/01 10:32am  
Subject: Microsoft offer counters logic

Dear Sir,

The proposed settlement by Microsoft to supply schools with computers and software does nothing but further entrench their monopoly. In fact, it leverages their share into one of the last markets where there is still real choice; education.

Instead of letting Microsoft dump their software into the nations schools, I suggest having Microsoft pay that same amount in cash, perhaps for a "technology" earmarked fund, and let the schools choose what they want to do with it. If they choose Microsoft, more power to them. If they continue to use Macs, that's fine too. At least they will have a choice, and they won't have the monopoly hoisted onto them under the false pretense of a "gift."

John Lilly

**MTC-00001839**

From: tooner@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 11:05am

Subject: IS THIS FOR REAL?

I find the proposed conduct remedy to be inappropriate and wholly inadequate for a company which has demonstrated nothing but contempt for previous similar conduct remedies (such as the 1995 consent decree in which MSFT agreed not to "tie" application software to the OS-but then did just that with Internet Explorer). Even after being found guilty of antitrust violations in that case, they face no punishment, and thus have no incentive to take the new conduct restrictions any more seriously than the old ones.

Paul Gartland  
Austin, TX

**MTC-00001840**

From: Jim  
To: Microsoft ATR  
Date: 11/21/01 11:03am  
Subject: Pay the people back what Microsoft has stolen.

They have pirated all their money at our expense. Obviously taken advantage of those that are not educated enough to know. Please keep the pressure on them.

**MTC-00001841**

From: Nick Farwell  
To: Microsoft ATR  
Date: 11/21/01 11:00am  
Subject: This settlement is ridiculous.

Please reconsider letting Microsoft off the hook. Their behavior has clearly demonstrated absolute disregard for the principles of a free market and human ingenuity. For years they have stifled any competition with an iron fist.

If the Justice (hah!) Department fails on this, letting Microsoft off with a slap on the wrist, I feel that millions of Americans will lose whatever remaining respect and trust they had with the federal government.

Best,

Nick Farwell Stage Operations Supervisor  
A Contemporary Theatre 700 Union St. (206)  
292-7660 x1759 voice Seattle, WA 98101  
(206) 292-7670 fax (206) 718-7358 mobile

**MTC-00001842**

From: ewalker7@csc.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 10:58am  
Subject: A Just Settlement  
Since Microsoft's Applications and Operating Systems groups are at the root of much of the antitrust controversy, my suggestion is simply this: Require Microsoft's Applications Group to release and support versions of their popular software applications (i.e. Office, Visio, Internet Explorer, etc.) for the three main competing Unix platforms: Solaris, FreeBSD and Linux.

This solution would truly spur competition by encouraging other software vendors to also support these competing operating systems. Because of Microsoft's dominance, they're only motivated to support their own Windows and to some extent, the MacIntosh operating systems.

EMILE A. WALKER  
Sr. Member of the Technical Staff (SMTS)  
Computer Sciences Corporation

**MTC-00001843**

From: James T Smith  
To: Microsoft ATR

Date: 11/21/01 11:12am

Subject: You've given the farm to Microsoft. I am thoroughly disappointed and disgusted with the DoJ's recent treatment of the Microsoft monopoly.

The proposal of Microsoft to 'saturate' schools with their product is equivalent to the extremist Islamists (not to be confused with true Islam) have taken over (by offering for FREE) the general education of Pakistan children in their militant madrassas.

Why? In return for the chance to 'hook' young minds on their militant views.  
mynews@thejtsmiths.net

**MTC-00001844**

From: Sean Wagner  
To: Microsoft ATR  
Date: 11/21/01 11:10am  
Subject: Microsoft Settlement.

This is exactly what I want to say about the proposed settlement with Microsoft.

Sean Wagner  
Dear DoJ,

A recent disturbing fact has been brought to my attention regarding the case against Microsoft. I quote from CNet.com: "Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately \$500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else. Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products. "

Here's an idea. Make Microsoft buy \$500 million worth of Apple iMacs to put in those schools. This way the children can learn a great new Unix variant in the Mac OS X and the professors wont have to stop teaching to troubleshoot Windows.

Best,

Andrew F. Herrmann  
Tech. Coordinator, College of Arts & Sciences  
Saint Louis University

**MTC-00001845**

From: John C. Blakley  
To: Microsoft ATR  
Date: 11/21/01 11:06am  
Subject: Microsoft Settlement

You have absolutely got to be kidding! I guess this is why no one trusts government to do anything right. This whole anti-trust thing has been about Microsoft dominating the marketplace through bully tactics and product giveaways and you think that forcing them to spend a billion dollars to put their product into more locations is a PENALTY?

Do you think the public is foolish enough to believe this is a penalty? Apparently the Department of Justice is. Over the years, they

have given away product for free at a substantial cost knowing that everything they give away will need to be upgraded and that the user will be locked in to the Microsoft Upgrade Revenue Bonanza.

If you want to penalize them, why not have them put 1 BILLION DOLLARS worth of Macintosh computers. They would still benefit in sales of applications, but at least not the operating system too. If not that, at least some semblance of a real penalty.

John Blakley

**MTC-00001846**

From: Allen Wicks  
To: Microsoft ATR  
Date: 11/21/01 11:17am  
Subject: OPPOSED to Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti competitive and anti innovative (despite what their PR hyperbole claims). The cost to consumers and to industry wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement "penalties" are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

[1] Their anti competitive behavior must be prohibited, and permanently, not just for five years. Any firm with such immense resources can and will make a mockery of any weak 5 year restrictions, simply by spending a few tens of millions slipping and sliding around the legal system.

[2] Very large fines must be imposed, sufficient to make Gates et. al. sufficiently aware of the consequences of the firm's illicit behavior that they are stimulated to want to change that behavior.

[3] Anti competitive business dealings (e.g. it has been and still is virtually impossible to buy any personal computer, even an Apple Macintosh, that does not default to Microsoft's browser whether the buyer wants it or not!) must be clearly and unequivocally prohibited.

[4] Perhaps most important, a permanent "Microsoft Litigants' Defense Fund" should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated. Use of such funds would be on condition that wins against MS include some sort of financial return back to the fund; legal support would be free to any law firm suing MS, and MS would be specifically prohibited from legal action or discovery proceedings against the fund.

[5] Movement of Microsoft's abusively anti competitive and anti innovative business model into emerging markets MUST be prohibited, and in a manner that is readily enforced. The internet and the "convergence" market spaces in particular (but not limited to) need be kept accessible to small innovators and not locked up by the likes of Microsoft. Much has been expressed that MS is a market leader and that penalizing them penalizes an already weak tech sector. What MS really is is an industry bully; penalizing such business behavior will in a very short time period overall stimulate the tech sector as innovators can again start innovating unfettered by fear of what type of response may come from the industry bully.

Thank you.

Allen Wicks  
Small business person and computer industry observer since the 1970s.

Allen Wicks  
allenwicks@infomenu.com  
10164 Laburnham Circle, Truckee, CA 96161  
530-550-8727

**MTC-00001847**

From: PTakeuchi@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 11:15am  
Subject: Bad settlement

It seems to me that the remedy (requiring Microsoft to furnish underserved schools with PC hardware and software) actually helps Microsoft. Similar to the monopoly Microsoft already enjoys with its operating system defacto installed on new computers, Microsoft's "gift" to underserved students not only is good PR for the company, but a way to corral in a whole new generation of users and consumers. While providing better than no computers at all, giving these kids a Microsoft desktop will brainwash the kids into believing Microsoft is the only choice. Instead, Microsoft should be required to provide technical grants to the schools so that they can choose the software and hardware they want, be it Linux, Apple, Microsoft, etc. Letting Microsoft "donate" their software ensures that they will reap the rewards from future upgrades. This is no punishment at all for their anticompetitive policies. Contrary to their PR, Microsoft does not make efficient, lean, and troublefree products which can withstand free competition. They run the industry and force us to use their software by swallowing and/or pillaging the competition.

The saddest part of the whole judgment is that the big kahuna Windows XP is a huge step in further consolidating their monopoly, and the past issues have already become moot. Microsoft, as usual, sidesteps its legal troubles by reaching their tentacles further and more omniverously into PC users' lives. The company needs to be broken up if the government wants to ensure its citizens of freedom of choice and true innovation that only real competition can offer. Microsoft's strategy of using their deep pockets (thanks to an unbridled monopoly) to lobby on its behalf has obviously worked. Not only will users be stuck with Windows operating system, an office suite, and a browser, but all content delivery will be channeled through

their proprietary formats (windows media files for music and video), and through their financial payment network. Our whole computing experience will be filtered through Microsoft.

Paul Takeuchi  
Brooklyn, New York

**MTC-00001848**

From: Howard Coles  
To: Microsoft ATR  
Date: 12/6/01 2:37pm  
Subject: MS Monopoly

Dear Sirs,

I would just like to express my concern toward any resolution or settlement that would further a monopoly for Microsoft products.

It would appear that the current proposed settlement would cause Microsoft to have to "donate" Hardware, Software, and services to under privileged school systems.

I believe that is should be obvious that this would introduce more young minds to Windows thus furthering Microsoft's control, and ultimately leading to more users of their OS. I think it would be more of a punishment for them to provide another brand of OS, Hardware, Software and Services. If you allow them to extend their control will the result not be a stronger monopoly? If you have kept current with Microsoft's current practices then you will understand that they are already setting in motion a licensing scheme that locks you into their products for years, while trying to setup a "single sign on" system (.NET) that would provide them with everyone's information.

As you can discern from this message I am very much against them providing more MS software. I feel that RedHat's suggestion is viable, let MS Provide everything EXCEPT the OS, and help create a competitive product that will enable consumers to have a truly viable option. The exact OS to provide would not necessarily be RedHat's Linux, but considering their offer would be a very good idea. I also feel that it would be in everyone's best interest to force Microsoft to remove any hint of a penalty, either in their licensing or reseller/OEM agreements, to Computer hardware providers who opt to preinstall any OS other than Microsoft's.

Thank You,  
Howard Coles Jr.  
Network Analyst II

**MTC-00001849**

From: Leonard Dudzinski  
To: microsoftcomments@doj.ca.gov  
@inetgw.attorney.gener...  
Date: 11/21/01 11:32 am  
Subject: A proposal to stop Microsoft

To the States Attorneys General,  
I want to begin by thanking you for your courage and judgment in continuing to prosecute Microsoft for is antitrust abuses even as other states and the Federal government have proposed a settlement with Microsoft that, in my opinion, does nothing to stop a very dangerous monopoly. To make matters worse, the settlement that I am hearing about today to allow Microsoft to give free software to poor school districts actually increases Microsofts monopoly power by increasing Microsofts user base,

training a new generation of Microsoft-only users, and disadvantaging Microsofts competitors in the education market!

I have been pondering the Microsoft case currently being tried by the US Department of Justice and your states Attorneys General, and thinking about what solution I would favor. I have an idea for how the DOJ could deal with Microsoft that I have not heard discussed as one of the options, and I am grateful that your State Department of Justice has opened this forum to share ideas on the case. I strongly believe that the ruling is correct that Microsoft's monopoly was gained illegally and hurts consumers. Microsoft has clearly demonstrated the willingness to wield its monopoly power to benefit itself at the expense of others. Microsoft's monopoly power must be ended. I also strongly believe that, especially during these these times of war, it is not in the state or federal governments best interest to be reliant on one computing platform for its function and national security. Recent events have demonstrated that one computing platform can be devastated by hackers or viruses, while others are immune. My proposed remedy is this: rule that your government must support multiple computer platforms, operating systems, and software suites in the interest of government security and in support of the free market.

While the Judicial Branch does not have the power to dictate the market in a free market economy, it does have the power to affect how the government responds to it. A DOJ ruling that the government must foster competition in the computer marketplace where possible, would be fair, effective, and within its powers. To that end, and in the interest of government security, an executive order could be issued that the government will support multiple computer platforms, operating systems, and productivity software suites, and no single computer platform, operating system, or suite of software will hold greater than a 50% market share within the government (The government market share percentage could be debated). This ruling would create an immediate demand for Microsoft's competition within the states and federal government, and with all those who deal computationally with these governments, which, I would think, is a large part of the computer market as a whole. Thus, this ruling would have the effect of destroying Microsoft's power to monopolize the market while preserving the company and its products. This ruling would have the additional effect of driving the computer industry towards standards to improve interoperability between platforms, operating systems, and standard software suites, which benefits all consumers. Microsoft would then be forced to play fair with its competitors products and standards.

I welcome comments on the idea.

Respectfully,

Leonard A. Dudzinski

Concerned US Citizen

Leonard A. Dudzinski

270 Windward Dr

Elyria, OH 44035

e-mail: Leonard3@Mac.com

LDudzinski@Excite.com <http://>

[inbox.excite.com](http://inbox.excite.com)

CC:Microsoft  
ATR,Leonard3@Mac.com@inetgw

**MTC-00001850**

From: Smythe DuVal  
To: Microsoft ATR  
Date: 11/21/01 11:28am  
Subject: Microsoft Settlement

I'd like to comment on the recent settlement between the DOJ and Microsoft.

I have worked in the software and computer industry since 1989, including several startup firms that have partnered with Microsoft. I have followed the anti-trust cases against Microsoft since the mid-90s and I own a few shares of Microsoft stock.

I am shocked at the settlement the DOJ has reached with Microsoft. By any legal standard it is a weak settlement. I will not go into the details of why this settlement is so weak—that has already been done ad nauseum. The DOJ attempted to create a face-saving settlement that looks tough and is actually quite benign. What has taken place is an abuse of the rule of law. The settlement is worthy of criticism because it blatantly condones political corruption.

Before writing this letter, I researched the political campaign contributions made by Microsoft to the major Parties. It appears to me and no doubt other Americans that Microsoft entered a quid pro quo arrangement with the major Parties—one in which Microsoft drastically increases their campaign contributions and in return the anti-trust suit will go away. Here are Microsoft's donations to the Republican and Democrat Parties since 1992:

1992 \$ 51,483  
1994 \$ 103,702  
1996 \$ 237,484  
1998 \$ 1,357,746  
2000 \$ 4,356,376  
2002 \$ 837,385

Source: Center for Responsive Politics—  
[OpenSecrets.org](http://OpenSecrets.org) <http://www.opensecrets.org/industries/contrib.asp?Ind=C5120&Cycle=2002>  
Microsoft's donations significantly increased as their legal troubles increased, reaching over \$4 million in the 2000 election. Now that the lawsuit is "settled", donations for the 2002 general election are drastically reduced, and yet still a large sum. That surge of money in 1998 and 2000 and the resulting settlement represent political corruption in the highest offices of this government. Microsoft bought this DOJ settlement.

It is reported in the news services today that Microsoft is offering to pay all court and litigation costs to the remaining States, if in return these States would drop their case against Microsoft. This eye-brow raising offer illustrates two things—one, Microsoft isn't subtle when doing political corruption, and secondly, it offers a glimpse at the un-ethical environment they have participated with the major parties in recent years. Would any law abiding American driver, pulled over by a law abiding Police officer, offer to pay the officer's time in court if he in return would not write up a ticket? This is the very definition of attempted bribery. Microsoft's offer to the States is no less the same. Maybe they should donate lots of money to the State level Republican and Democratic Party—they

have already done that. Here is a thorough report detailing the corruption between Microsoft and officials at all levels of the government: <http://www.commoncause.org/publications/microsoft/microsoftstudy.pdf>  
The Democrats, the Republicans, and the Justice Department failed to uphold the rule of law and have set the most blatant precedent that bribery is acceptable practice. Indeed—I anticipate if Microsoft doesn't pony up "protection money" in future election campaigns—they will find themselves in legal trouble again. Case in point—for the 2002 elections, Microsoft is the highest donor to the major Parties in the software industry.

I hope the remaining States and the European Commission have more integrity than the Democrats and Republicans who make up the "Department of Justice". America needs people who not only preach but also practice the rule of law.

Smythe DuVal  
Marietta, GA

**MTC-00001851**

From: Henry Zeller  
To: Microsoft ATR  
Date: 11/21/01 11:22 am  
Subject: Microsoft Ruling

To whom it may concern,

As one who has endured the business practices of Microsoft for many years, I want to voice my displeasure with the so-called penalty imposed on Microsoft.

This company was targeted for investigation for its ruthless monopolistic methods. They relegated vast numbers of competitors to the bankruptcy ashbin, while intimidating all those who did not comply with their wishes into submission.

Here we are. After all the efforts to impose justice on Microsoft, they are now rewarded with a guaranteed market share that competitors for those markets will not have access to—thanks to the Justice Department. In essence, DOJ has agreed that Windows is only one operating system, and others need not be considered. So what was the point?

Punitive damages should have taken the form of 5 billion dollars cash, distributed equally indexed on surviving companies inability to do business in the WinTel world, as seed money for development of more software to directly compete with Microsoft, and even to develop for other platforms, such as Macintosh, Linux, etc.

Thumbs down. As a law abiding American—I have been let down by DOJ  
Regards

Henry Zeller

**MTC-00001852**

From: Peter C.S. Adams  
To: Microsoft ATR  
Date: 11/21/01 11:41 am  
Subject: Microsoft settlement

I cannot overstate my disgust at the U.S. Justice Department's proposed settlement of the Microsoft antitrust case. I echo the words of numerous industry analysts: This isn't a remedy, it's a reward.

I wonder what would happen if some mafia boss made the same proposal to Mr. Ashcroft. Would he agree, saying, "Gosh, Mr. Gotti, you mean to all those people you

murdered, but if you promise not to do it any more, you can keep all the money you stole”? Remember, Microsoft agreed to change its ways before in a consent decree, and simply ignored it when it was no longer convenient for them.

Simply put, Microsoft is in the position to dictate U.S. policy today, and it got that way by breaking the law. I strongly urge you to back away from this settlement. Continuing abuses and security problems at Microsoft underline the need for real reform there, not surrender by Justice.

Peter C.S. Adams  
222 Edgewater Drive  
Framingham, MA 01702

#### MTC-00001853

From: Sergio Valdes-Flores  
To: Microsoft ATR  
Date: 11/21/01 11:37 am  
Subject: Microsoft Settlement

Why the gov't should never have been involved in suing M\$oft, there is NO JUSTICE.

But if you believe you can make a difference in this case, read on, first Microsoft's lawyers offer is going to have Microsoft stuff UP THE KAZOO in every aspect of software, like a domino effect, it only serve's Ballmer's plan for world domination, and definitely not the underprivileged schools students. then secondly, it will be a laughter to the world, for those proposing to curve monopoly the Justice Department, are actually INCREASING MONOPOLY , and then double talk on the virtues that monopoly serves no real innovation practices but only commonality and sideroads from real standards or benefit consumers for look at the price of Office suite, where Microsoft makes all their money.

Thus Microsoft's solution of DONATING software, their "so-called product", in settlement serves NO JUSTICE. It only creates more evil in lopsiding the only sector that promises sustained growth ....Are you blind to this ? However, Red Hat's solution has NOTHING to do with RedHat, for Linux is Linux is Linux not RedHat's and it is source and binary free just like FreeBSD is free, and you can download it for free, upgrades are free , you are only paying for a CD and jewel case when you buy it from a store for a 1/10 the cost of the Microsoft OS software. And further more, those that learn to do system administration in any kind of UNIX know more about the network and system administration than those that are MCSE certified. Both Linux and BSD (FreeBSD, NetBSD, OpenBSD) are FREE OF CHARGE and thus of "branding". It is perfect for students to learn in, and there are world processing applications as well as presentation applications and spreadsheets application totally free of charge that are suited for either the Linux or the BSD environment. One application in point, MacOSX Sever 10.x which is not free, as you very well know, gives you an Apache Web Server application and Tomcat JavaServerPage application, they are not part of the price of the Mac software, you just get them for free, for MacOSX is a professional GUI on top of a Free software foundation

which is UNIX, namely Darwin, a variant of FreeBSD.

I am all in favour of ending the suit, make Microsoft contribute to american schools with HARDWARE, that which is not theirs, for the Intel-Microsoft bully alliance and MONOPOLY that everyone knows it exists, should be shaken up for their prices to be more competitive AND their products to be better than just mediocre at best.

Thank you,  
A concerned citizen of the World.  
November 20, 2001  
Paper: Private Microsoft Suits Near Settlement

By Matt Carolan  
Microsoft is close to settling numerous private antitrust suits against it, and public schools may benefit.  
Citing academics and attorneys close to the discussions, The Wall Street Journal's online edition reported Tuesday that Microsoft was putting the finishing touches Monday evening on an agreement for the company to provide software and computers to more than 14,000 of the poorest schools in the U.S. over a five-year period.

Estimated at a cost of approximately \$1.1 billion, this payment would satisfy "most of its pending private class-action lawsuits" the Journal said.

The agreement would have to be approved by U.S. District Judge J. Frederick Motz in Baltimore, who is overseeing the myriad class-action suits from around the nation that have been consolidated in his court.

The Journal reported that the unusual proposal came from one of the lead plaintiffs' lawyers in the case, Michael Hausfeld, who concluded that the estimated 65 million members of the plaintiff class would receive as little as \$10 in a settlement or court victory. After administrative costs and attorney fees even that small amount would disappear.

The settlement would provide, among other things, training for students and teachers in popular Microsoft software, reconditioned hardware, and education in repair of computers and networks.

Under the terms of the deal, Hausfeld and his fellow attorneys would receive their fees from a separate payment by Microsoft to be determined by the judge.

The Journal's online story noted that one of the side effects of the settlement would be to solidify Microsoft's hold on the student computer market, which plaintiff's lawyers shrugged off as an inescapable fact of the marketplace.

But THIS would be JUSTICE BETTER SERVED, please don't continue to monopolize the American People and the People of this WORLD....PLEASE MS/DOJ—RED HAT OFFERS OPEN-SOURCE OPTION ON SETTLEMENT Posted November 20, 2001 04:12 Pacific Time NEW YORK—Red Hat jumped into the Microsoft class-action suits settlement fray Tuesday, offering to provide open-source software to every school district in the United States free of charge.

Red Hat encouraged Microsoft to redirect the money it plans to spend on its own software—estimated at more than US\$500 million—into purchasing additional hardware. Microsoft said earlier Tuesday that

it had agreed to settle the 100-plus class action suits accusing it of using its desktop operating system software monopoly to charge users inflated prices. Under terms of the deal, Microsoft would supply computers and its own software to thousands of the U.S.'s poorest schools For the full story:

<http://www.infoworld.com/articles/hn/xml/01/11/20/011120hnrredhatoffer.xml?1121weam> —

Sergio Valdes-Flores  
<sergiovf1@earthlink.net>  
Web Staff-R'us, Inc  
CC:floress@ccf.org@inetgw

#### MTC-00001854

From: Matthew McGraw  
To: Microsoft ATR  
Date: 11/21/01 11:39 am  
Subject: MS Settlement unfair

I am an avid IT professional—who works mainly with MS products. The settlement now on the table increases their monopoly by increasing their product penetration in schools, and does nothing to stop them from side-stepping this behavior in the future.

Get some balls, guys, and realize that the economy for the next 5 years isn't as important as the economy for the next 50.

-Matthew

Matthew McGraw  
Rocket Science Consulting  
3288 21st St. Suite 250  
San Francisco, CA 94110  
415.518.8003

#### MTC-00001855

From: nick@unknown.ne.mediaone.net@inetgw  
To: Microsoft ATR  
Date: 11/21/01 11:49am  
Subject: Comment on Microsoft Anti-trust resolution

To whom it may concern:

This comment is with regard to the recent reports I have read regarding Microsoft's offer to donate Microsoft technology to school systems as part of an overcharging for products settlement. As such it is indirectly related to the larger anti-trust settlement currently in progress, but I think serves to illustrate how Microsoft tends to turn penalties to its advantage.

My understanding is that Microsoft is offering to donate up to 1 billion dollars worth of Microsoft technology products to underprivileged schools as penalty in a case where it previously overcharged schools for Microsoft products. I see many problems with this settlement:

1. It is a "first hit is free" policy that entrenches Microsoft products within schools, and makes it harder for schools to move away from Microsoft and future support fees when there may be better alternatives.

2. I assume the value of the penalty is calculated on "Manufacturer's Suggested Retail Price" (MSRP) for the products, rather than what it actually costs Microsoft. I am sure you realize that it costs pennies to produce a Windows CD-ROM that is sold for hundreds. Certainly, there was a lot of research and development to produce that CD, but once that's recouped, the rest is

profit. The penalty should be calculated in terms of costs to Microsoft, rather than MSRP.

3. It penalizes other manufacturers who are in competition for the education market. This includes not only companies such as Apple in the hardware and software sector, but also the Linux and Unix derived operating systems which are starting to make inroads into schools as low-cost server platforms for such things as internal web site creation and mail services.

4. If this plan goes through, the government is in effect sanctioning a monopoly power to dump products into a market in which it is competing. The effect will be to drive out competition and make the monopoly stronger, with very little cost to the monopolist.

These are what I think are the most troubling aspects of the offer. I could go on.

I'll summarize by saying that I think the offer by Microsoft is a cynical attempt to further its monopoly in the operating systems field, and drive out nascent competition (Linux) in the education field in particular. Frankly, I think it is an affront to the intelligence of the Department of Justice and the courts if it thinks neither can see through such an obvious ploy. In my opinion, the correct penalty would be to take the dollar value Microsoft has offered to disperse in Microsoft products, and have them disperse it in cash to the same schools it is offering to "help". The schools can then use the money as they best see fit: Buy Microsoft software, buy competing technology, upgrade hardware or even spend the money to improve infrastructure unrelated to technology. In this way Microsoft is penalized in a manner that is fair to it (since it has suggested the dollar amount,) the schools are helped, and Microsoft competitors are not penalized.

Thank you for considering these comments.

Nick Tamburri  
Clinton, MA

**MTC-00001856**

From: John Horvatic  
To: Microsoft ATR  
Date: 11/21/01 11:46am  
Subject: Microsoft needs to be punished!

To whom it may concern,

Please don't settle with Microsoft. They need to be punished and what I have read so far is that has not happened yet! There should be a huge fine and I'm not talking millions I'm talking BILLIONS!!! Put them down for the count not just for the round. What the DOJ has done is given them a pinch on the hand and told Microsoft to go ahead and do it all over again and we promise not to bother you anymore. What kind of punishment is this? Why don't they throw some of the executive team in prison. I thought that's what you do with criminals isn't it? Please be more aggressive with this case than the DOJ and don't let them get away with what they have done and continue to do.

Sincerely,  
John Horvatic

**MTC-00001857**

From: Boudreau, Dale E

To: 'Microsoft.atr(a)usdoj.gov',  
attorney.general(a)po...

Date: 11/21/01 11:45am

Subject: Settlement proposal...Please use extreme caution...

As a consumer who is interested in the best economic choice in hardware and software, I ask you to use extreme caution and diligence in accepting the latest settlement proposal. I admit that I do not have all the facts in front of me, so forgive me if my assumptions are incorrect. My understanding is that Microsoft, should the proposed settlement be accepted, would provide \$1Billion worth of technology resources to schools in under privileged districts. While I fully support the use of the money to benefit schools in under privileged communities, I have a significant concern about the long term implications and offer, instead, the following proposal:

**Proposal**

Before I detail my concerns, I would like to suggest a proposal: The department of justice fines Microsoft for the same amount proposed (in cash and equivalent software costs), and uses the money collected to send grants to the same schools that would benefit from the settlement proposal. The schools then choose what hardware and software to buy, in a free market transaction. Schools will benefit from improved technology, the economy would benefit from a \$1Billion revenue infusion, and the consumer would benefit from free and equitable purchasing decisions.

**Reasoning**

You will probably hear these arguments, but I wanted you to hear them from a consumer whose only interest is in a free and competitive marketplace. Yes, I am a Macintosh user, but not a fanatic. I use them because they are competitively priced and well designed, and because their presence in the marketplace gives at least a little reason for Microsoft to be concerned in the consumer and education market spaces. As most Macintosh users, I am also a Windows user. I want the freedom to use the best available tool (best from an economic standpoint).

I will keep it short, but have two key concerns. If Microsoft retains significant decision rights or influence over what software and hardware solutions are distributed, they will do so to their own advantage. This means that they will have strong incentives to install Windows based hardware and software solutions, which will result in the following:

1. Microsoft will gain unfair install base in a market that is still a Macintosh stronghold
2. This settlement will give Microsoft brand strength that will materially benefit the corporation and its shareholders.

These two concerns, from an economic standpoint, result in the same outcome. Microsoft, as a result of the settlement, will enjoy future cash flows and, thus, value as a result of this proposal. The proposal is therefore, not punitive, but is actually a good business investment. Here's why. Computer hardware and software are, by design, a sticky business with high switching costs. Once you have invested in a platform, whether Windows, Apple or Unix, it

becomes very costly to switch. Hardware and software compatibility problems, as well as long learning curves, make it costly to change from one platform to another. By donating their software to schools, Microsoft gets a jump step into a market that is still a stronghold for Apple. This will have two effects. First, assuming that some of these donated products supplant those of a competitor, Microsoft gets their products placed in place of a competitor. Since their products have zero marginal cost, Microsoft stands to lose substantially less than the \$1Billion dollars noted in recent articles. Second, vendors of Windows compatible hardware will gain install base and market share in the educational space. Should this share become significant, tipping effects will cause future purchasing decisions to favor Windows-based products by a significant margin. As a result, one of the few remaining competitive markets in the PC industry becomes a monopoly market. Microsoft will also stand to benefit in terms of brand strength. They could enjoy significant goodwill resulting from what seems more like a 'fair deal' than a punishment, and their products are in the hands of potential future consumers. A year from now, no one in those schools will remember the law suit, but they will be looking at the Windows logo on their computer screens every day.

From the standpoint of the shareholder, this is not a punishment, this is a marketing investment: a one time cash outflow that will potentially create a stream of future inflows. It benefits Microsoft materially, and hurts its competitors. Isn't this exactly what this lawsuit was intended to correct?

Dale E Boudreau

"We are what we repeatedly do. Excellence, then, is not an act, but a habit."—Aristotle

CC:'webmaster(a)consumer.state.ny.us',  
contribute(a)m...

**MTC-00001858**

From: ausband  
To: Microsoft ATR  
Date: 11/21/01 11:45am  
Subject: Microsoft settlement is no good

Dear Sirs,

I am writing you today to express my dissatisfaction with the settlement arrangement that the DOJ has struck with Microsoft. The DOJ Seems to have received a short memory along with a new Attorney General and new President, otherwise is would remember that MS has violated the intent of those agreements it has made with the DOJ in the past. MS has also lied to the DOJ, the Courts and the Public before and when caught never even bothered to apologize for doing so. As a computer professional I have some recommendations for what would be an appropriate solution for dealing with MS in a manner that will dissuade MS from behaving in the same manner again.

1. Open source all their Operating Systems but only the OS's, allow them to maintain ownership and collect licensing fees as long as it does not violate the next section.
2. Forfeit all MS patents and copyrights to technologies that MS either, bought after driving the previous owner of those

technologies out of competitiveness or that MS developed based on another companies technology but that been has changed enough of so that MS can win an intellectual property court fight(activeX).

3. Forbid Direct bundling of other software with MS operating systems, the default install of an OS must not contain software other then core system resources, other software such as web browsers, DV editing , Digital picture interface and email can be on the same CD but may not be part of the default install.

These solutions will prevent MS from further their exploiting their monopoly, punish MS for past transgressions against others, and promote new and innovative solutions, software that can be written with compatibility to a level that only other MS applications have been in the past, in my opinion. All this would result in more and better solutions for consumers in an environment where companies can be truly competitive.

William L. Ausband  
21 Wright Rd.  
Wethersfield Ct 06109

#### MTC-00001859

From: quasimoto  
To: Microsoft ATR  
Date: 11/21/01 11:59am  
Subject: Microsoft settlement

Just another example of the real meaning of the terms "free market" and "justice" in America—wealthy corporations are given the former and can buy the latter.

I use GNU/Linux and support the Free Software Foundation. This message was composed and transmitted using free software, licensed under the General Public License.

#### MTC-00001860

From: John Liston  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/21/01 11:55am  
Subject: Comments on U.S. v. Microsoft

Proposed Final Judgment  
November 21, 2001

To the United States Department of Justice:  
I thank you for the opportunity to comment on the U.S. v. Microsoft Proposed Final Judgment. I am motivated to write because I am angry about the Proposed Final Judgment. I believe the court should reject the judgment because it is weak, fraught with loopholes for Microsoft to exploit, and is solely forward-looking. That being said, I believe the court should use the terms of the judgment as part of an interim remedy as it seeks to impose a final remedy.

I speak as one who owns a small software development company and who has observed Microsoft and the software industry for over 20 years. I believe that the point to any settlement with Microsoft is both to punish Microsoft for its past misdeeds and to impose restrictions that will level the competitive playing field. I believe the Proposed Final Judgment does neither of these.

Regarding the past: Microsoft has been convicted twice of using its monopoly in desktop operating systems to achieve dominance in other areas. I believe Microsoft's wrongdoing goes far beyond what

it has been convicted of, and has greatly harmed both the software industry and consumers. I believe the best measure of the harm Microsoft has done is the \$36 billion cash it now has banked, which in a truly competitive environment would be \$0. Microsoft pockets better than 90 percent of software industry profits, and its cash reserves increase by \$1 billion each month. I believe to restore a competitive environment, any settlement should fine Microsoft \$36 billion now, plus \$1 billion per month until Microsoft is found to be in full compliance with a harsher final judgment. Microsoft has ignored consent decrees in the past, leading us to the current anticompetitive situation, and cannot be trusted to comply with any behavioral remedy. The only remedy Microsoft will respond to is judicial force, and I think that begins with the serious fines I suggest. Microsoft is capable of paying these fines with cash on hand, so it cannot possibly harm current operations. The money should be distributed to the 50 states in proportion to their 2000 population. I think of this as Microsoft's payment of punitive damages for past behavior.

Microsoft's prior convictions were based on two specific anticompetitive practices that I believe require additional and more specific remedies. First was the anticompetitive bundling of Internet Explorer with the Windows operating systems, harming Netscape Communications. Second was Microsoft's proven intent to "embrace, extend and extinguish" the Java programming language, harming Sun Microsystems. I believe the punitive damage payments do not cover the direct harm done to the competitive environment and consumers by these specific actions.

The issue with bundling Internet Explorer is essentially the question the question of "what is an operating system?" Microsoft insists that an operating system is whatever Microsoft decides it is, so it can bundle anything it wants. I think that there is little to be gained from arguing with Microsoft on this issue. Let Microsoft bundle whatever it wants in the operating system. I believe the issue to consumers is not what is in the operating system. Instead, the issue is whether the OS is supported and works correctly. I believe that Microsoft's continuing monopoly in desktop operating systems is remedied in part by requiring a lengthy period of OS support. Were there a competitive environment, the duration of OS support would be determined competitively. But Microsoft holds a monopoly, so I think the court must impose a reasonable OS support period. Doing so will prevent Microsoft churning customers by rapid OS obsolescence. I believe Microsoft must be required to support each OS revision, including all bundled software, for not less than seven years. This support must include fixing bugs and offering these fixes in maintenance releases at no cost to consumers, since Microsoft can charge what it wants for the OS up front. As further consumer protection, Microsoft must be required not to bundle enhancements with its operating system bug fixes. And to ensure the Internet Explorer OS component "works

correctly", it must be required to fully support any W3C Internet standard it implements. That support can be monitored through conformance tests by the W3C itself, at Microsoft's expense, and Microsoft must be required to withhold any OS release when Internet Explorer does not fully conform with W3C standards. Note that this does not prevent Microsoft from innovating.

Regarding the direct harm Microsoft did to Netscape Communications: I don't think you can redress this because Netscape has since been bought by AOL and portions spun off. All I think you can do is make sure Microsoft cannot use its Internet Explorer browser monopoly to impose its own standards on the Internet, and I think the requirement to conform to W3C standards does that.

As for the harm done to Sun Microsystems and the Java language, Microsoft's intent was to use the control it has over an extensive developer network to cause them to write "polluted" Java applications that work only on Windows. In doing so, it violated its license agreement with Sun. Microsoft has since settled with Sun, but nothing has undone the harm Microsoft did to consumers. To remedy this, Microsoft must be required to deliver Sun's latest Java Virtual Machine as part of the Windows OS, and to distribute JVM bug fixes under the same standards as it distributes its own Windows OS bug fixes.

Regarding the future, I think the Proposed Final Judgment begins to right the wrongs of Microsoft's current business practices, but it does not go far enough to create a level competitive playing field. I would seek to eliminate loopholes in the terms of the Proposed Final Judgment, and strengthen their enforcement, and I propose three additional terms.

First, Microsoft must be forced to publish the Office file formats. Microsoft has historically changed its Office file formats on a regular basis simply to cause users to upgrade Office regularly. Publishing the Office file formats will cause Microsoft to compete based on the merits of the Office software, and not merely bank on "network effects" and users' inability to migrate their documents to competing office productivity products.

Second, Microsoft should be required to divest itself of its programming language products and to no longer compete in programming language development. Microsoft's language products are closely tied to the Windows operating systems, so divesting Microsoft of the languages business has a leveling effect on the marketplace. It will cause Microsoft to publish the Windows operating system APIs fully and fairly. It will force Microsoft to use the same language compilers as the rest of the industry, eliminating the incentive to create undocumented APIs. Also, the separate languages business will be subject to competitive forces, and may decide to offer the programming language products on other operating systems. Eliminating language products should not affect current Microsoft profitability, and proceeds of the sale should go to registered users of the affected products.

Third, Microsoft should be prevented from purchasing technologies or technology

companies for a period of five years. Microsoft claims to be an innovator, and fights fiercely for its right to innovate. Truth is, most Microsoft innovation has come from copying the products of much smaller companies and then out-marketing them, or from purchasing such companies outright and subsuming their innovations. I think that preventing the purchase of companies and technologies for five years will force Microsoft to innovate in its own right in order to maintain a competitive market position. This will enable the birth of new Microsoft competitors.

I hope you will give my comments some thought. I think they comprise a much fairer remedy for Microsoft's past predatory practices, and provide an effective constraint on future behavior. I also think they do not call for a major oversight effort and its expense, which I think is a great weakness of the Proposed Final Judgment. Finally, I believe the court must immediately impose interim conduct restrictions and monetary penalties until there is a final conclusion of this case.

Sincerely,  
John Liston  
3520 Nichols Rd.  
Medina, OH 44256

**MTC-00001861**

From: Bryan thurnau  
To: Microsoft ATR  
Date: 11/21/01 11:53am  
Subject: Not stiff enough penalty  
To Whom it May Concern,

I feel that the terms of the Microsoft agreement are not harsh enough. It might also turn out to be beneficial to the company. Currently one of their competitors has the largest share of the education market (Apple Computers) and if Microsoft is allowed to put up to a billion dollars worth of hardware, software and training then this may severely hurt Apple. These terms should be reconsidered and only allow the company to give one billion in cash for computer purchases. If the schools decided to choose a wintel based system then good for Microsoft.

As you can see if Microsoft is allowed to go ahead with the agged upon terms then they are just using their corporate muscle against another competitor. Please consider this and any other similar issue when deciding the fate of Microsoft.

Thank you  
Bryan Thurnau

**MTC-00001862**

From: Sklar Instruments  
To: Microsoft ATR  
Date: 11/21/01 12:13pm  
Subject: Anti Trust settlement

It is very disheartning that the government is letting Microsoft off so easily after their very questionable business practices. Hopefully the American people will find out who is being paid off in this case and then be able to take care of them.

**MTC-00001863**

From: BFurby@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 12:03pm  
Subject: Proposed settlement.

The proposed settlement in the Microsoft case seems to be nothing more than a marketing ploy by the company. The one area where they do not have a stranglehold on computing is the education market. The proposal seems to be nothing more than an attempt to win more of this market. By issuing free software which presumably runs on Wintel machines, the only real competitor (Apple computers) will see a further erosion of their market share.

Microsoft should be forced to pay cash ONLY, to schools and to the businesses which have been hurt by their abuse of the monopoly position which they old.

Sincerely,  
Andrea Furby

**MTC-00001864**

From: Jay Hipps  
To: Microsoft ATR  
Date: 11/21/01 12:02pm  
Subject: Comments on Microsoft Anti-Trust Action

To whom it may concern:

As someone who has used computers for over 20 years, I feel compelled to write regarding the current legal action against Microsoft.

First of all, I think some perspective is needed. The computer industry is, in many ways, an outgrowth of the scientific community. The scientific community has long operated on a particular set of standards and ethics which are designed to allow humanity's knowledge, as a body of information, to grow as quickly as possible. Discoveries are shared so that a breakthrough in one area might encourage a similar increase in knowledge in another.

Computer science once worked in the same way. Computer languages, usually developed by universities, were published openly, as were enhancements to these languages made by others. These Open Standards allowed the entire field of computer science to move forward, adding new innovations to past knowledge.

Admittedly, the industry has changed greatly. In some ways, it is a natural maturation—the field is exponentially larger than it was 30 years ago and the market as it exists today is much different, after the personal computer revolution put machines into most of the homes in America. It is only natural that companies with commercial products will guard their new innovations more carefully than in the days when computers were limited to an academic and research environment. Surely there can be no objection to this by anyone with even a rudimentary understanding of the laws of economy and business that currently exist in both the U.S. and much of the world.

However, some holdovers from the days of scientific research remain, and it is here that I take issue with Microsoft. Open Standards are still an important part of the worldwide community of computer manufacturers and software developers.

A great example of this is the World Wide Web. The WWW operates primarily on "hypertext markup language," a way of encoding text and other information for viewing on the Internet. HTML's Open Standards are overseen by a non-profit

governing body (the World Wide Web Consortium or W3C) which maintains the standard. (There are many similar examples of Open Standards—Apple Computer created what they call Firewire, a data communications standard now recognized by the IEEE—another standards body—as IEEE 1394. Sony uses it, too, and calls it iLink.)

These Open Standards still play an important role in the computing community. They are the common ground shared by all computer users and are the lifeblood of the industry. This cannot be stated too strongly—without Open Standards, the advancement of computer technology will become the sole domain of the largest companies already in the field. There is no true innovation without Open Standards.

Unfortunately, Microsoft has attempted to take advantage of the fairness and equal opportunity of the Open Standards model. They have repeatedly used Open Standards in their products and then, deviously, revised the implementation of these standards slightly, usually while they are claiming to "increase functionality" or "innovate." Due to their omnipresence in the marketplace, the bastardized Microsoft version of the standard quickly subverts the existing standard, which then allows the company to further extend their monopoly—after the buying public discovers that Microsoft competitors' products don't work properly with the new Microsoft "standard."

I will let others with more technical knowledge than me enumerate Microsoft's uses of this strategy. I am familiar with a few—the "enhancements" they made to HTML in order to strengthen the market share of Internet Explorer comes to mind immediately—but I am a writer and not a technologist.

I will say, however, that I find the company's business practices extremely distasteful and I recommend exploring the full range of penalties to them, in order that they should cease their anticompetitive practices.

Regards,  
Jay Hipps  
Vallejo, California

**MTC-00001865**

From: MGYSGTUSMC@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 12:00pm  
Subject: settlement

It's time to move on!! Microsoft has done more to benefit the software industry and America than any other company. If it made a profit in the meantime, that's the American way. Free enterprise.

**MTC-00001866**

From: Ken  
To: Microsoft ATR  
Date: 11/21/01 12:26pm  
Subject: Anti-Trust Settlement

The proposed settlement between the Justice Department and Microsoft is weak, will not stop future abuses, and does not protect consumers. This settlement favors Microsoft to such a degree that it would appear that Microsoft's donations to the Republican party and the Bush presidential campaign were a quid pro quo, and this

directly affected the course of the Justice Department in settling the case. As a consumer, I find it incredible that the defendant in this case has gotten so much influence regarding the nature of the punishment. This is not justice and it's not a remedy for proven anti-trust violations.

The settlement does not address unfair advantages Microsoft has gained using illegal behavior. Companies have been destroyed, not through fair competition, but rather by Microsoft's monopoly tactics to maintain and increase their market share. For all practical purposes, there is no longer any competition in the browser market. Microsoft's competitors have been harmed and many companies completely destroyed. The proposed restrictions will not prevent further abuses. Just look at the features that Microsoft has bundled, or in some cases excluded, in its new Windows XP just released in October of 2001. It was proven in the anti-trust trial that Microsoft attempted to coerce, bully, and illegally obtain and maintain a monopoly with multimedia application technology to the detriment of Real Media, Apple Computer, and others. They include their own multimedia player and exclude other similar products from other companies. By removing support and making it difficult for consumers to add competing products that are often superior to Microsoft's bundled products, consumers have been harmed. They have removed support for Java from Windows XP which will disrupt e-commerce and Java based applications delivered over the Internet. This has harmed Sun and other companies that have invested heavily in Java based technology that Microsoft considers a threat to their monopoly. Microsoft has "modified" their version of another technology, JavaScript, the programming language for Web browsers. These changes to Microsoft's implementation of JavaScript are intended to hijack the previous JavaScript standard and make it their own. As a result, only Microsoft Web browsers will handle this new standard properly. The examples go on and on. Consumers have been and continue to be harmed. The proposed 3 member panel that will oversee Microsoft will likely be biased in favor of Microsoft, or at the very least, not fair in protecting consumers. With one member chosen by Microsoft, one chosen by the Justice Department, and the third chosen by these two members, the judgment of the panel will be questionable. With their oversight activities done in secret and their salaries paid by Microsoft, it looks like the fix was in and Microsoft won.

Ken Goff  
422 5th Street SE  
Watertown, SD 57201  
(605) 882-1917

**MTC-00001867**

From: Emtopia204 Unlimited  
To: Microsoft ATR  
Date: 11/21/01 12:26pm  
Subject: Microsoft/DOJ Settlement

To whom it may concern:

Greetings. I am writing to express my deep concern about the current situation regarding the Microsoft-DOJ settlement. It is my considered opinion that there is nothing

punitive about the USDOJ settlement agreement. Rather, it smacks of complacent collusion. Far from dissuading Microsoft from its predatory business tactics, this action is tantamount to handing this enormous company an opportunity to further entrench its stifling monopoly.

I urge you to carefully consider the consequences of the USDOJ settlement agreement. I would hope that the lawsuit against Microsoft be renewed with maximum resolution and vigor, and that this company be made to pay the proper penalty for its cynical, dishonest and harshly anticompetitive policies. I believe that if this action to curb Microsoft's recklessly expansionist tendencies is to have any meaning, the punishment must one commensurate with the company's sheer size and influential power. The DOJ settlement, as it stands, is not even a love tap, but an indulgent pat on the head. Please ensure that the authorities in this case have the boldness and courage to take every measure in seeking justice against a firm that I feel has tragically become a rogue beast set loose in the marketplace.

In closing, thank you for your time and consideration.

Sincerely,  
Max MacDonald  
Toronto, Canada  
416.462.9434

**MTC-00001868**

From: Bosboom  
To: Microsoft ATR  
Date: 11/21/01 12:19pm  
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that is appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.  
With kind regards,  
Thomas Bosboom

**MTC-00001869**

From: John Cook  
To: Microsoft ATR  
Date: 11/21/01 12:42pm  
Subject: Disgusted at settlement  
Dear Sir or Madam,

I am disgusted to read about the Microsoft Antitrust settlement. Such a settlement encourages anti-competitive practices for businesses world-wide, because the benefits can be seen to far outweigh the punishments to be. An example must be set, and action should be taken on two fronts. Microsoft must repay society for the tremendous harm it has done to industry and computer-using society to date. Secondly, action must be taken to discourage similar practices from occurring in the future.

The only real way to action this second problem requires separating Microsoft into two companies: Applications, and Software. How else can other software companies (or other operating system companies) compete on an equal basis?

On a specific note, allowing MS to supply schools with its software is probably the best marketing program it could conceive. We already know how important seeding software into school students—managers of the future—is, evidenced by the substantial computer software discounts already given to students. But why would schools bother buying competitors' software if it is now provided with free software from MS? And the cost to MS? Development costs are fixed. How much does it cost to distribute an extra N-thousand copies? Further more, when MS fund other school programs to you imagine they will teach using Word Perfect on a Macintosh? Not a chance on earth. This is no punishment, this is marketing budget well spent.

I urge you to strongly reconsider this settlement. It is not just America that has been disadvantaged and harmed by the actions of Microsoft, it is the world, and now it is likely to continue to be so.

Sincerely,  
John Cook (computer programmer)  
John Cook  
john@jazzmedia.com.au  
3/58 Carr Street  
Coogee NSW 2034  
Australia

**MTC-00001870**

From: Andre De Wolf  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/21/01 12:36pm  
Subject: Microsoft settlement

Sir or Madam,

I am very disappointed with the USDOJ settlement agreement with Microsoft. The proposed conduct remedy is in my opinion inappropriate and inadequate. There is no punishment for the unlawful actions of this company; I feel that the settlement is merely a slap on the wrist, and there is nothing in the decision that will prevent this company to continue with their business as usual. The company has no incentive to take the new conduct restrictions any more seriously than the old ones. After all, after the 1995 consent decree in which Microsoft agreed not to tie application software to the operating system, they did just that with MS Internet Explorer.

I am now also very concerned about the settlement regarding the private suits. Microsoft is proposing to donate \$1 billion in computers, software, training, and cash to settle private antitrust suits. Again, this is a slap on the wrist for this company with cash reserves of approximately \$32 billion. At least a large part of these cash reserves is the result of illegal, anti-competitive, monopolistic actions by Microsoft. Returning only a small part of this illegally obtained money is incomprehensible to me. Also, the real cost to Microsoft of software bought by the schools is a fraction of what these schools will be charged; this will automatically reduce the total amount of Microsoft's donation.

More importantly, and very ironically, this settlement would even enhance the monopoly position of this company, by introducing more of its software into schools, an area where there has been traditionally more competition (e.g., from Apple) than in other areas. Matthew Szulik, CEO of Red Hat, stated that "We do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly;" I totally agree with this statement. I do not expect a public statement by Apple regarding this proposed settlement: Apple still needs Microsoft very much because of the importance of Office for Mac, and therefore it cannot afford to publicly criticize Microsoft.

Although it is very obvious that this deal could be beneficial for the schools involved, it inappropriately benefits Microsoft in too many ways. This deal is in no way curtailing Microsoft's power, which should be the goal of dealing with a monopolistic company. What is totally unacceptable is in the details of this agreement. Although the schools could use the donated money in any way they would want, it includes a statement that those using Microsoft-compatible computers would receive more free software than others... Obviously this is a strong incentive for schools to purchase computers with the Windows operating system with the donated money.

In my opinion, the proposed donation by Microsoft would only be acceptable if the donated money could ONLY be used to buy equipment and software that is NOT made by Microsoft (for example, PCs with Linux, or Apple computers). In addition, Microsoft should not even be allowed to donate software to these schools that received donations; donation of Microsoft software again is an incentive for the schools to purchase computers compatible with or running Microsoft Windows. These modifications and restrictions in the proposed donation by Microsoft would actually reduce the monopoly position of this company, which should be the goal of any settlement, and it would benefit companies that have suffered from the illegal practices by Microsoft. This donation should only be part of a settlement; other punishments, restrictions, and actions are still very necessary in order to prevent Microsoft from continuing to illegally abuse its monopoly position.

I hope that the nine states that are still pursuing tougher sanctions against Microsoft

do not give in as easily as the USDOJ, and will be looking for an appropriate punishment of the company that used illegal means to further improve its monopoly position. I also hope that the remaining states will include provisions to stimulate more and fair competition in the computer business.

It would be very ironic if the "punishment" for unlawfully using a monopoly position would be to allow Microsoft to further strengthen its stranglehold on the computer industry.

Sincerely,  
Andre De Wolf, MD  
Professor of Anesthesiology  
Northwestern University Medical School  
Chicago  
Private address:  
2381 Legends Court  
Riverwoods IL 60015

—  
Andre De Wolf, MD  
Department of Anesthesiology  
Northwestern University  
Chicago, Illinois  
a-dewolf@nwu.edu

**MTC-00001871**

From: monk  
To: Microsoft ATR  
Date: 11/21/01 12:31pm  
Subject: settlement

to whom it may concern,  
i wish to protest the proposed settlement in the strongest possible terms. this amounts to a minor penalty for a major infraction.

sincerely,  
richard hordinski  
po box 6352  
cincinnati,oh  
45206

**MTC-00001872**

From: Robert  
To: Microsoft ATR  
Date: 11/21/01 12:28pm  
Subject: Microsoft Victory Ripoff

Hello,

I'm very perplexed today after reading in the business section of the San Francisco Chronicle about Microsoft's punishment being reduced to supplying free computers to poor schools. It mentions that Microsoft would supply the software free too.

Um... If it's Office XP and Windows XP, which is what is already shipping, then the present cost for the schools is moot. Microsoft's activation scheme and plan for regular "rental" charges for use of their software, which has been widely publicized by them, means in the end the poor schools will be paying Microsoft more money than Microsoft will lose by giving them free software and computers. Secondly, it locks out anyone else from trying to sell to poor schools, such as Linux and Apple. Oh, and did I mention the fact that Microsoft gets a tax write off for this? What is going on?

This kind of deal only puts more money into Microsoft's pocket and expands their market share by giving them a stronger hold on one of the few markets that still has competition—education.

Please defend our California schools from this all-devouring beast!!!

Sincerely,  
Robert Biggs

**MTC-00001873**

From: Sean Stevens V.2.0  
To: Microsoft  
ATR,tom.reilly@ago.state.ma.us@inetgw  
Date: 11/21/01 12:46pm  
Subject: Microsoft Settlement  
do not settle. this will just repeat in 5 years again. I have personally seen people lose their jobs at a startup company because microsoft was working on a similar, unrelated to Windows, technology. they gave up because they knew they could not compete with microsoft, because they can bundle whatever they want with their OS for free, and make it difficult for other companies to get their products to work.  
—Sean Stevens, Brookline, MA.

**MTC-00001874**

From: Steven Reed  
To: Microsoft ATR  
Date: 11/21/01 12:44pm  
Subject: antitrust

Microsoft is hindering the competitiveness and quality of the computer industry. Since they have no real competition, they continue to make buggy software that requires continuous upgrades and support. They do not pay attention to security issues since everyone has to buy their garbage software anyways. Companies and citizens are being backed into a corner with no way out. Our nation's entire information structure is at risk. please break up microsoft into three companies so that each will have to stand upon their own products rather than expecting and forcing individuals to buy into the microsoft lie.

Steven D. Reed  
72 Elm Court  
Kennesaw, GA 30152  
tepef@macconnect.com  
770-590-0725 Home Phone & some internet use

**MTC-00001875**

From: Nick Moudakis  
To: Microsoft ATR  
Date: 11/21/01 12:53pm  
Subject: Lost Faith in Justice System

To whom it may concern,  
I feel compelled to write this letter to vent my frustrations regarding the Microsoft Antitrust trial/remediation. I feel that if a stricter, more punishing remedy is not laid down against MS, they will continue to break the law well into the future. I find it laughable that a company can be found guilty of breaking the law, yet, will get off with what I perceive to be punishment that in no way will alter their behavior in the future. Why waste the money on discovery of criminal behavior if in essence we are not going to do anything about it. No company in the history of the world ( to this point ), has used misinformation, monopoly power, false advertising, false endorsements, and coercion to get what they want as vehemently as MS. It must be curtailed somewhere, they must be forced to play fair. The time to hand down an effective, long lasting remedy is now. If this is not done, will we be doing this all over again in 5 years. I seem to recall that they were found guilty of similar charges in

the mid nineties, and that due to the weakness in the punishment, they basically were able to disregard completely the recommended practices that they had agreed to follow. Basically, left to themselves, they will continue to do whatever they want to whoever they want. As a side note, it appears that they are trying to settle their ongoing private anti-trust law suits by way of monetary/software/hardware donations to needy schools. How altruistic. Lets see, we broke the law, we will give away what for us is really quite a small amount of money, and increase our marketshare and our public perception at the same time, yup, that will certainly make us think twice about all the bad things we have done in the past. It is a joke. Please don't let the governments case against MS turn into a joke as well. It is extremely disheartening when a company becomes more powerful than the Justice system of the United States of America.

Nick Moudakis  
552 Seth Place  
Castle Rock, CO 80104

**MTC-00001876**

From: Yarger, Ned  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/21/01 12:51pm

i think this settlement only helps to strengthen microsoft's position to become the sole source supplier of software, etc to the public. it seems to be an endorsement for microsoft to continue giving away its products to eliminate competition, and to continue its undisciplined business practices. it is another example of the eroding judicial process.

**MTC-00001877**

From: John Springer  
To: Microsoft ATR  
Date: 11/21/01 1:01pm  
Subject: Settlement must prevent extending the monopoly

The MS settlement needs to prevent them from extending their monopoly on the OS into other areas, specifically the Internet.

Specifically, they should not be allowed to incorporate proprietary internet communication protocols into Windows, thereby putting technology onto everyone's desktop that no-one but Microsoft can interface to. The "Passport" program is a perfect example. New technologies built into Windows must have published open interface standards, so other companies can build on them. I do not believe the current agreement provides for that.

**MTC-00001878**

From: Erik Snyder  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/21/01 12:59pm  
Subject: No deals

Hello,  
I would like to express my outrage about the outcome of the anti-trust case against Microsoft. I believe that they need to be dealt with in a much harsher way. If the current decisions are the example of how this is to be handled they are not going to solve anything. Microsoft has thumbed its proverbial nose at the United States Department of Justice by choosing to perform

more extreme versions of its anti-trust behaviour with the release of the Windows XP operating system. They have done the same thing that they did with the Internet Explorer browser software and Windows '98, just with a much larger variety of software this time. This company needs to be stopped from doing anything like this again and they should not be allowed to decide their own fate. Their choices will cement their stronghold in the market more than they have already entrenched themselves. Please, make the right decision and do not let these injustices continue.

Thank You,  
Erik Snyder  
4316 W Henderson St  
Chicago, IL 60641

**MTC-00001879**

From: Anthony Tribby  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/21/01 12:56pm  
Subject: Microsoft's monopoly also hurts non-customers

One point I have yet to hear raised in the entire discourse related to this case is how Microsoft's monopoly mindset even hurts people who use none of it's products. My company has servers running on Mac OS X and straight Unix, with no MS machines or server software running anywhere. Yet, we have periodically experience huge performance drops on our servers when email viruses have surfaced that exploit well-known security holes in MS's software, as our servers will be deluged with thousands of requests for access to ports that would be vulnerable on an MS server. Even though these requests are otherwise harmless to our machines, just the processor time eaten up by rejecting them can be a drag on performance.

While Microsoft might say blame for this should all be laid on the heads of the "hackers", I feel that MS has been negligent in releasing such horribly flawed software in the first place, and doubly so in taking a very passive stance in making their customers aware of the problems and (only some of the time) methods for addressing them. If a car owner can be successfully held negligent for damages caused by a car thief because he left keys in a running car, I think clearly MS is being negligent by releasing such easily-exploitable software.

This negligence is compounded by the fact that MS's near-monopoly standing in the computer market makes it difficult for those who might prefer to move to another platform, which in turn puts less pressure on MS to actually fix the problems, or to make sure all their customers are aware of the need to fix them.

a.t.tribby  
CC:Microsoft  
ATR,attorney.general@po.state.ct.us@inet...

**MTC-00001880**

From: Raphael DiLuzio  
To: Microsoft ATR,uag@att.state.ut.us@inetgw.attorney...

Date: 11/21/01 12:53pm  
Subject: help stop monopoly

If you are interested please pass this on  
From: Christian Loweth  
Date: Saturday, November 17th 2001

To: contribute@macosrumors.com  
Subject: Grassroots effort against Microsoft settlement growing

Hi,

I posted the following on several forums last week as well as many Users Groups and the response has been encouraging. Please feel free to share this info among friends/colleagues if you wish. Should Microsoft receive harsher penalties?

I am very disappointed with the Feds settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement. "It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?"

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to write to the Attorneys General to inform them of your support. You don't have to reside in these states to write them. Write to all of them if you wish. The Attorneys General exist to provide services to their constituency. I believe that for the most part they take this responsibility very seriously. They want to get the bad guys. It is my opinion that Microsoft, Gates, Ballmer, et al, are the bad guys.

Below are the email addresses of the nine states Attorneys General dedicated to continuing with more stringent anti-trust prosecution. Included is USDOJ address to express your displeasure to the Feds. For international readers I have included a link to a USDOJ website listing other countries who are undertaking anti-trust action.

Please include your name and address. This contributes to your authenticity. They may want to send you a snail mail confirmation. Please put it in your own words.

A formulation was made years ago by various entities like newspapers, magazines, politicians, and such.

They figured that for every person who bothered to write to them represented X amount of people who didn't take the time and effort to write but shared similar opinions. X can equal anywhere from one thousand to ten thousand depending the specific circumstances of the recipient. So, as you can see, the simple act of writing can have a multiplier effect.

That's why your single contribution is so important.

If you agree that Microsoft has gotten off too lightly, I plead with you to take a few minutes, write to the Attorneys General and make your opinions known. When we're all using Microsoft Windows at least you'll be able to console yourself by knowing that you at least tried to resist Microsoft hegemony.

This is the time to strike. They believe that they have hornswoiggled a sweet deal. Their guard is down, if just a bit. This is far from over.

California: microsoftcomments@doj.ca.gov  
Connecticut: attorney.general@po.state.ct.us  
Florida: ag@oag.state.fl.us  
Iowa: webteam@ag.state.ia.us

Kansas: GENERAL@ksag.org  
 Massachusetts: tom.reilly@ago.state.ma.us  
 Minnesota: attorney.general@state.mn.us  
 Utah: uag@att.state.ut.us  
 West Virginia: Microsoft.atr@usdoj.gov  
 US Dept of Justice-Microsoft anti-trust  
 comments: Microsoft.atr@usdoj.gov  
 US Dept of Justice-other sites worldwide:  
<http://www.usdoj.gov/atr/contact/otheratr.htm>

This is a real opportunity for those of us who want more stringent prosecution. Before, Microsoft had only to have one team of lawyers to deal with the Feds. Now, their efforts will be diluted by virtue of having to confront nine different government entities. The time to express your opinion is now. Together we can have a positive impact on the future of computing if only we take the time to express our opinions to those who hold the public trust.

Best regards,  
 Christian Loweth  
 New Port Richey FL  
 Raphael A Di luzio  
 Professor of New Media  
 University of Maine  
 New Program  
 5713 Chadbourne Hall RM 410  
 Orono, ME 04469-5713  
 w 207.581.4425  
 c 207.745.7025  
 raphael—diluzio@umit.maine.edu  
 cerubahn@mac.com  
 “my kung fu is better then your kung fu”  
 -ancient wang chung master

**MTC-00001881**

From: verbonrt  
 To: Microsoft ATR  
 Date: 11/21/01 1:06pm  
 Subject: MSFT

The Fed. Gov't should back that wolf pack of lawyers—professors—envious corporations and “media” right out of DODGE and let MSFT and the rest of Amer. get on with its fair and competitive ways.

Russ & Jacque Verbon  
 Enumclaw, WA

**MTC-00001882**

From: V.S. Moore  
 To: Microsoft ATR  
 Date: 11/21/01 1:05pm  
 Subject: outrageous

so you're 'punishing' microsoft by 'making' them give poor schools Windows, Microsoft software and Windows PCs? you're not settling a legal case, you're handing the fox the keys to the henhouse. i can't think of anything you could do that would further erode the market share of microsoft's competitors and provide microsoft a larger monopoly. you guys are IDIOTS!!!!!! and we're sick of it.....

VSMoore  
 Seattle, WA  
 “Be bold and noble forces will aid you”—

Goethe

**MTC-00001883**

From: Patrick O'Grady  
 To: Microsoft ATR  
 Date: 11/21/01 1:04pm  
 Subject: I firmly oppose the proposed settlement in the Microsoft antitrust case.

Hello:

I am extremely upset about the current state of the Microsoft anti-trust case. As a computing industry professional and business owner, my eyes and heart are very close to what happens here. I am ashamed that our government, our department of “Justice,” feels that the current settlement provides any kind of remedy. It is not a remedy. In fact, it's an insult. I'll count the ways.

For over twenty years, Microsoft has successfully pursued a policy which destroys it's competition. Companies such as Borland, Lotus, and Novell produced products which were vastly superior in terms of quality, stability, and usability. But Microsoft's wildcard is their ability to change their operating system. This is specifically used to create compatibility problems with competing products. Imagine you have a car: it's like changing the size of a bolt so your competition has to buy a new set of wrenches. The ensuing user frustration always works in Microsoft's favor, and the result is a switch to more Microsoft products. It's interesting how in recent cases (Microsoft Word), they create this compatibility problem with older versions of their own products—forcing users to pay the money to upgrade. This would not be the case if there was at least one truly viable competitor in the marketplace.

They have no accountability, and they take advantage of that. We're all familiar with the ways in which Windows needs to be rebooted frequently. Of the six computers I have at home, five are various flavors of non-Microsoft operating systems, and excluding power fluctuations and physical moving of the equipment, none have required rebooting in the past year. This is proof that a considerably higher quality metric is achievable. I really wish that I could use one of these OS's on my laptop. But because Microsoft has destroyed the competition in Word processors, I'm unable to get away from their operating system. Quality metrics are frequently compared with the quality of automobiles or perscription drugs. While the scope of the application is different,

**MTC-00001884**

From: david ailes  
 To: Microsoft ATR,attorney.general  
 @po.state.ct.us@inet...  
 Date: 11/21/01 1:23pm  
 Subject: MSOft

I am particularly dissatisfied with the settlement that the courts have made with Microsoft.

I would hope that you will exercise your full authority to see that the monopoly and anti trust actions of Microsoft are not only eliminated, but adequate punishment is enforced, and future similar actions are prohibited and enforced.

David Ailes  
 200 Carolina Av.  
 Winter Park, FL 32789

**MTC-00001886**

From: KenMendoza  
 To: Microsoft ATR  
 Date: 11/21/01 1:20pm  
 Subject: How fair is this really?

To who it may concern,

It is beyond doubt that Microsoft has been judged to have systematically employed monopolistic and unfair business practices. By playing our legal system like a virtuoso, it has avoided any real harm to its core businesses and in fact has proven that it is better to break this law and pay what ever small price in order to gain momentum and market share. Microsoft is unchallenged and there is no end in sight. Now Microsoft is going to be “giving” Windows XP to 12,000 of the nations's poorest schools. What a great ploy. Now these 12,000 schools will depend on Microsoft upgrades as well as train hundreds of thousands of future Microsoft consumers. Let's face it. Microsoft has won and owns us all. Please have the decency to stand up and add an asterisk to this sad chapter in American history.

Sincerely,  
 Ken Mendoza  
 408-585-3903  
 160 Towne Terrace #5  
 Los Gatos, Ca 95032

**MTC-00001887**

From: Jed Haile  
 To: Microsoft ATR,microsoftcomments  
 @doj.ca.gov@inetgw,...  
 Date: 11/21/01 1:19 pm  
 Subject: Microsoft Settlement  
 Dear Attorneys General and Department of Justice Officials,

I have spent a large amount of time studying the proposed settlement for the Microsoft antitrust trial and I must express my extreme displeasure with the settlement.

Both the initial trial verdict and the appeals verdict upheld the fact that Microsoft is a monopoly that has illegally used it's monopoly power to deny other companies a chance to compete, and to control the flow of technology. Microsoft official were evasive and borderline to committing perjury in their testimony during the antitrust trial. Microsoft willfully disregarded the terms of their 1995 consent decree. What reason does any of us have to believe that Microsoft will honor the letter or the spirit of the proposed settlement? There are no strong enforcement clauses in the settlement, and there are enough exemptions and loopholes to make it entirely unclear what the settlement even restricts or enforces.

When the 18 states and the Department of Justice began this antitrust action against Microsoft the goal was to establish that Microsoft had illegally exercised monopoly power and to obtain punishment for that crime and to insure that Microsoft would no longer be able to commit further crimes of this nature. The proposed settlement does none of these things. Nowhere is there any punishment for Microsoft's breach of law, and the settlement contains enough exemptions and exclusions to leave Microsoft a broad lattitude to operate how it pleases.

The settlement is hopelessly biased in Microsoft's favor and I believe that Microsoft's past behavior warrants extreme reason to believe that Microsoft has no intention of honoring this settlement. Microsoft has never acknowledged their guilt, Microsoft has never accepted responsibility for their crimes, and Microsoft

will certainly never agree to sign a settlement that limits their ability to continue to operate as they accustomed. The only option is to have punishment and corrective measures IMPOSED on Microsoft. I urge the Department of Justice, the State Attorney Generals, and the Judge officiating over this trial to reject this proposed settlement. A great amount of time, money and effort have gone into establishing that Microsoft did indeed violate the law, and this settlement does nothing to justify that great effort.

With all respect,  
Jed Haile  
290 E 13th St  
Idaho Falls, Id. 83404  
Phone: (208)522-4518

**MTC-00001888**

From: cwilliambloom  
To: Microsoft ATR  
Date: 11/21/01 1:17pm  
Subject: Settlement

Microsoft has agreed to settle their case in a most reasonable way and the addition of their offer to low income children for computer and software, is more than fair. It is about time that the federal government stop spending money on harassing this first-class company and use the saved money to better use of the funds.

C. W. Bloomfield and F. E. Bloomfield

**MTC-00001889**

From: Robert J. Sharp  
To: Microsoft ATR  
Date: 11/21/01 1:25pm  
Subject: employment

I believe if we are going to sell our natural resources (BP AMOCO) and allow Netscape and AOL to merge and McDonnell Douglas and Boeing then I believe the government is wasting my money. Which is really bad since after 17 years with Boeing (MDC) I will be laid off this January 25, 2002. If the government want something to do then help me feed my family.

Best Regards,  
Robert J. Sharp  
Principal Engineer  
Structures 747/Mod.  
The Boeing Company  
316-523-0202

**MTC-00001892**

From: Rick Sanchez  
To: Microsoft ATR  
Date: 11/21/01 1:25pm  
Subject: Displeasure with Microsoft Settlement

As a user of Microsoft products and an active computer product consumer, I was incredibly disappointed by the anemic settlement that was reached with Microsoft. While I think a break up might not have been the answer, clearly Microsoft is an unrepentant monopolist and the sanctions as outlined will do little if anything to curb their tactics.

I'm writing to say that I strongly support the pursuit of harsher sanctions against Microsoft. Anything that fails to address the Microsoft tactic of "adding functionality" to Windows and killing competition in that market is too weak and anti-consumer.

Thank you for your time.  
Rick Sanchez

2000 Brewster Ave.  
Redwood City, CA 94062

**MTC-00001897**

From: Rodney Ankeny  
To: Microsoft ATR  
Date: 11/21/01 1:26pm  
Subject: Can we start getting our priorities straight?

This suit against Microsoft should be laid to rest as soon as possible. It should have never been brought in the first place. The Justice Department needs to stay out of private squabbles. I vehemently object to public tax dollars being spent by the Justice Department so they can be the private attorneys for companies that have more than enough money to afford their own. The Justice Dept. was led around by the nose by a group of people who made obscene amounts of money that they didn't earn in the Netscape stock run up, and that in itself is a travesty of Justice. If the actions of the Justice Dept. had been successful, we would now be paying significantly more for software we are getting for free. How can the Justice Department claim to bring a suit against a major corporation in the name of protecting the consumer, and the principal complaint is that the company was giving its software away free, instead of overcharging like the companies whose dirty work you were doing? How can you claim to promote competitiveness and innovation, when you organize a lynch mob to squash it? And lets see, the Justice Dept. has plenty of money to hurt the consumer, but when asked to deal with a serious and harmful illegal alien problem in Florida (which directly led to the events of Sept. 11) the pathetic excuse is that we don't have the money or resources. Here's a suggestion for you: CHASE CRIMINALS, NOT CITIZENS. I am beyond disgusted with this.

**MTC-00001899**

From: Doug Birling  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/21/01 1:29pm  
Subject: Anti-Trust Case

I am writing this letter to express me feelings about the Microsoft case. Over the years I have heard of a number of great products that were to be developed, only to be either bought or challenged by Microsoft. The future for us looks no better as Microsoft wants to control our living rooms with Direct TV, and the XBox gaming system. It is still unknown how evil their "Dot-Net" services will become, but Microsoft has proven time and time again that they cannot be trusted.

I have read several articles which state that Microsoft will settle with the US. I have also read a recent article stating that as part of settlement talks that Microsoft as a "Penalty" will pay a billion dollars to pay for school computers. At first this seems like a strong penalty, but this too plays into Microsoft's hand. I'm sure they would love to give out a bunch of copies of windows, knowing full well that they can in the future charge upgrade fees. The number of computers will also add to the Monopoly that they already have. Students will be forced to use windows and their parents might decide "Since the

computers at school are Windows, we'll get that at home!" This would just add to the problem. Please consider all sides when enforcing a penalty.

I as an American have the right to choose; If I want to use a computer or not, and if so, what type, what programs. If those choices are dictated to me, then that's not right and something should be done about it.

Doug Birling, Milwaukee WI, USA.

**MTC-00001900**

From: Jay Olson  
To: Microsoft ATR  
Date: 11/21/01 1:27pm  
Subject: The Microsoft hegemony

The recent settlement for Microsoft which includes the contribution of one billion dollars worth of software, services, and cash to the 12,500 poorest schools in the nation is a paradox. As you know, MS is on trial for anti-competitive practices. Well, punishing MS by forcing them to further inundate the educational community with MS software and services is, in itself, an anti-competitive practice. So the punishment for MS is to force them to further indulge in their crime? As you know, forcing them to distribute their software and services will only make those recipient schools dependent on MS in the future, while increasing the market penetration and mind share of Microsoft products. Perhaps you could force them to buy iMacs for those schools and provide a lifetime free license of MS Office on each of those iMacs, now that would be poetic justice. It would force MS to support the competition in the OS arena, while furthering their market penetration in the Office arena, but only by giving away their biggest cash cow for free!

This makes no sense to me, as I understand it makes no sense to you. I am writing to encourage you to continue in your efforts to reach a fair conclusion to this situation. Let this trial set a precedent for the future. Let the rich of the world know that our government is not for sale.

You have my support.  
Jay Olson  
112 Amador  
Watsonville, CA 95076

**MTC-00001901**

From: waynes@techgod.net@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:18pm  
Subject: Red hat settlement better

I think there are several flaws in Microsofts proposed settlement. For one it would greatly increase the monopolistic practice by getting there OS in the hands of younger children. It would not give the children the choice that is deserved. Plus the Liscences that Microsoft has put on these computers runs ouyt in 5 years forcing the schools to either buy a new liscense, or upgrade the computer. That's no punishment, it's a business oppertunity! Red Hat's proposal is much better. It put an alternative OS in the schools, and Does not run out of a liscense. And most of all the real punishment that because microsoft used monopolistic practices, the have to provide the hardware for a competetors OS.

Just my 2 cents,  
Wayne Sitton

**MTC-00001902**

From: Clay, John  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 12/6/01 2:35pm  
 Subject: Microsoft Settlement is Myopic  
 Dear Sir/Madam:

The DOJ's settlement with Microsoft is myopic, short-changes our population including other software companies and business in general, and rewards Microsoft for it's monopolistic practices. It reminds me of parents who cave in to their children when they (the parents) most need to set good examples and demonstrate an unwillingness to accept unacceptable behavior. Microsoft management must be howling with laughter as a result of the amazing good fortune to have the DOJ punishment require them to increase their present and future stranglehold on the PC industry by providing free software to an, as yet, under exploited market sector—the same software that they would generate regardless of the settlement. Astonishing logic.

It is imperative that the DOJ send a clear message that Microsoft's monopolistic practices will not be tolerated. That message needs to include enough real monetary penalties that it is unmistakable. It also must not in any way be capable of assisting Microsoft, particularly by growing more consumers for their product. If Microsoft is to help poorer school districts then it should be in the form of direct funding, not an "in kind" donation of their product offering.

John M. Clay  
 Tallahassee, FL

**MTC-00001903**

From: Bob McCormick  
 To: Microsoft ATR  
 Date: 11/21/01 1:51pm  
 Subject: Please do not accept Microsoft's Private Antitrust Settlement Proposal.  
 US Department of Justice

To Whom it may concern,  
 Please do not accept Microsoft's proposal to settle the Private Antitrust lawsuits. This is in no way a punishment to Microsoft but would simply extend their monopoly. How would that 'punish' Microsoft? If this were to truly punish Microsoft it would be 1 Billion dollars worth of competitors hardware and software. The Government's settlement is hardly a slap on the wrist. Please do not make it worse by accepting the current proposal for settlement of the private antitrust lawsuits.

At the very least, make them give 1 Billion dollars cash to the schools and let them decide how to spend the money. But if this is truly to punish Microsoft, make them buy 1 Billion dollars worth of hardware and software solely from competing companies. It has been judged that they are a Monopoly. Do not extend that monopoly by this proposed settlement offer.

Thank you,  
 Bob McCormick  
 175 Alice Ave. S.  
 Salem, Oregon 97302

**MTC-00001904**

From: WJKIV@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 11/21/01 1:49pm

Subject: Microsoft Settlement

To Whom it May Concern:  
 I think this case was without merit from the very beginning. Unfortunately, those various competitors that Microsoft fought so hard against in our free market system and beat, hands down, had no other alternative than to have the government try to stop them. Of course, they dislike the proposed settlement too. Big surprise!

Microsoft and the entire technology industry in this country had suffered immeasurably and it's time to put this nonsense behind us. Stop wasting taxpayer money. Settle the case and get it over with.

Regards,  
 William Kennedy

**MTC-00001906**

From: Pickney, Micheal  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/21/01 1:33pm  
 Subject: Microsoft Settlement

Bill Gates said he likes it. Another billionaire well served by the Bush justice department.

**MTC-00001907**

From: Apple  
 To: Microsoft ATR  
 Date: 11/21/01 2:20pm  
 Subject: Microsoft settlement

To whom it may concern,  
 I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that's appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen of Belgium.  
 With kind regards,  
 Van De Vyver Dirk.  
 Winkelstraat 22  
 9060 Zelzate  
 Belgium  
 Email: dirkv@mac.com  
 CC:microsoftcomments @doj.ca.gov  
 @inetgw.attorney.gener...

**MTC-00001908**

From: Dennis Brake  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/21/01 2:18pm  
 Subject: Micro\$oft

Now I'm really scared. Moco\$oft has become more powerful than the US Government! This whole process has made me think about how I make a living. I should have become a thief. I could steal millions of dollars, get caught, go on trial, and agree to pay \$10 in fines.

Dennis Brake

**MTC-00001909**

From: Little  
 To: Microsoft ATR  
 Date: 11/21/01 2:14pm  
 Subject: Settlement for real.

Dear Sir:  
 After reading about the "settlement", I am truly shocked. Forcing Microsoft to push their technology (i.e. Market freely) to all of the student in the under privileged schools is not fair to those who compete in that market. This can almost be seen as a long term investment for Microsoft, not a penalty. The correct answer is that Microsoft pays out cash to the schools. This money should be ear-tagged for technology and training. This will allow the market place and the schools to decide what technologies they choose to use.

In the big picture 500 mil is not very much. This is the amount of money that was "lent" to KPMG Peat Marwick my Microsoft durring the late 90's. The monies were used to rebuild the KPMG infrastructure using exclusively Microsoft products and technology. This was part of an arm-twisting deal that made KPMG to drop their use of technologies from Apple, Netscape and Novell.

Sincerely,  
 Robert Lee Little III

**MTC-00001910**

From: Jay D. Jester  
 To: Microsoft ATR  
 Date: 11/21/01 2:01pm  
 Subject: Proper Settlement  
 DOJ Staff,

As a lifetime Republican, I have to say that I disagree with your disicion to settle with MS. By not forcing MS to either open the OS to all developers and users, or split the company in some manner that levels the application developers world, you have limited the number of companies that will invest in new application development.

MS has for too long kept many OS 'hooks' private to the own developers. With the new habit of adding applications to the OS, it will make stand alone development more difficult since they can hide even more from outside developers.

How long will it be before MS Office is part of the OS? MS does not drive the tech economy, their products are tools, just like hard drives, CPU's, and RAM. They should be treated no different.

Thank You,  
 Jay Jester  
 jay\_jester@cssus.com

**MTC-00001911**

From: markdoerr@mac.com@inetgw

To: Microsoft ATR  
Date: 11/21/01 2:22pm  
Subject: Anti-trust settlement

As further evidence that you must not allow this settlement to go forward you only need to look to the anti-trust settlement announced yesterday.

"[11:15 AM CST] Microsoft Scores Another Major Settlement In Its Favor, & One That Might Hurt Apple's Education Sales by Bryan Chaffin at MacObserver

...From a Forbes.com report:

The proposed settlement will pay for teacher training, technical support, refurbished computers and copies of Microsoft's most popular software, such as Windows and Office, at more than 12,500 schools, Microsoft said. Microsoft admits no wrongdoing in the settlement, as is standard in agreements of this kind. The company said it will take a pretax charge of about \$550 million in the current quarter ending Dec. 31 to cover the proposed settlement. After taxes, the company expects to incur a charge of about \$375 million, or between 6 cents and 7 cents per share.

...From a TheStreet.com report:

"Under this settlement, they're giving away their software, which has zero marginal cost for them, and putting it in poor schools that never would have bought it anyway," says Ed Black, head of the Computer & Communications Industry Association, an anti-Microsoft trade group. "They're like the guy on the street that's got people watching the pea in the pod: Microsoft's got everyone watching, but they just put the pea in their pocket and walked to the bank."

"It's not a punishment, it's a reward," says Eugene Crew, an antitrust attorney at Townsend & Townsend & Crew in San Francisco who has been working on the California portion of suits. He says that his firm was taken aback by the proposed settlement, which it first read about in media reports Tuesday morning. He says he'll ask U.S. District Court Judge J. Frederick Motz not to accept the proposed settlement during a hearing set for next Tuesday, or at least release his clients from being covered by it."

It's obvious that monopolistic actions can be used as tactics and that the US Dept. of Justice can be used as an ad hoc sales force. I'm hoping that I might be able to come up with a way to get them to force Hollywood studios to cast me in their movies or TV shows. It'd make my job as an actor so much easier.

#### MTC-00001912

From: Art Isbell  
To: Microsoft ATR  
Date: 11/21/01 2:22pm  
Subject: Proposed Microsoft settlement

The proposed settlement of class-action claims of price-gouging by Microsoft wrecks of yet another Microsoft marketing scam that will further Microsoft's incursion into the education market, one of the few markets that Microsoft's only small computer systems competitor, Apple Computer, has a foothold. This will likely exacerbate Microsoft's monopoly which is the underlying problem that resulted in the class-action claims in the first place.

Beneficiaries of this settlement proposal, poor schools, will then be saddled with

computer systems and software whose cost of ownership is known to be higher than that of Apple computer systems and software. These schools are the least able to afford these unnecessary expenses.

Many school systems already have Apple computers, so delivering incompatible computers and software to these schools will result in additional expenses and hardships.

Microsoft values its settlement based on the retail price of its software whereas the incremental cost of the software it proposes to deliver will be almost nothing. So in punitive terms, this settlement is not fair.

A much more reasonable settlement would be grants of \$1.1B cash made by Microsoft to the 14,000 poorest school districts with these grants earmarked to buy computers and software. This would allow the school districts to determine the best computers and software for their particular situations.

I urge you to reject the proposed settlement as it stands.

Art Isbell  
1350 Ala Moana Blvd. #1408  
Honolulu, HI 96814-4211

#### MTC-00001913

From: Daniel M. Dreifus  
To: Microsoft ATR  
Date: 11/21/01 2:21pm  
Subject: Microsoft settlement

Please reconsider allowing Microsoft to donate millions of dollars of software to schools, and instead have them donate cash for computer purposes so they may have the option to purchase competitive systems and software, such as Apple or even Linux.

Commercial Resource Management  
Daniel M. Dreifus  
Toll free: 888 716-0672  
Fax: 805 584-8348  
e-mail: crm3@ix.netcom.com

#### MTC-00001914

From: CEP  
To: Microsoft ATR  
Date: 11/21/01 2:32pm  
Subject: Microsoft case

Greetings,

I'm an individual that learned about the DOJ email concerning the Microsoft case from Wired News. I believe that a lot have already been said. However, for some reasons that I guess, I see all the recent actions that have been taken by the DOJ and the states involved in the case and I believe that the decisions taken are barely helping the great values and principles that the court of the United States are defending.

Microsoft commercial practices not only shows that they endanger the world economy but worse our own culture. For years Microsoft has forged a name not on his technological advances or breakthroughs but mostly on the way it feeds his business from major sources like the innovations of his competitors and its future competitors (i.e. by hiring and swallowing brilliant students from universities). The pattern followed by the development of Microsoft business clearly shows that this company aims a cultural hegemony that she'll be capable to change or sell as she pleased if we let it follow its course. It will severely harm the world economy and, most of all, greatly endanger

what constitutes its soul part, the wealth of human values that rules visibly and silently our balance.

I deplore that some great minds cannot see the harm that has been done not only economically but at every level of human activity. I believe that the price we will all pay for such commercial practices will far exceed what our most brilliant minds can calculate.

I do not wish to sink Microsoft for the fun of it or to defend a cause. This company and his leader are a great asset in every way. I just believe other ways exist to compete sanely with others without excluding totally the others and endangering the process of innovation.

1) The splitting of Microsoft is not a necessity.

2) Letting Microsoft go away that easily without making major changes in its commercial practice will help the economy in short terms but will be only report a danger that will increase in time.

Saving money now, spending more later ?

3) Microsoft must sell a strip down version of his OS Windows and facilitate (not divulgate) immediately its source code. It should propose a new way to share codes that could not impede the competition. It should work in a way that could stimulate the competition instead of microsofting it.

4) The "almost" deal with the U.S., I believe that the U.S. government didn't have the gut to finish the job. Worse because of that attitude, Microsoft signed another deal (software to the poor U.S. schools) that will increase its power in a way that justified is bringing to justice in the first place. Do you think that Microsoft should help more than the U.S. poorest schools ? Don't you think that he has done harm only in the U.S. ?

5) This court of justice & the U.S. has a great deal of responsibilities on its shoulders not only for the sake of the U.S. rights but for the principles and values on which they build their national order and greatly influenced the world.

By sending you my comments, I have done my civic contribution.

Charles-Etienne Paquin  
cepaq@oriens.ca

#### MTC-00001915

From: j m  
To: Microsoft ATR  
Date: 11/21/01 2:26pm  
Subject: proposed MS private antitrust settlement

This e-mail is in regard to the proposed settlement in the Microsoft private antitrust lawsuits, as mentioned in the 11/20/01 Seattle Times (<http://seattletimes.nwsources.com/html/business/technology/134368881-microsoft20w.html>) I find it more than a bit ironic that Michael Hausfeld feels the best way to settle these private antitrust lawsuits against Microsoft is to seed "the nation's poorest schools" with Microsoft products, thus exposing students to (some might say forcing the students to use) the very software that is considered so ubiquitous as to be a monopoly.

To me, that is analogous to punishing the tobacco companies by forcing them to give

away their products to children too young to know the difference. While I admit that is overstating the health repercussions, I don't think it is overstating the financial ones. A more original, and effective, solution would be to force Microsoft to donate \$1 billion in Apple hardware and software, or better yet open source software such as Linux. Then again, since open source software is free, that would cost Microsoft nothing but the minds and pocketbooks of the next generation.

I can only hope that this proposed settlement is discarded by the Justice Department and/or judge on the case.

Jason Miller  
12341 25th Ave NE  
Seattle, WA 98125  
day: (206) 850-4144  
eve: (206) 363-4192 Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

#### MTC-00001916

From: Van De Vyver Dirk  
To: Microsoft ATR  
Date: 11/21/01 2:23pm  
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that's appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen of Belgium.

With kind regards,

Slos Marijke.

Winkelstraat 22

9060 Zelzate

Belgium

Email: [macfreak@pandora.be](mailto:macfreak@pandora.be)

CC: [microsoftcomments@doj.ca.gov](mailto:microsoftcomments@doj.ca.gov)

[inetgw,attorney.gener...](mailto:inetgw,attorney.gener...)

#### MTC-00001917

From: Gregory  
To: Microsoft ATR  
Date: 11/21/01 2:43pm  
Subject: Red Hat alternative in Microsoft

settlement

I think an escrow fund set up to help schools—funded by Microsoft—administered by someone else—and allow institutions that are “need” to buy whatever they feel they need—not just Windows or Microsoft products, which doesn't really hurt or punish Microsoft.

Gregory Youngs

Fairfield, Iowa Red Hat proposes alternative in Microsoft settlement <<http://www.computerworld.com/computerworld/images/1pixclear.gif>>

By TODD R. WEISS (November 21, 2001) <<http://www.computerworld.com/computerworld/images/1pixclear.gif>>

After Microsoft Corp. announced a proposed settlement yesterday to resolve a class-action lawsuit against it (see story), upstart Linux vendor Red Hat Inc. came up with an alternative deal that it says would more fairly punish Microsoft for its monopolistic practices.

In its announcement, Red Hat said Microsoft should be required to settle the cases by distributing rival Red Hat Linux software to thousands of schools across the nation, instead of deepening its hold on the schools by distributing more of its own software.

Matthew Szulik, president and CEO of Research Triangle Park, N.C.-based Red Hat, said his company raised the idea because Microsoft's offer—to give computers and its software to more than 14,000 of the nation's poorest schools—doesn't really punish Microsoft for its past practices.

Instead, he said, the Microsoft approach would simply give the software giant a wider reach in the nation's schools. “Microsoft should not be rewarded for their monopolistic practices,” Szulik said.

Rick Miller, a spokesman for Microsoft, had no comment today on Red Hat's counterproposal but said any additional software donations to the schools from Red Hat would be welcome through an independent foundation being proposed under the settlement.

The software giant announced its offer yesterday, less than three weeks after reaching a deal in its antitrust battle against the U.S. Department of Justice and nine states (see story). Though the company signed an agreement to settle the lawsuits under these terms, the proposal must be approved at a hearing Tuesday in the U.S. Federal District Court of Maryland, which is overseeing the case.

The lawsuits alleged that Microsoft used its Windows desktop operating system monopoly to force users to pay inflated prices for the company's other software. Critics of the company's proposal quickly called it too light in doling out punishment for the alleged infractions.

Red Hat officials said the company's cheaper open-source Linux operating system could bring technology upgrades to far more students and schools than Microsoft's more costly software.

Szulik said the court asked yesterday for public comment on the Microsoft proposal, adding that his company's alternative idea would be far more serious punishment for Microsoft. “My hope is that they at least

know there is an alternative out there” for a settlement, he said. “The judge can make a decision knowing he has multiple options.”

Asked if he thinks his company's counterproposal has any chance of succeeding, Szulik said, “It would have been worse if we didn't do anything. If we don't do it, who else is going to?”

Instead of supplying Microsoft software and using that as a considerable amount of the value of the deal, Microsoft could use that money instead to purchase additional computer hardware for the schools, according to Red Hat, increasing the number of purchased computers from 200,000 to more than 1 million.

Under the alternative plan, Red Hat would provide free copies of its Linux operating system, office applications and other software, as well as online support, to any U.S. school system. The Microsoft proposal covers a five-year period, while the Red Hat proposal has no time limit.

Al Gillen, an analyst at IDC in Framingham, Mass., called Red Hat's proposal “a creative solution” that would more severely punish Microsoft by making it spend more out-of-pocket money for hardware, instead of being able to include its own software at non-discounted prices as a large part of the settlement value.

But, he added, it's not likely to get any support from Microsoft. It's a “turf war,” Gillen said, with Microsoft trying to make inroads in an important market segment by using the settlement to increase its software use in the schools, where students will get used to it and be influenced to buy it on their own for home use.

“Knowing the position, the posture, that Microsoft has regarding Linux and open-source software in general, there's zero chance that Microsoft will [on its own] do anything with open-source software,” Gillen said. “They view that as competition, as they should.”

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#### MTC-00001918

From: ANDRAR  
To: Microsoft ATR  
Date: 11/21/01 2:41pm  
Subject: Fair settlement;

I think they reached a fairly settlement between microsoft and the government.

It's about time to settle this because the consumer is the one getting hurt.

#### MTC-00001919

From: hmkachline  
To: Microsoft ATR  
Date: 11/21/01 2:38pm  
Subject: Microsoft settlement comments

While I realize that since September 11th you have a great deal more to do than to fight illegal business practices, I hope that you will consider the following in your settlement agreement with Microsoft:—Have a few people who know something about computers and CS to watch the

company. It is my opinion that if they built cars, the result would be closer to a Yugo than a Lincoln.

—Microsoft, like all companies, needs to make a profit. This cannot come from selling blue sky. If you look at their TV advertising for XP, blue sky appears to be exactly what they're pushing. I cannot say that anyone wants to go to a mall where every store is run by the same company. In my opinion, that is exactly what Microsoft has attempted to do in the software industry. With their recent incursions into the PC market and the game and set-top box market, it is apparent that Microsoft desires to control more than software.

—Read the licensing restrictions. If Microsoft made refrigerators with ligatures like this, would you buy one?

—I read that part of the agreement, according to Reuters at <http://www.nytimes.com/reuters/technology/tech-tech-microsoft.html> is that Microsoft is "to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years." While this may seem at face value to be the equivalent of a community service sentence, in my opinion, the sentence is on the schools who get the "free" software and computers, because a—the settlement appears to rule out the choice of non-Windows based systems, such as Apple and UNIX. b—Who is going to pay for support and upkeep? The "poor school districts? With what source of income? If the poor schools have to hire IT people to fix what breaks—and something will break—the computer will hardly be "free". On a broken computer, free software is useless. Unless provision is made for warranty service for a reasonable period of time, the students and the poor school districts will suffer, even though Microsoft will have followed DOJ stipulations.

Thank you for providing an address for comments.

Harry M. Kachline  
Anchorage, Alaska —  
<hmkachline@earthlink.net>

"When you come to a fork in the road, take it."—Yogi Berra

#### MTC-00001920

From: EdAberdeen@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 3:20pm  
Subject: I am so pleased that this case is close to settlement.

I am so pleased that this case is close to a final settlement. It will be good for the country.... ss@Peace ... P

Ed of Aberdeen  
EdAberdeen@aol.com  
<A HREF="http://members.aol.com/EdAberdeen/index.html">http://hometown.aol.com/EdAberdeen/index.html</A>

#### MTC-00001921

From: Atlas Int'l  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/21/01 2:52pm  
Subject: Microsoft Antitrust

Dear Attorney General:  
I feel Microsoft should receive a much harsher penalty for their antitrust actions.

The verdicts have been returned. But, the sentence is more a blessing in thinly veiled disguise.

If the feds are intimidated by Microsoft, I urge the state attorneys general not to be. If double jeopardy prevents further action on the antitrust case, I feel racketeering may be another avenue worth pursuing. This corporation is a criminal entity and must be punished. Please continue your efforts against this actively growing monopoly. Feel free to contact me directly if you have any questions regarding my position on Microsoft and their business tactics.

Sincerely,  
Bob Holkan  
8109 Otium Way  
Antelope, CA 95843  
(916) 712-7348

#### MTC-00001923

From: Doug Clark  
To: Microsoft ATR  
Date: 11/21/01 2:46pm  
Subject: unfair Microsoft settlement

Dear Ms. Renata Hesse. As a consumer of software products, I am dissatisfied with the Microsoft settlement proposed by the Department of Justice. My main concern is not with the remedies. In fact the provision that PC manufacturers can install dual boot start up programs and install multi operating systems is exactly what the market needs to promote competition. But I have great concerns about the oversight process. Having Justice Department personnel on site at Microsoft offices does NOT guarantee that MS will not water down their restrictions, nor pressure manufacturers and software makers through verbal, "off the record" agreements. I am also opposed to MS's request to give away its programs to school districts. This only further extends their monopoly. I believe that stronger enforcement measures are needed to prevent MS from repeating their past predatory business practices. Thank you for your time and consideration. Sincerely, Douglas Clark, Austin, Texas

#### MTC-00001924

From: Andrew Harris  
To: Microsoft ATR  
Date: 11/21/01 3:31pm  
Subject: NO DEAL FOR MICROSOFT!!

#### MTC-00001925

From: Han Klomps  
To: Microsoft ATR  
Date: 11/21/01 3:30pm  
Subject: Microsoft settlement

To whom it concerns,  
I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their

product into the market, especially such a sensitive market like education, but by giving them a punishment that is appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order. What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.

With kind regards,  
Han Klomps  
Lupine-oord 41  
3991 VH Houten  
The Netherlands  
email: gjklomps@ision.nl  
telefoon: (+31) 30-6352390  
gsm: (+31) 6-53535915  
CC:microsoftcomments@doj.ca.gov@inetgw

#### MTC-00001926

From: steve harley  
To: Microsoft ATR  
Date: 11/21/01 3:22pm  
Subject: comments for the record  
please note my comments for the record on the pending settlement of the Microsoft anti-trust suit. the Justice Department is not representing my interests with this proposed settlement.

i prefer a settlement which promotes consumer choice and quality software. the proposed settlement does not do that; it does not significantly alter the conditions that Microsoft has illegally exploited.

if this settlement takes effect, i believe Microsoft will again take illegal action in the market because when the penalties are so light, Microsoft can make more money up front than it will lose during the next protracted litigation cycle.

please don't make breaking the law profitable for Microsoft.

thank you  
steve harley  
101 w. archer pl.  
denver CO 80223  
303-777-6475  
steve@paper-ape.com

#### MTC-00001927

From: Phillip Ross  
To: Microsoft ATR  
Date: 11/21/01 3:31pm  
Subject: Anti trust

Should Microsoft receive harsher penalties? I am very disappointed with the DOJ's settlement. Fortunately nine states' AG's agree with me. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. An abuse of power on the part of Microsoft (MS) that was not addressed in the trial was that MS has effectively eliminated a consumers ability to choose an alternative operating system when ordering a PC from an Original Equipment Manufactures (OEM's). (Dell, et all)

I believe that MS, in a premeditated fashion, used their Monopoly powers to ensure that the Windows OS would be the only operating system that would be accessible to a consumer when they turned on their computer and because of this they have stifled innovation in the marketplace and harmed the consumer by denying them the choice of an alternative product. Let me describe how MS may have illegally achieved their position in the market.

MS successfully stifled competition in the marketplace by not allowing OEM's (as per contract) to ship a computer that presented a choice of operating systems to the consumer when that computer was turned on. This choice of operating systems could have been provided by the OEM without any cost to MS for the install.

Microsoft blocked consumer choice by pressuring OEM's into signing contracts that obliged them to ship Windows only computers. If they refused the OEM faced the threat of losing the right to ship any MS product.

This type of practice by Microsoft will continue (if not in this form another) unless the monopoly known as Microsoft is either broken up into separate units or another remedy that I am not clever enough to devise is formulated that allows fair competition in the industry.

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to pre sue this line of inquiry. The browser is not the issue the operating system is.

I believe that the DOJ takes the responsibility of this matter very seriously. This is why I urge the DOJ to expand the scope of this case or start a new one that specifically addresses this problem.

Good luck.  
Phillip M Ross  
4554 NE Alberta Ct.  
Portland, Oregon 97218

#### MTC-00001928

From: ROBERT ROH  
To: Microsoft ATR  
Date: 11/21/01 4:06pm  
Subject: Microsoft Payment to Schools

It seems only fair that non-public schools should not be excluded from the list of the 'nation's poorest schools.' Many non-public schools are not private elitist schools but are deeply involved in serving the poor.

The non-public school of which I am the superintendent is in rural Nebraska, a depressed area with 33 % of our students on free and reduced lunch. The average per household income in Richardson County is barely over \$23,300.

Respectfully,  
Rev. Robert A. Roh  
Sacred Heart School  
1820 Fulton Street  
Falls City, NE 68355-2234  
402-245-3002

#### MTC-00001929

From: Kathi Wong  
To: Microsoft ATR  
Date: 11/21/01 4:04pm  
Subject: The Microsoft Settlement

PLEASE don't let Microsoft get away with merely donating computers and software to needy schools. This is so cynical it's pathetic. I saw right through it right away when I heard about it, and I'm not exactly a rocket scientist. It's a way for Microsoft to get a foothold in schools where they already have WAY too much influence. Microsoft is attempting to settle an antitrust lawsuit by committing antitrust actions. How incredible is that? Let them donate the financial EQUIVALENT of those computers and software and allow the school districts to buy what they need most, including other types of computers and software.

Kathi Wong,(865)379-1832,  
gandkwong@yahoo.com

#### MTC-00001930

From: warren  
To: Microsoft ATR  
Date: 11/21/01 4:00pm  
Subject: Microsoft Settlement

Hi. I am a California citizen, and I am writing you to let you know how outrageous the Microsoft "Settlement" is to myself and my peers. As part of the settlement, they 'have' to provide schools with free software? If they did this on their own volition, they would be charged with unfair market practice. How can other software companies, who are already struggling against the huge Microsoft corporation, compete with free software?

This decision is basically giving Microsoft the government sanctioned option to wipe out whatever competition they now have in the education market.

It fails me to see how this can be considered a punishment.

I sincerely hope that the Justice Dept does NOT accept the terms of this insulting settlement.

Thank-you for your time.  
Warren Friedman  
12 Mariele Dr  
Fairfax, Ca 94930

#### MTC-00001931

From: gary miller  
To: Microsoft ATR  
Date: 11/21/01 3:53pm  
Subject: Microsoft settlement is inadequate

I am greatly disappointed that the Dept of Justice has not put adequate restraints on the behavior of Microsoft, and accepted a very weak settlement that does not protect the interests of the American public. I hope the DOJ will give very close scrutiny to current and future behavior by Microsoft.

I am particularly concerned over the provision in the settlement agreement that requires Microsoft to divulge Windows APIs only to competitors that Microsoft determines have a "valid" business plan. Whether intended or not, one effect of this provision is to handicap the "open source" movement in ever inventing a rival technology that could work well enough with Windows to threaten Microsoft's own monopoly.

Open source has hatched such technologies as the Linux OS and the latest incarnations of Netscape. Yet in their earliest stages, open source technologies rarely have a profitable business plan at all, so Microsoft

need not tell them how to make their applications run to best advantage on a Windows machine. Small wonder future Nescapes will appear clumsier than Explorer. Without API disclosure, Microsoft's possibly inferior technologies come out of the gate with a prejudicial ability to integrate more smoothly with the Windows OS, and users will be discouraged from even trying alternative technologies. This element in the federal settlement nips a good portion of future competition in the bud. At the very minimum, a settlement should require Microsoft to sell an "unbundled" operating system with fully disclosed APIs, so that any third party could write an analog to, for example, the Passport technology, that could work as well with Windows as Microsoft's version.

I personally find Microsoft's past behavior so egregious—and so much unchanged even after the upheld findings of monopoly practices—that I hope the nonconsenting state attorneys general and the EU pursue substantial damages, and, especially, injunctions now against any future such behavior by Microsoft. Surely without suitable injunctions, while damage proceedings drag on Microsoft will only further entrench its current monopoly and extend it to such growing sectors of the American economy as e-commerce and internet computing. Microsoft's ongoing behavior together with its de facto omnipresence on the nation's computer desktops easily threatens to extend its monopolistic practices into new arenas, resulting in higher OS costs to every user and stifling new competitors in ever more fields.

Microsoft's continued march to subsume new technologies (instant messaging, media players, etc, and ABOVE ALL e-commerce in its infancy) into Windows XP, its retention of the right to revert all OEM alternative desktop settings to Microsoft's own 14 days after purchase, and its continued refusal to admit any past misbehavior whatsoever all demonstrate that more drastic remedies are needed, and sooner rather than later.

I only regret that Microsoft carries such influence in my own state (Washington) that my own attorney general has not joined in the other attorneys' general case.

Sincerely,  
Gary Miller  
1707 W 9th Ave  
Spokane WA 99204

PS. I would normally write a "real" letter in hopes of carrying more weight than an e-mail message, but understand that public safety concerns make email more reliable these days.

"The greatest obstacle to communication is the presumption it has already occurred."

#### MTC-00001932

From: Ryan Halpin  
To: Microsoft ATR  
Date: 11/21/01 4:19pm  
Subject: Microsoft Inc.

Stop spending my hard earned tax dollars on a witch hunt. No-body said Boo or anything to the contrary when Bill Gates started Microsoft. Every body wanted to jump on the band wagon then. Now that he has become successful and is worth billions,

keeping Americans employed and pumping billions back into the economy, a few want to level the playing field, for fair play???. When you guys level the playing field in a lop-side college football game then and only then can you start attempting to level the playing field in the economic sector. THOSE THAT WORK HARD GET REWARDED, THOSE THAT CRY FOUL SHOULD GO BACK TO THE DRAWING BOARD AND GET SOME MORE PRACTICE TIME, or come up with something that the American public wants to buy...LIKE BILL DID...Get off Bills' case and start hounding that other billionaire that's creating so much news these days...He's the EVIL ONE....

Ryan Halpin Billings Montana...

**MTC-00001933**

From: Matt O' Brien  
To: Microsoft.atr(a)usdoj.gov,  
microsoftcomments(a)d...

Date: 11/21/01 4:09pm

Subject: Against the Microsoft Monopoly  
To the individuals involved in the Microsoft trial:

I wanted to take a moment to let my feelings known regarding the latest decisions with the Microsoft corp.

I am completely against the business practices of the Microsoft corporation and its products.

The release of Windows XP has shown Microsoft's stance on continuing its practices on copying technology, crushing competition, and ruling the industry unfairly. The idea that now Windows directs the user to certain websites Microsoft wants you to visit is infuriating. The fact that XP now has technology that is identical to Apple's iTunes, iMovie and QuickTime raises a whole host of questions. Microsoft stole from Apple Computer the "look and feel" of its OS, and now has done the same with it's "media player". Don't any of these issues raise red flags?

The average consumer has no notion of these things, nor that it's wrong. The average consumer wanders into Best Buy and blubbers out, "Uh, duh, I need a computer to go online with..." Microsoft takes full advantage of the uninformed consumer and pushes its products on with no regard for competition or other software.

Take for instance, if you have a PC that is running Windows (you have NO other choice BUT to run Windows), you HAVE to run Microsoft's Internet Explorer software to browse the web.

What happened to Netscape Navigator?

This is just ONE of the many many examples of the monopoly Microsoft demands.

Microsoft is clearly throwing money at the problem to get people to shut up. I, as a consumer, and not going to stop fighting Microsoft. Their technologies are no good. Better products are out there and as consumers we are all going to be forced to give Microsoft our money for lousy technology. Please, I beg do not drop this case with Microsoft because you are tired of fighting. Don't let Microsoft just throw money at the problem. "Equipment and training" will do no good in breaking the Microsoft monopoly. Microsoft wants to train

children how to use its products. Not anyone else's but its own. Microsoft is DEDICATED to owning the entire computer industry. We CANNOT see this happen. This is America; we have freedom to choose here. And if Microsoft does what it wants to, we will no longer have freedom to choose. A computer is a very personal piece of equipment. Do you want to trust your finances and all other personal information to Microsoft??

I think not.

If possible, please let me know that you have received this email and have heard my voice. I am one of many, many individuals who feel strongly against the Microsoft monopoly.

Sincerely,  
Matt O'Brien  
1110 East Ogden Avenue.  
No. 103  
Milwaukee, WI 53202

**MTC-00001934**

From: Renee Murray  
To: Microsoft ATR  
Date: 11/21/01 4:08pm  
Subject: Settlement with Microsoft—BAD IDEA

I am very displeased with the proposed DOJ settlement with Microsoft. In addition this week we learn that Microsoft has proposed providing software to low income schools as part of the settlement with the states. Microsoft gets to provide the same software it used to violate antitrust legislation, as settlement for the violation—how ironic. Also, this settlement of software basically provides for additional injury to alternative operating systems—such as the Apple Mac OS. You will be taking market share away from Apple in education as a reward to Microsoft for its violation of antitrust laws.

The US DOJ needs to hold Microsoft actually responsible for its actions. They violated antitrust laws and continue to do so with Windows XP (now taking over music and video and eliminating JAVA support). Break the company up as was originally proposed. Microsoft has yet again proved its antitrust mentality and the proposed settlement is less than a slap on the wrist. Microsoft will actually gain in the education market.

Cameron T. Murray

**MTC-00001935**

From: Anthony Graham  
To: Microsoft ATR  
Date: 11/21/01 4:56pm  
Subject: Settlement is a disgrace

The DOJ settlement with Microsoft is a disgrace and a blow to a strong, competitive American software industry.

As a result of years of Microsoft's anti-competitive behavior, dozens of quality applications and companies have been essentially destroyed including Lotus, Novell, WordPerfect, Corel, and Netscape. Several other companies, industries, and products are now on the list of future victims of Microsoft's monopoly including but not limited to: Real Networks, Eudora (email), Palm, Tivo, ReplayTV, and Handspring. The Web itself is now well on its way to being completely controlled by Microsoft software.

They have behaved illegally and this settlement rewards them for it. After years of illegal behavior there is absolutely nothing in the agreement that prevents them from continuing to behave illegally and nothing that punishes them for past behavior. Forcing them to donate software to underprivileged schools (who wouldn't have the money to buy it anyway) increases their market share and costs them nothing. It even affords them a PR opportunity.

In the face of the Government's inability to protect the software industry, we will continue to be faced with sub-standard software from Microsoft that is protected from competitors by their Windows monopoly and whose flaws permit serious security breaches on a daily basis. We will not see a credible competitor Word Processor, Email client, Web browser, Spreadsheet, or database application in the US. Meanwhile, the software industries in countries outside the US, some of which are shielded from the Windows monopoly (China, India) will grow as the result of talent and competition.

This settlement must be scuttled for our software industry to thrive. The only solution to this problem is to prevent Microsoft (structurally) from behaving in the way it has for the last 10+ years.

Anthony Graham  
San Diego, CA

**MTC-00001936**

From: Kyle Crawford  
To: "Microsoft.atr(a)usdoj.gov"  
Date: 11/21/01 4:50pm  
Subject: MS Case Settlement Bogus

The proposal by Microsoft to donate it's own software to schools is ridiculous. This would on'y serve to strengthen their monopoly. How is this punishment?

The very notion of this proposal is disgusting.

Kyle Crawford  
4 Sunset Drive  
Douglassville, PA 19518  
CC: "microsoftcomments(a)doj.ca.gov",  
attorney.gen...

**MTC-00001937**

From: Nany Ramamurthy  
To: "Microsoft.atr(a)usdoj.gov"  
Date: 11/21/01 4:33pm  
Subject: Sir/Madam, Sir/Madam,

Microsoft by tying Internet Explorer and Windows killed the Innovative product Netscape. Now Microsoft trying to bundle more services with XP to kill competition in other areas. The settlement announced Nov. 2 is inadequate and the company will be able to bypass many of the sanctions as it did in the earlier case in 1995 and hence brought this case in 1998 and the courts have unanimously found that Microsoft violated antitrust laws.

The company had reached a deal to settle a raft of private anti-trust cases to spend more than \$1bn to put software and computers into some of the poorest American schools. The deal will close another chapter in the software giant's legal saga, while helping Microsoft make further inroads into the nation's schools, which once were dominated by its rival Apple Computer Inc. and will reach future customers mind at the early age.

I do not think the remedy should be a mechanism by which Microsoft can further extend its monopoly.

Thanks & Bye

Narayanan (Nany) Ramamurthy  
Senior Software Engineer  
Trintech Inc.

5 Independence Way, Suite 170  
Princeton, NJ 08540  
USA

Tel.: + 001 609 919 6027

Fax: + 001 609 720 1020

e-mail:

[narayanan.ramamurthy@trintech.com](mailto:narayanan.ramamurthy@trintech.com)

CC:Nany Ramamurthy

**MTC-00001938**

From: Matt Schultz

To: Microsoft ATR,microsoftcomments

@doj.ca.gov@inetgw,...

Date: 11/21/01 4:49pm

Subject: <no subject>

Dear Sirs and Madams:

I am writing on behalf of the electronics industry and the people of the United States, urging you to hang tough in the anti trust case with Microsoft Corporation.

None of you could imagine where the electronics industry would be right now, had it not been for Microsoft crushing anyone and everyone who had the audacity to think this was a free country. This industry would be vibrant right now, I'm convinced of it, and leading the whole country out of recession. Microsoft's dominance and dirty tactics have cost this nation billions of dollars of GDP and hundreds of thousands of jobs.

I cannot tell you how many times we worked with giant OEMs such as Hewlett Packard, Seagate, Maxstor, Storage Technology, Digital Equipment, LSI Logic, and others, on Windows OS drivers for peripherals, and each one of these firms—to a man—was (and continues to be) terrified of MSFT. They know what side their bread is buttered on. I saw the cancellation of dozens of projects in the 1990's because Microsoft simply wouldn't validate the drivers, favoring one company over another.

I understand that the Bush administration, due to it's war efforts against terrorism, would rather concentrate on that all important goal than to waste resources continuing the fight against Microsoft. The government has won it's case, but now it appears that akin to the giveaway of Eastern Europe after World War II, the US government wants to give this win away as well. I give MSFT executives all the credit in the world for keeping a straight face, as Larry Ellison put it.

But the economy needs this shot in the arm more than ever now, MSFT has strangled the life and innovation out of the computer industry for so long, it's now stagnate. We need desperately to have competition come back to the industry, so small firms with big ideas won't get wiped out. So MSFT can't deny the little guy interoperability with their stranglehold on the Industry anymore. To put Americans back to work and re-invigorate the industry, the US government and the States battling this anti trust violator must level the playing field. It's such an enormous uphill climb now.

Please do not allow MSFT to damage Apple Computer and the 25,000+ suppliers

of Mac OS based peripherals and software. The current \$1 Billion "penalty" Microsoft will take out of petty cash and give to schools will do nothing but increase Windows market share in one of Apple's most dynamic markets. The influx of Microsoft capital into the education market will inflict very serious damage to Apple Computer and thousands upon thousands of small US companies that provide consulting services, peripherals, software, drivers, firmware, and other products that support the Mac OS now used throughout the US education system to a very large degree. Many companies will be forced out of business, many Americans will lose their jobs to Microsoft once again. Only this time, it will be government sponsored.

It is a market that Microsoft has targeted for many years and after falling short in their own efforts, it seems they have now partnered with the US Government and the States to win this lucrative market finally after a 15 year battle.

This deal has to have Dell, Compaq, HP and Gateway licking their chops as Microsoft has sadly duped the government very, very smoothly here. This penalty is a Trojan Horse; it will turn out to be a gigantic marketing ploy, damaging Apple's share tremendously in the education market, while boosting Microsoft's share for years and years to come. Microsoft should realize a return of more than 8X on the measly one billion they will put forth. Some slap on the wrist, folks.

What an incredible blunder by the government. Win an anti trust case and then hand over one of the last remaining non-Microsoft markets! Incredible! What a brilliant and resounding victory for Microsoft. Stand tall, ladies and gentlemen. The whole industry is waiting for you good people to do the right thing.

Would it not be embarrassing to have the US Government & the States surrender to Microsoft, only to watch the European governments come to the aid and rescue of the US electronics industry? This could very well happen. You have won the case in court! But you're losing it in the conference room. Re-group, folks, and please focus on doing the right thing.

"Always do right; this will gratify some people and astonish the rest."

—Mark Twain (1835–1910)

Best Regards,

Matthew J. Schultz

7985 S. Bemis Street

Littleton CO 80120 USA

**MTC-00001939**

From: JRStrong@aol.com@inetgw

To: Microsoft ATR

Date: 11/21/01 5:11pm

Subject: The DOJ seems to be admitting its own inferiority?

When a company is so "illegally" profitable that the DOJ treats it as the "King of Microsoft," instead of following previous precedents? I mean by the DOJ's logic, there was NOTHING wrong with the Sherman railroad bridge being for the use of ONLY one Sherman company! Instead of "bailing" under pressure from M\$, the DOJ is supposed to represent the interests of everyone in the American population. By the DOJ's current logic, I could place a toll charge over 1 bridge

over the Mississippi River, requiring EVERYBODY to pay me a toll charge before I would let them cross my only one bridge over the river?

I had an "epiphany" or something about this happening when I was a freshman in business at the University of Illinois in Urbana/Champaign in 1987! I could "see" in 1987 how EVERY UIUC official/secretary had an Apple Macintosh computer on their desk to help them with their work? And I had also "heard" about M\$ Windoze 1.0 and I knew then that every software product by M\$ was an addition to the former M\$ product, and I thought of how a future M\$ Windoze would overtake the MacOS? This was precisely what started happening on a big scale with Windows 95 in 1995!

Bill Gates was trained in Computer Science, which entails total domination before applying the "brakes," so this is why the antitrust problem? I can see how my Illinois attorney general has "bailed" from the suit, as is a tendency of Chicago politics, but there are still 9 states that will hold M\$ accountable for its actions!

Jeff Strong

[jrstrong@aol.com](mailto:jrstrong@aol.com)

217/234-2547 apt/voicemail

916/405-3010 voicemail

508/590-5532 fax

**MTC-00001940**

From: Benjamin Turner

To: Microsoft ATR

Date: 11/21/01 5:06pm

So let's see: it's been agreed that Microsoft has illegally used its monopoly position to hurt competitors and consumers, and the government wants to cave in with a slap on the wrists in the form of the currently-proposed settlement deal? We have antitrust laws for a reason, and letting Microsoft get away with their anticompetitive behavior (again) is not in line with those reasons. Please continue to push for a stricter set of remedies against this law-breaking behemoth.

Benjamin Turner

10251 Kenny Lane

San Jose, CA 95127

(408) 929-3097

Benjamin John Turner

[bjturner@bigfoot.com](mailto:bjturner@bigfoot.com) <http://www.usfca.edu/>

[turner/bjturner@whowhere.com](mailto:turner/bjturner@whowhere.com) "The happiest of people don't necessarily have the best of everything; they just make the most of everything that comes along their way."

**MTC-00001941**

From: Joe Creitz

To: Microsoft.atr(a)usdoj.gov,

attorney.general(a)po...

Date: 11/21/01 5:04pm

Subject: Please oppose the proposed Microsoft settlement

To whom it may concern:

If my understanding of the proposed Microsoft settlement even comports only slightly with its reality, then this is no settlement at all. It would do nothing punitive, nothing to remedy past misconduct, nothing to inhibit future misconduct, and nothing to diminish Microsoft's monopoly power—indeed, it would help Microsoft make additional inroads in a computer hardware and software market in which

Apple, for example, now competes against it well (education), thereby enhancing Microsoft's monopoly power. Thus, the settlement does not impose any penalty, but rather it confers a benefit, on a company that has been found liable for unlawful abuse of its monopoly power.

This so-called "settlement" is a joke and an offense, and the Department of Justice and the states should do everything in their power to oppose it.

Sincerely Yours,

Joe Creitz, Esq.

SBN169552

Joe Creitz

Attorney at Law

2507 Bryant Street

San Francisco, CA 94110

tel: 415-642-4200 x164

cell: 415-269-3675

email: joe@415.com

#### MTC-00001942

From: SMitchum@washgas.com@inetgw

To: Microsoft ATR

Date: 11/21/01 5:29pm

I have watched I have been in the IT industry for more than 14 years. I have watched Microsoft use their market dominance to consistently erode market share from other competitors. They have used same principle time and again Fear, Uncertainty, Doubt to deny areas of the market where they did not yet have a product or where their product was so buggy that it couldn't effectively compete on it's own merits. Does anyone working on the case actually think that any single company can stand up to Microsoft when it has more than 36 billion dollars in liquid assets. Even if multiple companies banded together against Microsoft they can't stand against a 90%+ market share in the PC arena. If you don't stop them now XP will take over the internet and we will all be facing the fully embraced and extended world as written by Microsoft.

Thank you for your time.

Spencer Mitchum

Certified Novell Administrator 3x, 4x, 5x

Certified Novell Engineer 3x, 4x, 5x

Master Certified Novell Engineer

Cisco Certified Network Associate

Cisco Certified Design Associate

#### MTC-00001943

From: WILFREDO TORRES

To: Microsoft ATR

Date: 11/21/01 5:20pm

Subject: MICROSOFT SLAP ON THE RIB

DEAR USJD; WHY MR. BUSH AND MR.

ASHCROFT DON'T MAKE ILEGAL ALL

LAW SUITS AGAINST BIG BUSINESSES

AND AN ACT OF TERRORISM AS WELL?

THE FACT OF THE MATTER THAT

MICROSOFT OR ANY OTHER COMPANY

OR INDIVIDUAL REGISTER A PATENT/

.INVENTION DOES NOT GIVE THEM THE

ABSOLUTELY RIGHT TO CRUNCH

INNOVATIVE COMPETITORS THAT MAKE

A SIMILAR PRODUCT EVEN OF SUPERIOR

QUALITY/LOWER COST. I FOUND AN

OUTRAGE INSULT BY PART OF THE BUSH

ADMINISTRATION TO SETTLE THIS CASE

WITH LITTLE OR NO PUNISHMENT FOR

MICROSOFT AND TO MAKE MATTER

WORSE, THERE IS NOTHING IN RETURN

FOR US THE CONSUMERS.

#### MTC-00001944

From: Ron Habacker

To: Microsoft ATR

Date: 11/21/01 5:12pm

Subject: Microsoft Antitrust Settlement

I believe this is a terrible settlement for the U.S. and for consumers. All it imposes is conduct remedies, and for each of those, there is a loophole through which Microsoft can circumvent it. I wish to see Microsoft, who has been found guilty of \*criminal\* activity, as well as lying during the actual trial, to be punished much more severely than this. One of the remedies would be opening up their proprietary document formats (\*.doc, \*.xls, \*.ppt, etc) to EVERYONE, so that everyone can have a level playing field in competing office suites without having to worry about incompatibility issues.

Windows XP is even worse than the tying/bundling issues that got Microsoft into trouble in the first place, but the government wishes to turn its back on more anticompetitive behavior because the economy is in a recession and they believe Microsoft can help pull us out of it. Kindly stand up for what is right. Stand up for the American PEOPLE for once, instead of some insidious, anticompetitive, illegally competing, mega-corporation.

Thank you.

#### MTC-00001945

From: Nicholas Spies

To: microsoft.atr(a)usdoj.gov

Date: 11/21/01 5:12pm

Subject: Microsoft Settlement

Dear Sirs:

(This supercedes another note I sent earlier today (21 Nov 01) to the main DOJ email address.)

The settlement, or at least the penalty aspect of it as reported in the press (i.e. Microsoft to give needy schools \$1B of computers and software) is utterly inappropriate, even laughable, considering the economic havoc that Microsoft's business practices have wrought. Indeed, this "punishment" or "act of contrition" is simply anyother way for Microsoft to increase its monopoly, and assure itself of more repeat customers! If this offer is NOT part of the DOJ's Proposed Settlement, but a public relations ploy by Microsoft, the following stipulations should, in my opinion, be added to the Settlement for the reasons detailed.

Microsoft, whether or not mandated by the DOJ to dontate computers to schools, should only be allowed to do so by purchasing and donating Apple MacIntosh (or other Apple ) computers, with an appropriate Apple OS and, optionally, Microsoft software applications, to the schools. This would help to strengthen Apple's position in the market, which has historically been strong in the educational sector, and punish Microsoft more justly.

This would have an immediate, concrete effect in levelling the playing field, if only slightly, while yeilding some monetary compensation for what may well be \$100M+ in direct and collateral damages in the form of reduced productivity for computer users, losses to investors in businesses crushed by

MS, lossage of work due to the notoriously unstable behavior of Microsoft's products, and even the seemingly trivial cost of having the Windows logo displayed for a couple of extra seconds, just for promotional purposes, every time a Windows computer is booted; cumulative wasted time must run into man-centuries!

Most importantly, it would give students and teachers at needy schools a much better solution to their needs, and a far better base on which to build an infrastructure for educational computing facilities. For, by practically any measure, Apple's computers have always, and continue to be, easier to use, interconnect, and administer than Microsoft's platforms.

While this may sound "contraversial" at first, it seems to me that Microsoft should be penalized where it counts, while redressing some of the damage it's monopolistic practices have done to the company that originated, and made affordable, user-friendly personal computing (Apple).

Why reward Apple and not Xerox, Sun, Silicon Graphics, etc? Because Apple has survived and thrived as the only reasonable, and affordable personal computer, and, if secondary schools are to receive this windfall, Apple is already well-established in this area. Also, Apple computers are more compatable with Microsoft products out of the box than Windows is with anything but Windows. If Atari, TI, Tandy, or Commodore hadn't been driven from the market by the hegemony of Wintel (Windows running on Intel processors), there would be real choices other than Apple. Finally, the Government has an opportunity to emphasize that diversity of computer architectures is as important as diversity of operating systems.

I sincerely hope that this will be given consideration and that you will reply.

Thank you.

Sincerely,

Nicholas Spies

843 East Poplar Street

Coatesville, PA 19320-3346

610-383-9072

#### MTC-00001946

From: Antony Tovar

To: Microsoft ATR

Date: 11/21/01 5:37pm

Subject: Microsoft settlement

To USDOJ,

I am writing to object to the Proposed Final Judgement. As per your on-line instructions (<http://www.usdoj.gov/atr/cases/ms-settle.htm>) I have reviewed the current documents and would like to make the following specific suggestions:

1. Since it was found guilty of illegal businesses—and on a huge scale— Microsoft should be responsible for all government court costs. This should also include the costs for any state goverments that reject the current proposal. (The newspapers report this cost as \$15M to-date, a pittance to Microsoft.)

2. Removal/simplification of all extended definitions, e.g. "any middleware with a version number of form X.x." These details are unnecessary and, I believe, only exist to provide loopholes for Microsoft to evade the spririt of the document. The various sub-

sections should be worded in a way that the intent is clearly understandable to IT professionals (if not the general public).

3. Substitution of all references to "Microsoft Middleware" with the more general "Microsoft software." The public's concern is not limited to "Middleware" and the definition therein; we don't want Microsoft to be able to force any software on us, regardless of how we obtain it or how it is legally defined.

4. Inclusion of a provision specifically labeled, "Eliminating Microsoft's monopoly control of Internet and Windows desktop standards." This seems a natural conclusion to a 'successful' antitrust action. They can be allowed to maintain their Windows and Office software as they see fit, but they should lose their monopoly leverage. While I appreciate the provisions in the current proposal that require documentation of all APIs, e.g. integration between Internet Explorer and the Windows desktop (assuming that IE is considering "middleware" ...), I feel that the current exceptions clearly allow Microsoft to continue blocking competition. So, instead, I would like to see the addition of requirements such as publicly documenting the formatting information of all current/previous Office document types (so that competitors to Office could offer flawless backwards compatibility). I know Microsoft considers this an unwarranted 'grab' of their intellectual property but since the market for Oses and office suites has matured, the aspects of their products that belong in the public domain can easily be identified (and it only has to be a one-time event).

5. Clear instructions that OEM customers do not need to pay a Microsoft license fee (for Windows, Office, etc.) for every computer they sell, and that they will not be penalized (e.g. higher prices) for offering computers with non-Microsoft Operating Systems. Currently, the Proposal only stipulates that OEMs will not be penalized for offering dual-boot systems; this still requires them to pay Microsoft for a license!

I have been a computer professional for 10 years. In that time, I have never considered Microsoft Corp. to be a customer-oriented company and I believe this opinion has been confirmed by the testimony in the latest antitrust court case. Please do not allow their behaviour to go unpunished, or the market to continue languishing under their monopoly control.

Antony Tovar  
Technology Manager, TSKM Accounting  
<http://www.tskm.com>  
<mailto:atovar@tskm.com>

#### MTC-00001947

From: chucky cheese  
To: [microsoftcomments@doj.ca.gov](mailto:microsoftcomments@doj.ca.gov)@inetgw  
Date: 11/21/01 5:34pm  
Subject: Microsoft settlement—my views

I would have a serious look at just what Microsoft is getting in this latest deal. Donating a billion dollars worth of hardware and software to poor school districts is a kind gesture on the surface—BUT, look at it from Microsoft's perspective. What they are being allowed to do is flood the education market with their own products and they are

harming other manufacturers who rely a great deal on this market. Their donation (mildly punitive settlement) could possibly be used to gain tax advantages. The school districts will eventually have to upgrade their products and rest assured it won't be with other vendors' products. There is also the issue of servicing and support. This also is another revenue stream for Microsoft. I understand that the school districts can take the cash option and buy what best suits them. This won't happen since Microsoft rules the computing world—they will buy Microsoft!

Is this an oversight on the part of the government or is this a blatant compromise to just end this whole affair? Whatever it is, it must be stopped.

I do plead ignorance on the terms and conditions of the latest settlement, however, even I can see just what Microsoft is getting here—it's a free gift from the government. Please don't allow Microsoft the opportunity to walk. People are angry and tired—do the right thing.

Thanks for your time.

James

#### MTC-00001948

From: Ulla Hald  
To: [Microsoft.atr\(a\)usdoj.gov](mailto:Microsoft.atr(a)usdoj.gov),  
'attorney.general(a)poo...'  
Date: 11/21/01 5:33pm  
Subject: Please oppose the proposed Microsoft settlement

To whom it may concern:

If my understanding of the proposed Microsoft settlement even comports only slightly with its reality, then this is no settlement at all. It would do nothing punitive, nothing to remedy past misconduct, nothing to inhibit future misconduct, and nothing to diminish Microsoft's monopoly power—indeed, it would help Microsoft make additional inroads in a computer hardware and software market in which Apple, for example, now competes against it well (education), thereby enhancing Microsoft's monopoly power.

Thus, the settlement does not impose any penalty, but rather it confers a benefit, on a company that has been found liable for unlawful abuse of its monopoly power.

This so-called "settlement" is a joke and an offense, and the Department of Justice and the states should do everything in their power to oppose it.

Regards,  
Ulla Hald

#### MTC-00001949

From: [Psychohist@ao1.com@inetgw](mailto:Psychohist@ao1.com@inetgw)  
To: Microsoft ATR  
Date: 11/21/01 6:22pm  
Subject: Microsoft Settlement

As a professional software engineer and the owner of a small software firm, I have taken a keen interest in Microsoft's development of a personal computer operating system monopoly, and in the subsequent filing and progress of the United States v. Microsoft case. I am pleased that the court has correctly identified Microsoft's pattern of illegal monopolistic behavior; however, I am concerned that the proposed settlement, while carefully written, will fail to make any

substantial impact on Microsoft's future conduct.

#### Background

As mentioned in the documents associated with the case, the District Court found, and the Court of Appeals affirmed, that Microsoft unlawfully protected and maintained its operating system monopoly in violation of antitrust laws. In the United States' Competitive Impact Statement, two examples are cited of this type of behavior. One example is the elimination of Netscape Navigator as a viable cross platform competitor to Microsoft's own Internet Explorer, thus increasing the barriers to new competitors' entering the operating system market. The other example is Microsoft's partially successful efforts to squelch Sun Microsystems' Java language, thus ensuring that third party applications developers will have a large incentive to develop first—or only—for Microsoft's dominant Windows operating system.

It should be noted that Microsoft engaged in this type of behavior even where it was clearly monopolistic and anticompetitive: the example given is that of threatening Apple with the termination of Microsoft Office for Macintosh, not for any business reason related to the Office product, but instead to force Apple to make the unrelated Internet Explorer product the default Macintosh browser. Microsoft has yet to admit that this and similar examples of obviously unethical and illegal behavior were wrong; indeed, they continue to act in accordance with their own peculiar interpretation of 'innovation', ignoring others' standards of ethics or law. These examples are typical of Microsoft's behavior.

#### The Proposed Final Judgement

The Proposed Final Judgement seeks to remedy Microsoft's unlawful conduct by prohibiting certain forms of behavior—behavior that Microsoft has used in the past to illegally leverage and maintain the Windows operating system monopoly. In particular, Microsoft would be required to use common Windows licensing terms for the 20 largest original equipment resellers of Microsoft products, would be prohibited from retaliating against them, and would be required to make applications programming interfaces (APIs) available to third party software developers. Unfortunately, these remedies would be unlikely to have a significant practical effect on Microsoft's conduct.

Microsoft's past behavior and present statements indicate that they do not view anything that they have done as wrong, either ethically or legally. In light of this, they are likely to simply continue their present behavior into the future, ignoring any settlement terms just as they have in the past ignored antitrust law as a whole. The plaintiffs will thus have the burden of taking Microsoft to court for each individual violation of the settlement terms. In practice, the vast majority of such violations will likely be simply ignored; third party vendors have development schedules are often measured in days or weeks, and would rarely be able to afford the months or years required

to resolve disputes by appealing to the various proposed committees or the plaintiffs. The result would be little if any change in Microsoft's anticompetitive behavior.

In addition, Microsoft can easily circumvent specific terms. For example, the proposed terms would restrict Microsoft's licensing with respect to their 20 largest original equipment resellers. While these 20 largest resellers currently constitute a substantial portion of Microsoft sales, Microsoft could restructure their product licenses—for example by licensing on a state by state basis—so as to increase the nominal number of resellers, and thus limit the applicability of the proposed terms to a small fraction of their customer base. Microsoft could play similar games with respect to many other portions of the proposed terms, and indeed with any specifically defined behavioral remedies.

Microsoft has also shown a great ability to invent innovative new forms of anticompetitive behavior. However, because the proposed settlement terms are so narrowly defined, they will do nothing to prevent new forms of anticompetitive behavior on the part of Microsoft. Given that Microsoft has not admitted to any wrongdoing in previous behavior that was found to be illegal, they are likely to continue to violate the antitrust laws in new and different ways in the future. Finally, and most importantly from my standpoint as a third party software developer, the technical aspects of the proposed remedies are simply unworkable.

The proposed terms seek to allow third party developers to compete with Microsoft's in house efforts by requiring Microsoft to publish documentation for its APIs. The argument is that such documentation would have, for example, permitted Netscape to compete on an equal basis against Microsoft's own Internet Explorer.

Unfortunately, publishing accurate and complete API documentation at early development stages, as envisioned in the proposed settlement, is not realistic; at those stages, the software itself is being constantly modified and updated, such that any published documentation becomes obsolete nearly instantly.

For one example, I was at one point involved in a project that used certain Microsoft Windows network APIs. We had one particular problem that we could not resolve even after days of effort; eventually we resorted to paying for phone support from Microsoft on the issue. It turned out that one of the API calls we were using had actually been omitted from Microsoft's product because of delivery deadlines, resulting in an unexplainable crash; we had to use a workaround.

This is typical of the problems faced by third party developers when competing with Microsoft in house efforts. Issues that can be resolved with a single email exchange or two minute phone call between Microsoft employees involve, for those who work in other companies, many unanswered emails, hours of hold time on the phone, and the requirement to authorize unexpected expenditures. This is true even in the

presence of published API documentation. The advantages of personal contact and responsiveness at a working level within a company simply cannot be legislated in written settlement terms.

#### Breaking Up Microsoft

As discussed above, the terms of the Proposed Final Judgement would not prevent Microsoft from continued illegal use of its monopoly power; given Microsoft's refusal to wholeheartedly admit to previous wrongdoing, the best that could be hoped for would be minor changes in a few specific cases, and most of those only after additional litigation. The proposed terms' efforts to legislate a level playing field through the publication of APIs is likewise doomed to failure, since informal communications within the Microsoft organization will always be much quicker than formal and time consuming communications with those outside the organization.

The only solution is to reorganize Microsoft into separate entities, ensuring that it is in the interests of these new entities to behave in ways that are not illegally monopolistic. One way to do this would be to break Microsoft up into two parts. One part would be a Windows operating system company, the other a separate Microsoft applications company which would own both independently marketed applications software such as Office, as well as separately distributed free software such as Internet Explorer. The applications company would then have an incentive to develop for all operating systems, not just Windows, and the Windows operating system company would no longer have any reason to give special treatment to Microsoft applications developers over third party developers.

This solution would benefit both the public and Microsoft's own stockholders.

#### Benefits to the Public

At present, much of Microsoft's efforts on behalf of its Windows operating system are centered on maintaining the Windows monopoly. This limits the amount of effort that could otherwise be spent on actually improving features or reliability, or on lowering prices. This can be demonstrated by the fact that the only major personal computer manufacturer which does not use the Windows operating system—Apple Computer—has consistently higher margins than any of the manufacturers that do use Windows. Since all these manufacturers, including Apple, use the same component suppliers, the difference in margins cannot be attributed to hardware component cost or quality; instead, it is largely the result of software differences. Either Apple is able to charge a higher price by providing an operating system superior to Windows, or it is able to keep its per unit operating system development costs below the amount competing manufacturers pay for their copies of Windows.

If the Windows operating system were provided by a separate company, this new company could no longer leverage Microsoft's other assets—such as Office or Internet Explorer—to preserve its monopoly. Instead, it would have to refocus its efforts

on improving the Windows operating system. These improvements might take the form of better features or reliability in the operating system itself, or of better and more accurately documented APIs that would make it cheaper to develop higher quality third party software, or simply of price reductions for the Windows product that would be passed along to the consumer. In any case, consumers would see a substantial benefit.

#### Benefits to Microsoft Stockholders

After a breakup, Microsoft stockholders would own stock both in the Windows operating system company and in the Microsoft applications software company. While the resultant changes in the operating system company would primarily benefit the public, Windows would still have substantial economies of scale that would benefit stockholders no less than they do today. In addition, freed of the need to artificially support the Windows monopoly, a separate Microsoft software company could expect to substantially improve its performance and value.

At present, the efficiency of Microsoft's applications development is handicapped in both obvious and subtle ways by the necessity of preferentially supporting the Windows operating system. One of the more obvious examples is having the continuance of a Macintosh version of Microsoft Office used as a political tool, rather than being based solely on sound business considerations. More subtle are the requirements to preferentially support the Windows infrastructure, eschewing alternatives such as perhaps the Java language—simply out of loyalty to the corporation.

Similar inefficiencies are typical of other large monopolies. For example, the breakup of AT&T into separate regional bell operating companies and a long distance company resulted in substantially improved efficiency and growth—such that the total value of the separate companies today is many times that of AT&T when it was a monolithic monopoly prior to breakup. A separate Microsoft applications development company would no longer be bound to support the Windows operating system except where that would be efficient. Applications could be developed using the most effective tools, regardless of source. The result would be higher product quality, lower development costs, improved market share and market growth, and, ultimately, higher value to stockholders.

#### Conclusion

United States v. Microsoft has correctly identified Microsoft's past pattern of illegally supporting and exploiting its Windows Operating system monopoly. In addition, simply having both Windows operating system development and Microsoft applications software development under a common organization results in inefficient use of unrelated efforts to bolster the Windows monopoly. Breaking Microsoft up into a Windows operating system company and a separate Microsoft software company would enable both companies to operate more efficiently, benefiting both the public and Microsoft's own stockholders.

warren J. Dew  
Somerville, MA

**MTC-00001950**

From: Jeffrey Kazmierski  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/21/01 6:14pm  
Subject: Microsoft "settlement"

Dear All:

Unfortunately, my state's (Michigan) Attorney General was one of the AG's who caved into accepting the truly absurd DOJ/ Microsoft "settlement".

I would like to applaud those of you who understand the law, and, more importantly, have demonstrated a rather refreshing amount of common sense by sticking to your guns and continuing your quest to serve Microsoft—a company that has and continues to practice illegal monopolistic business tactics and strong-arming—with appropriate punishment and justice.

It is completely evident that the remedies proposed and accepted thus far are hardly a punishment—some can even be considered a reward— and it is becoming increasingly clearer that Microsoft may be involved in racketeering and bribery. There is just no other way to explain these ridiculous, "slap-in-the-face" settlements.

For every consumer and for every professional firm like ours, I wish you the best and hope Microsoft finally receives its due—break them up!

Sincerely,

Jeffrey J. Kazmierski  
President and CEO  
dw2.com, Inc.  
15. North Walnut, Suite 201  
Mt. Clemens, MI 48043  
dw2.com, Inc.—the active media architects  
<http://www.dw2.com>  
810.954.3660 tel  
810.954.4660 fax  
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**MTC-00001951**

From: WaynEYE@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 5:51pm

Subject: Settlement Much Too Lenient  
To Whom It May Concern:

After speaking with many of my friends and colleagues, a majority of us feel that the proposed Microsoft Settlement is far from equitable. I have personally witnessed their wanton anti-competitive behavior and their clear violation of Anti-Trust laws (and Racketeering Laws) in the course of my professional life. The truly unfortunate part of this situation is that it will appear to many Americans that anyone with enough money and lawyers can get what ever they want in this country.

Other countries, with their own disputes with Microsoft, are surely shaking their heads in disgust. Many U.S. States have also voiced their opposition.

The computer industry has likely been the most competitive, innovative industry in the history of this country. After this is over, I can guarantee you, Microsoft will be back to their old tricks again. Your decision to let Microsoft get off easy will come back to haunt all of us.

Sincerely,  
Wayne Quimby

**MTC-00001952**

From: rob(u)ART  
To: Microsoft ATR  
Date: 11/21/01 5:38pm  
Subject: Settlement with Microsoft

I think it would add insult to injury to allow Microsoft to deposit their products in the schools.

Doesn't that create unfair competition to other companies trying to persuade the schools to buy their products?

Why not require Microsoft to give a certain amount of money to the schools and let the schools decide what computer products they want to buy. In other words, they can choose not to buy Microsoft. Isn't that the point of the lawsuit in the first place: make sure the playing field is level and that consumers can exercise choice?

Robert Morgan  
Honolulu

**MTC-00001953**

From: wilbur nelson  
To: Microsoft ATR  
Date: 11/21/01 6:35pm  
Subject: Bad decision...

To whom it may concern:

The remedies set out in the Microsoft settlement case represent a gross miscarriage of justice. Please consider much stronger penalties.

Sincerely,  
Wilbur Nelson  
Offcenter Concept House  
280 W. Katmai Ave.  
Soldotna, AK 99669  
Voice: 907.260.6904  
Fax: 907.260.6905  
e-mail: [wnelson@offcenterconcepts.com](mailto:wnelson@offcenterconcepts.com)  
web: [www.offcenterconcepts.com](http://www.offcenterconcepts.com)

**MTC-00001954**

From: Hugo Acurio  
To: Microsoft ATR  
Date: 11/21/01 6:44pm  
Subject: Microsoft got it easy!!!

Hello My name is Hugo Acurio, And I just want to say, that Microsoft got it easy, what is going on with our justice, come on!!! 500 million in software for education, this will only make their monopoly bigger

**MTC-00001955**

From: David S. Long  
To: microsoftcomments@doj.ca.gov  
@inetgw.attorney.gener...  
Date: 11/21/01 6:40pm  
Subject: RE: Microsoft Judgment

As a longtime computer user and someone personally affected by Microsoft's business practices, I urge you to rethink acceptance of the current judgment. Specifically, I am referring to Microsoft being "forced" to donate \$500 million to schools and then allowing them to give their software away. This action only encourages the monopolistic practices that Microsoft has been using for years. As you know, one of the ways a company exploits a monopoly is by controlling price. Most people might think the company achieves this by charging a high price for their products, but they can also do it by charging very little or nothing. By

allowing Microsoft to give away hundreds of thousands of copies of its software, worth millions of dollars, the government is allowing them to compete with an unfair advantage. Microsoft is required to adhere to a verdict that only increases its market share and does not allow other companies to compete. Who in their right mind would buy product "X" for \$100 when they can get product "MS," normally costing \$400+, for free? And don't forget the operating system. If a school, normally short on funds, buys new equipment that requires training, productivity software, the operating system, and other items, why would they buy any equipment that didn't use this free software and free service? Microsoft doesn't sell PC hardware, but, by default, they require users to purchase PC equipment to run their OS. Apple, for example, cannot compete because they cannot sell these schools anything, hardware or software, that can take full advantage of the free Microsoft solution. If Microsoft is providing millions of dollars in training for Microsoft products, why would they want to buy Apple products, and pay for Apple training and support?

Please help us who have small businesses that support the "other" platform. Don't encourage the further development of the Microsoft monopoly.

Sincerely,  
David S. Long  
Founder  
v.2 Consulting  
[dslong@vdot2.com](mailto:dslong@vdot2.com)  
415 626 3130  
<http://www.version2consulting.com>  
v.2 Consulting specializes in Macintosh support as well as cross-platform integration. We believe IT support should be non-intrusive and easy to understand. v.2 Consulting has served the print & web publishing, film production, graphic & industrial design, audio recording, advertising, and video communities since 1999. CC:Microsoft ATR

**MTC-00001956**

From: Albert Howard  
To: ag@oag.state.fl.us  
@inetgw.microsoftcomments@doj.ca..  
Date: 11/21/01 6:38pm  
Subject: Microsoft settlement

Dear Attorneys-General,  
I am hopeful that your principled stands on making the punishment fit the crimes committed by the principals of Microsoft will succeed. I want to encourage you to stand firm for justice for all of us who have suffered from the stifling of innovation and the low quality of computer operating systems pushed upon us.

Justice requires that you succeed.  
Thanks, Al Howard, 504 HWY 169S, Seale, AL 36875  
CC:Microsoft ATR

**MTC-00001957**

From: Tom Loveman  
To: Microsoft ATR  
Date: 11/21/01 6:53pm  
Subject: Fox guarding the hen house  
Dear DOJ,

I am writing to express my deep personal displeasure with the proposed settlement of the Microsoft anti-trust case.

The provisions in the consent decree amount to letting the fox (Microsoft) guard the hen house. Practically every provision provides an out for Microsoft should they not like the way a particular situation effects them.

Time and time again, I have watched Microsoft yield it's monopoly to crush their competition, by either purchasing companies who over more innovation, or giving away their crapware free to destroy the fledging start-ups.

I honestly believe that had Microsoft not been allowed to cut such a wide swath across the technology industry there would be more companies with a wider array of products—all competing and therefore yielding better products. Microsoft has not help technology expansion—it's monopoly lets them charge whatever they want and there for makes technology more expensive for everyone. They have yet to show that any of their products released actually was worth the price they asked. The settlement does nothing more than reward Microsoft for it's behavior by giving them the go ahead to continue these practices legally. They've crushed countless hopes and dreams, hampered innovation (save for Apple Computer from which Microsoft steals every idea), and profited from a strangle hold on technology. Regardless of current economics or changes in the competitive environment, Microsoft should pay for their indiscretion, possibly be broken up, and face stiff penalties should they revisit their illegal practices.

I hope you seriously consider letting this fox off the hook.

Sincerely,  
Tom Lovema  
tlovema@earthlink.net  
19201 Van Aken Blvd. #513  
Shaker Heights, OH 44122  
216-561-9222

#### MTC-00001958

From: Stephanie Santmyers  
To: Microsoft ATR  
Date: 11/21/01 6:49pm  
Subject: microsoft settlement-No

If Microsoft wants to give schools a billion it must be in cash. Poor schools need books, supplies, and breakfast programs for students not computers. Microsoft wants to make good little consumer Microsurfs. Stephanie Santmyers

#### MTC-00001959

From: Michael Fussell  
To: Microsoft ATR  
Date: 11/21/01 6:46pm  
Subject: Settlement

It appears to this business Owner that the proposed Microsoft settlement is merely a slap on the wrist for someone who has demonstrated an arrogance and disdain for the rule of law. I would urge you to revisit the case and seek permanent remedies including splitting Microsoft into an operating system company and an application company.

Michael Fussell, PE  
President  
Fussell Engineering  
3700 South Russell  
Suite 106

Missoula, MT 59801

#### MTC-00001960

From: Wendell Shackelford  
To: Microsoft ATR  
Date: 11/21/01 6:46pm  
Subject: MicroSoft Settlement

To Attorney General Ashcroft,  
I am extremely disappointed in the leniency of the proposed settlement with the MicroSoft corporation.

I have followed this case from the beginning. At every opportunity Microsoft has shown contempt for the law.

They violated the consent decree regarding the illegal tying of Internet Explorer and Windows, and when taken back to court, falsified evidence in an attempt to prove that the web browser and operating system could not be separated. Their offer to provide a broken version of windows without Internet Explorer clearly shows their unrepentant attitude.

When it appeared that the case was going against them, they mounted an artificial "grass roots" campaign by having employees of their publicist write letters to the editor on their behalf without acknowledging the conflict of interest.

The Department of Justice has made a very strong case, and the weakness of the proposed settlement is insulting.

I am proud to say that my Attorney General, Bill Lockyer, understands the importance of this case and the critical role of the antitrust laws in creating a free and fair marketplace.

A monopoly is never good for the economy, and that should be irrelevant in the pursuit of justice in any case. I urge you to continue to prosecution of Microsoft.

Sincerely,  
Wendell Shackelford  
1228 11th Street  
Imperial Beach, CA  
cc: State of California Attorney General Bill Lockyer  
CC:microsoftcomments@doj.ca.gov@inetgw

#### MTC-00001961

From: Yann Ricard  
To: Microsoft ATR  
Date: 11/21/01 7:11pm  
Subject: Microsof Settlement

To whomever this may concern:  
My name is Yann Ricard. I am a computer technologist with 15 years experience in the industry, seven of which running a software publishing company. I wish to provide these comments on Microsoft settlements.

#### Specific Remedy

The settlement should not comprise remedies where Microsoft is "condemned" to give away technology to a needy segment of our society (education, health, whatever). This would actually assist Microsoft in furthering its monopoly, by damaging any competition in these markets. In the end the beneficiary of these gifts would be harmed as well by the weakening of competition and alternative technology providers.

#### General Comments

While the prominent position of Microsoft has had the beneficial effect of bringing on some level of standardization in what might

otherwise have been a chaotic marketplace, it is extremely clear to me that over the years, Microsoft has had a considerable stifling effect on this nascent industry. Computers are still very immature products. They are still ridiculously hard to use and troubleshoot for "ordinary people", and have yet to fulfill many existing promises, let alone develop avenues yet uncharted. We are therefore still at a stage where flourishing of ideas is much more important than standardization.

From a national point of view, I realize that knocking down Microsoft too hard may be seen as weakening the prominence of the US in the world computer market. However, letting Microsoft run unopposed in the US may set up the long range conditions for the emergence of overseas competition that is a generation ahead.

#### Anecdotal Evidence

I have a very personal experience of the marketing power of a company such as Microsoft. In the early 90's, I ran a small software publishing company. Our latest software product had garnered very positive reviews in the trade magazines, and we had just received very large orders from mass marketers, such as Costco. This was a very big deal for our company. We manufactured a large amount of product specifically branded for Costco. Before we shipped the product, Microsoft announced a competing product (actually a series of products), and Costco and the other mass marketer immediately canceled their order to us in order to make shelf space for Microsoft's product. Our seven year old company had made such a heavy investment in this product based on initial market feedback that it never recovered from the financial jolt of these cancelled orders, and folded thereafter. Microsoft's product turned out to be a complete flop after all, but by then, the competition was dead. I am not blaming MS for my financial mismanagement. I bet everything on one product and lost. My mistake. What is interesting is that MS is so big that the mere announcement of a product snuffs out competition. This is exactly what happened with Windows, which in its original incarnation was considerably inferior to all competitors (who remembers Gem?).

Sincerely,  
Yann Ricard, VP and Web Editor WEB:  
<http://virtual-egyptian-museum.org>  
Virtual Egyptian Museum MAIL:  
yann@virtual-egyptian-museum.org  
A non-profit educational venture FAX:  
(805) 565-1086

#### MTC-00001962

From: Julie Armstrong Psy.D.  
To: Microsoft ATR  
Date: 11/21/01 7:08pm  
Subject: microsoft settlement

I am opposed to the recent DOJ proposed settlement with Microsoft. It appears that the inclusion of a donation of Microsoft computers and software to schools would substantially increase marketshare for both hardware and software for the districts selected to participate. Instead, I propose that dollar value be determined, donated to

school districts to spend in whatever technological way they wish.

Further, I propose that Microsoft hardware and software divisions be prohibited from federal contract bidding for a period of not less than one year.

Let's give the few other companies with the capability a chance to make a real impact on the market!

Thank you for your efforts,  
Dr. Julie Armstrong  
Julie A. Armstrong Psy.D RNCS  
Clinical & Forensic Psychology  
152 So. Lasky Drive  
Penthouse Suite  
Beverly Hills, Ca 90212  
310.273.9190

**MTC-00001963**

From: Craig Wall  
To: Microsoft ATR  
Date: 11/21/01 7:07pm  
Subject: Microsoft must be stopped, yet new grievances

I own a small business, and utilize a computer in professional and personal matters. It continues to amaze me how no one will touch Microsoft as it bullies consumers and businesses.

I will limit my grievances JUST to the LAST 3 months!

1. Windows XP knowingly disables Quicktime content on websites within it's latest browsers (5.5 and 6). Quicktime is exceptionally popular (oh and did I mention it is a rival of MS technology?) Sites I previously enjoyed movie previews and software training now don't work with Explorer. The consumer be damned, I guess, is Gates mantra. Furthermore, the quicktime content on my own website won't work when potential clients take a peek. MS wants to destroy marketshare of its competitors anyway it can, and could care less about me as a consumer or as a business man.

2. Java. MS knowingly and willfully is trying to destroy JAVA by making it incompatible with its latest browsers—all in favor of its own new substitute technology.

3. MP3. Again XP avoids what is by far the most common music format in existence—clearly again to man-handle the consumer into its own competing music format. Does it matter what everyone in the public domain has chosen as its' format of choice? Not to Gates.

Let me be clear. Some might say you cannot be passionate or hateful and objective at the same time. I say to be objectively truthful about Microsoft is to passionately hate Microsoft.

Craig Wall  
1396 S. York St  
Denver, CO 80210  
303-722-1635

**MTC-00001964**

From: samurai@ihug.co.nz@inetgw  
To: Microsoft ATR  
Date: 11/21/01 7:00pm  
Subject: Not just Americans suffering.

Hi,

I'd just like to say I think the settlement is a joke. Does it stop Microsoft from adding applications to Windows that I don't want? No. Does it stop Microsoft from constantly

increasing the price of Windows, forcing me to pay for the applications I don't want? No. The cost of PC's has been dropping rapidly for years... everything except the Operating System.. that has been going up. Also MS claims the Government has been killing their ability to innovate. Rubbish! MS buys other companies ideas then bundles them into Windows and thus forces you to buy them. I preferred Netscape Navigator, but as my new PC came with MS Internet Explorer taking up 60 megs of my hard drive (and I could not remove it!) I ended up using that.

Also, look at the likes of Windows XP... "now users get a stable OS" excuse me? Should have I now been able to expect that right from the start? No one else would get away with selling such unreliable products. Lets also not forget the Microsoft that told computer makers they had to pay royalties on EVERY PC they shipped, regardless of which Operating System was actually on it. What could they do? say no to Microsoft? hardly. And as they had to pay for it anyway, they may as well ship Windows... even if the likes of OS2 was superior (now effectively dead).

Please do not let Microsoft get away with what they have done. Please let there be a possibility of one day being an alternative to Windows. Please give me back the right to choose!

Thanks,  
Tony.

PS. You might want to check that some of the Pro Microsoft letters have not come from dead people... MS has been caught pulling that trick before.

**MTC-00001965**

From: Russ Talbot  
To: Microsoft ATR  
Date: 11/21/01 7:36pm  
Subject: letting microsoft off easy...

Dear Sir/Madam,

I am a avid computer user. I use computers and software daily to make my living as a video and computer graphics person. I implore you to not let Micro\$oft off so easily. The recent deal to let Micro\$oft donate software to schools will be like letting the wolf off by letting him eat only the young chickens. Microsoft would love to create a stronghold on Americas education centers (traditionally a stronghold of rival Apple Computer) and what better way to do that than let them raise a generation of American kids on 1 billion dollars of "donated" software. Micro\$oft has stolen intellectual property from other companies, bundled it in their software and used their dominant position to crush the very companies that it stole from. In doing so, it has also stifled competition and reduced the choices of the Global consumer to near nil.

Please don't let them continue to do this.  
Russ Talbot  
Talbot Media  
Huntington Beach, CA

**MTC-00001966**

From: Jonas Haraldson  
To: Microsoft ATR  
Date: 11/21/01 7:28pm  
Subject: Microsoft Settlement

Dear Sirs,

I cannot believe what I am reading in the news. Instead of effectively curtailing

Microsofts ability to use its dominance to disadvantage competitors, you make them donate software (which costs hardly anything to produce) to schools. In essence, this enables them to gain marketshare in this market as well, and seriously hurt one of their few remaining competitors—Apple.

This is as sad as it is counter productive.

Best regards,  
Jonas Haraldson  
Stockholm, Sweden

**MTC-00001967**

From: Truong, Martin  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/21/01 7:19pm  
Subject: Settlement

The proposed settlement has all the appearance of a slap on the wrist for a major offender by a business-friendly administration. How can the option to settle be offered to a company that flaunts the findings of fact and audaciously releases a product (Windows XP) that continues the anticompetitive practices which got it in trouble in the first place? I urge the Justice Dept. to pursue justice in this case and seek a penalty that will curtail Microsoft's illegal activities.

Martin Truong  
Lafayette, CO

**MTC-00001968**

From: P T Withington  
To: Microsoft ATR  
Date: 11/21/01 9:01pm  
Subject: Microsoft is getting away with it  
Don't let Microsoft destroy our computer industry! They need to be reigned in. The current settlement is insufficient. They will simply continue to use their monopoly position to stifle innovation and increase their profits.

Please reconsider this settlement.  
P. T. Withington

**MTC-00001969**

From: bettkett  
To: Microsoft ATR  
Date: 11/21/01 8:49pm  
Subject: microsoft settlements

I feel the Dept. Of Justice has sold out the American public in its case against Microsoft. I feel that Microsoft is the "Mafia" of the internet. I have the feeling that political contributions and lobbying have negated the rightful lawsuits pending by Attorney Generals of the injured states that have instituted the lawsuits. I feel the individual users of the internet plus the providers or the software and hardware will have been done great harm by the ineffective action by the Dept. Of Justice.

H.D.KETTERER  
419 PEARSON CIRCLE  
NEWPORT, N.C. 28570  
e-mail bettkett@coastalnet.com

**MTC-00001970**

From: Brian Murphy  
To: Microsoft ATR  
Date: 11/21/01 8:48pm  
Subject: Microsoft Case

DO NOT SETTLE for that \$1 Billion Microsoft WINS in your face! fight on and make them pay for their actions!

Do what is right!

Thank you.  
Brian Murphy

**MTC-00001971**

From: AvianWD@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 7:59pm  
Subject: Microsoft Disappointment

Hello

Exceedingly disappointed in the Microsoft settlement. The restrictions are far too weak and there are no punishments for past crimes. I have no doubt that Microsoft will soon dominate the Instant Messenger and Media Player markets—not because their products are superior, but because they are bundled with the operating system.

In a few years the courts will have to deal with those issues. Its inevitable.

Allen Fitzgerald

**MTC-00001972**

From: Andrew Bayly  
To: Microsoft ATR  
Date: 11/21/01 9:39pm  
Subject: Competitive Suggestion

Dear Sir/Madam,

I write concerning the Microsoft settlement.

First, I should state that I am not a U.S. citizen. This may determine whether or not you may consider my thoughts.

I am Australian. I began my university studies in computer science in 1979, and have since gained an MBA with a focus in strategy implementation. For many years I have used software from many manufacturers. I have a preference for the Macintosh platform, and have therefore experienced many of the problems that have led to the hearings concerning Microsoft's conduct.

I believe that there is a simple settlement available in the Microsoft case that could be a generic solution applicable to all software developers.

Simply, all file formats should be public property. All software should be obliged to save and open defined file formats, that could be updated by an industry committee (preferably made up of users, not manufacturers) every two years or so.

This would eliminate the ability of a dominant market player to extend dominance from one market or product to another. In the case of Microsoft, all of its file types (doc, xls, ppt, and particularly its internet protocols) would become public property.

Alternatively, Microsoft would be required to abandon its own formats and embrace publicly-owned and administered formats. This represents a simple extension of the "rtf" notion that is already embraced by the industry, and particularly, by its users.

There are many simple analogies for this notion. Here is one: We would not tolerate a road system that could only be driven on one brand of tires. If a dominant road-layer (manufacturer) defined the type of tires that could operate on its roads, excluded other manufacturers from the ability to create tires that could work on its roads, and manufactured its own, it would be guilty of anti-competitive behaviour of the highest order.

If file-types were publicly owned (just as road surfaces are universally understood),

then all software developers would be on a level playing field. Not incidentally, Microsoft could continue to thrive with a massive market share if it continued to innovate better than its competitors.

I have posted this suggestion on computer-related bulletin boards and received warm feedback, and confirmation that this represents a realistic solution, from many technical minds, many of whom are U.S. citizens.

If this solution were to be pursued, then Microsoft would not need to be split up, which would be a sad end for an extremely successful innovator.

I thank you for your consideration.

Yours faithfully,  
Andrew Bayly.

**MTC-00001973**

From: Jim Van Dinter  
To: Microsoft ATR  
Date: 11/21/01 9:19pm  
Subject: Justice Department failure to protect consumers!

The failure of the Justice Department in any way limit Microsoft with this agreement is an insult to that consumer community. And now we hear that you are going to let Microsoft buy out the ed market as part of the settlement. "Michael Theochaes, an educational multimedia specialist at a Massachusetts public school, decried the settlement as "anticompetitive" and "targeted at a competitor with dominant market share" in elementary and secondary schools." (www.zdnet.com) This is what Microsoft did to Netscape and is attempting to do to AOL and Intuit.

And the Justice Department is a partner to the Microsoft monopoly. Notice the word "is." We consumers believe that you are, not appear to be, but are bought and paid for by Bill and his friends. The Justice Department by its actions in this case has notified America that it can be bought.

A judge and the appeals court have both ruled that Microsoft is a monopoly and has abused its position. Now, as part of the settlement, you plan to assist Microsoft in its next conquests. There are no penalties in this agreement. Now Microsoft proposes as a part of the agreement to "donate hardware and Microsoft software to schools. This is the same as giving away Microsoft Explorer to defeat Netscape and stifle Sun and the Java programming language.

This agreement shows consumers that the Justice Department can be bought and that it is not to be trusted.

James A. Van Dinter  
Boise, ID

**MTC-00001975**

From: jmeaders@netdoor.com@inetgw  
To: Microsoft ATR  
Date: 11/21/01 10:08pm  
Subject: Rush's pearls of wisdom

(Note: This e-mail was sent from a web page, the from address cannot be verified.)

Even Rush gets it! Why don't you? And why is the government STILL this arrogant, unrepentant monopolist's biggest customer? Can you say CONFLICT OF INTEREST?

The Motley Fool Discussion Boards  
Subject: Rush's pearls of wisdom

Date: 11/20/2001 10:42:31 PM

Number: 79411

Author: DarrelPr

URL: http://boards.fool.com/

Message.asp?mid=16148539

From today's Rush Limbaugh program . . . "As part of the settlement with the government, Microsoft has to spend \$1 billion over five years outfitting poor schools with their computers and software. They're also going to cut the prices on their software for all schools. Now, don't you find this ironic?"

The reason Microsoft was in court in the first place was it was giving its product away. It supposedly had an unfair monopoly, it was everywhere, and forcing everybody out, and now in the settlement, the government is forcing Microsoft to be everywhere and give it away. In other words, the federal government is making Microsoft do exactly what they took them to court and sued them for."

Whether or not you agree with his self assessment of "talent on loan from God", he does have a point.

cheers,  
darrelpr

**MTC-00001977**

From: David Platzker  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/21/01 9:47pm  
Subject: Microsoft Settlement

Dear Attorneys General;

I'm a little confused by the terms of the settlement offer[s] being tendered by to, and additionally those being tendered by, Microsoft to settle the litigation regarding monopoly powers. Of particular grave concern is Microsoft's offer to "donate one billion dollars of software and hardware" as a less than honorable means to settle the class actions suits outside the Federal anti-trust suit.

Does it not strike anybody that this will only EXTEND Microsoft's monopoly? Surely Microsoft is not going to be donating Apple equipment, nor any other software/hardware combination that is outside their existing monopoly. It is clear that this would only continue to hurt American consumers by further eroding any competing platform by simply removing a marketplace. This is no different from Microsoft blanketing consumers with free add-in software that destroyed potential marketplaces for internet browsers and word processing software.

Please do not let Microsoft off without first protecting consumers, and manufacturers, from this monopoly.

Regards,  
David Platzker

Director  
Printed Matter, Inc.  
535 West 22nd Street  
New York, NY 10011  
212 925 0325 tel  
212 925 0464 fax  
dplatzker@printedmatter.org

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**MTC-00001978**

From: Robert Dollins  
To: Microsoft ATR  
Date: 11/21/01 10:22pm  
Subject: Microsoft settlement

As a computer user, teacher, software author, and industry watcher since 1978, it is painful to watch deals being made which fail to adequately punish Microsoft for the arrogant disdain with which it has treated its customers, business rivals AND partners since it made questionable acquisition of Seattle Blue's hack of Digital Research's CPM operating system. Microsoft has continually released products of questionable quality, supported them poorly and at disturbing costs to the consumers it purported to serve.

All of the older computer users remember early days when Microsoft would release a really faulty product, then renig on promises to update and provide corrections. The only way to obtain corrections was to update the product, at great expense to the consumer.

Most of us also remember the many innovative small companies which introduced new and excellent ways of performing tasks, only to attract the attention of Microsoft who, if unable to purchase the companies or ideas outright, created competing technologies that were not better, just designed to use Microsoft's immense power to destroy the competing companies and their ideas and leave Microsoft in control of the market. Finally, it's painful to watch the Court to capitulate to the arrogance and whims of a monster company who, in the Court's own ruling, DID stifle competition and deliberately destroy other companies. Anyone, attorney, judge, computer user, customer, competitor, etc., who believes that the proposed settlement will prevent Microsoft from being up to their old tricks or showing any remorse should probably have their vision and hearing checked. They haven't been watching Microsoft closely enough and listening to what its customers have been saying for years.

**MTC-00001979**

From: Stephen  
To: Microsoft ATR  
Date: 11/21/01 10:09pm  
Subject: Microsoft Settlement

Ms. Renata B. Hesse,  
This letter is in reference to the antitrust suit against Microsoft. It appears to be that Microsoft will only get a slap on the wrist for their actions against the IT industry and our economy. It has been proven in court that the corporation hurts competition, hinders innovation, over charges for their products, as well as markets flawed and insecure software. How will the Department of Justice of the United States of America represent the people if Microsoft will not be broken up into

smaller companies? Since the break-up option has been removed, Microsoft has shown its aggressive, monopolistic character. It would be in the best interest of the economy and for the reputation of the Department of Justice that Microsoft is severely punished for its crimes. Otherwise, the people of this great nation will lose confidence in our judicial system. Please remember that this is the same company that used fraudulent video tapes under oath in court. This corporation lacks any code of ethics. I wish that no preference be given to them, as I expect no preference be given to me shall I make the mistake of committing of any crimes.

Sincerely,  
Stephen Thomas  
PC Technician

**MTC-00001980**

From: Cookie  
To: Microsoft ATR  
Date: 11/21/01 11:51pm  
Subject: Microsoft penalties?

I am very disappointed with your settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement.

"It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?"

Thanks  
Brian Cook  
310 South 16th street  
Quincy Illinois 62301  
Cookie ?  
800 652 5621 cookie@tfs.net  
ICQ: 29826792 AIM: u8acookie

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CC:microsoftcomments@doj.ca.gov  
@inetgw.attorney.gener...

**MTC-00001981**

From: lloyd olson  
To: Microsoft ATR

Date: 11/21/01 11:28pm  
Subject: Microsoft settlement

Dear Sirs,

If the settlement is Ok by Microsoft, it is Ok by us, but I do think it is a lot of money [products] for them to have to pay, when the whole case should have been thrown out of court. Anyway it should be a good deduction on their income tax.

Sincerely,  
Lloyd and Eileen Olson

**MTC-00001982**

From: Mike  
To: Microsoft  
ATR,microsoftcomments@doj.ca.gov  
@inetgw,...

Date: 11/21/01 11:02pm  
Subject: Microsoft Deal

Dear Sirs;

I am righting to tell you that I do not believe that this deal that is being offered to Microsoft concerning their monopolistic practices is punishment to them at all. They will be allowed to supply school systems with refurbished computer hardware that will be dependant upon their operating system, guaranteeing them a future customer as the schools will then be locked into their system. Is any consideration going into what systems the schools are currently using? If the school is currently using old Mac systems will they also be including training and support for the staff and students moving to a completely different and more complex system. This is also a market place that they have been anxious to get a good foot hold in that is currently their only true competition main market share. Sounds like this deal simply gives Microsoft the opportunity to do to Apple what it already has done to Netscape. If this was truly punishment they would be made to supply the schools with new systems based by one of their competitors like Sun or Apple.

Sincerely ,  
Michael Quiroz  
1800 Casa Linda St  
92363

**MTC-00001983**

From: Matt Wills  
To: Microsoft ATR  
Date: 11/22/01 6:07am  
Subject: Microsoft

Microsoft's plan to pay off a supposed \$1.1 billion settlement by "providing" its own software is an absolute joke. Not only does it not cost Microsoft the full dollar amount (bad enough on its own)but, in the process of "giving" school districts "free" software and Intel computers,

1. hooks them into the Windows-Intel upgrade cycle for the foreseeable future,
2. shut outs competition (from Apple or anyone else), and
3. leaves everyone it touches thinking inside the Windows-Intel box.

("Does that software you want work with our FREE Windows/Intel systems? No? Well, then we'd better stay away from it, then!"). What kind of settlement "penalizes" the wrongdoer by leaving it in a stronger position than before? See the first line of this message.

Matt

**MTC-00001984**

From: Jean Labrique  
To: Microsoft ATR  
Date: 11/22/01 9:17am  
Subject: microsoft

Why such "coercitive" action against free enterprise? Microsoft was the software company that allowed millions of users to get reasonable access to computers! Do you always have to kill entrepreneurs?

**MTC-00001985**

From: Angel Lamuno  
To: Microsoft ATR  
Date: 11/22/01 8:45am  
Subject: American citizens powerless

It is all too sad to see that American citizens are every bit as powerless as we Mexican citizens are. Microsoft have been found guilty of abusing its monopoly and there has been no punitive measure at all!

They are even striking a deal that will make them virtually invulnerable to any sort of control by the DOJ in the future.

I do not think that people in the DOJ have no understanding whatsoever of what they are doing, I would rather be apt to think that there is as much corruption in the USA as in any third world country.

You are definitely contributing in a significant way to the destruction and not to the building of a great country by putting Microsoft above the law and the best interest of the people.

Yours truly,  
Angel Lamuno

**MTC-00001986**

From: JoeB9@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/22/01 8:20am  
Subject: Microsoft Settlement

This is a follow-up to my previous e-mail regarding the currently proposed Microsoft Settlement agreement. In particular I wish to address the \$1.5 billion donation of software and hardware. I would strongly urge that this be changed to MS handing over to the SLD 1.5 in CASH to be used in the next funding year for the federal e-rate program. This would provide a total of \$4 billion instead of the \$2.5 billion that are allocated each year. There are many advantages to this. First there is already a plan in place to distribute these funds based on school lunch programs. There are strict requirements for filing and most importantly the schools get to choose the technology that meets their needs and are not forced to use a MS solution that, once again, propagates their monopolistic position and does in fact hurt other companies in the field of academic software and hardware.

Joe Barisa

**MTC-00001987**

From: DAVID SCOTT  
To: Microsoft ATR  
Date: 11/22/01 10:07am  
Subject: Microsoft Settlement

Microsoft has not only enforced an illegal monopoly resulting in the stunted growth of the software industry and tens of billions of dollars in damages to the consumers and software writers, but it has now also corrupted the Judiciary and the Justice Dept. It is very sad to see the difference a large

contribution to the republican party makes in the outcome of this trial. Disgraceful.  
dave

**MTC-00001988**

From: Don Adams  
To: Microsoft ATR  
Date: 11/22/01 10:00am  
Subject: MS

I can't believe Microsoft is getting off so easy. After reading an superior article in Wired magazine I believe MS should be severely punished or it will continue it's anticompetitive behaviors.

Don Adams

**MTC-00001989**

From: Daniel Ouellette  
To: Microsoft ATR  
Date: 11/22/01 9:54am  
Subject: Microsoft

Please fight a strenuous but persistent battle against Microsoft. More so than ever before this battle will determine whether America can remain truly free and appropriately competitive in the changing face of globalization.

I support this fight whenever and wherever I can.

Thank you,  
Daniel Ouellette  
New York, NY

**MTC-00001990**

From: deceiver  
To: Microsoft ATR  
Date: 11/22/01 9:52am  
Subject: Microsoft

As an educator of 24 years I would like to say that the \$1 billion deal for Microsoft is totally unacceptable. It would only strengthen their noose around the neck of the american computer using public, make them look good, and provide nothing but propaganda to the youth they claim to be serving. It would also cause the government to facilitate exactly the issues it is trying to solve. The infusion of Microsoft's technology into the schools would further foil the inroads other computer platforms have miraculously made in spite of Microsoft's shady practices.

I say this while writing in Microsoft's buggy Outlook Express mail program because I have little choice.

**MTC-00001991**

From: David K. Wolfe  
To: Microsoft  
ATR,tom.reilly@ago.state.ma.us@inetgw  
Date: 11/22/01 11:25am  
Subject: Microsoft settlement

I am very disappointed with the US Justice System settlement of the Microsoft case. It indicates to me and the rest of the world that big business like Microsoft can get away with anti-trust violations and racketeering with just a slap on the wrist. Microsoft has a massive monopoly of the computer industry gained by illegal practices. They have threatened computer vendors to accept their demands or be forced out of business. Is this the new definition of "free enterprise"?

David K. Wolfe  
30 Royal Crest Drive, Apt 8  
Marlborough MA 01752

**MTC-00001992**

From: Moreno  
To: Microsoft ATR  
Date: 11/22/01 11:24am  
Subject: Microsoft's tentative settlement  
Name: Guillermo Moreno  
Address: 13065 Thoroughbred Way  
Whittier, Ca 90601  
Profession: Algebra 1 Teacher

I'm writing to let you know of my disappointment in Microsoft's tentative settlement. From what I have read, how could the government agree to a settlement that allows and gives Microsoft an additional 14,000 new corporate clients. By giving cash, software and hardware (none of which hurt them except the cash), we give Microsoft clients to sell their future products to and over 500,000 future customer for free (the students). We can see how Microsoft works with their .Net plan and Windows XP (Microsoft all the time and only Microsoft services), get them hooked, then reel them in.

When Dell donates computers to schools and Universities, it's better than buying advertising time on television because each and every student gets continuous advertisement. In addition to this, Dell guarantees continuing revenues of services and products, not to mention tax breaks. School think is cheaper, but it isn't because they spent millions of dollars replacing a system they already use, millions more training, and millions more on maintenance. But since schools are very political, they do it and make some excuse-mostly their cost saving of buying new equipment. All false.

This will apply to Microsoft as well, they will have continuing crops of new clients each and every year. And as for the Education market that Apple currently holds (now as low as 30%), it will shrink even more. How does this change Microsoft's monopoly status? It doesn't. I want to thank you for standing up to the governments tentative agreement and refusal to settle with Microsoft. To really make any settlement work we need to adjust the playing field not give Microsoft a large playing field. Here are my suggestions.

1. Have Microsoft donate 1.5 billion dollars to some of the poorest schools to purchase computers from Microsoft's competitors. That means that schools should not be purchasing and/or replacing existing non Windows machines. They should be purchasing non Windows machines and creating infrastructure for non Windows networks. This could be Linux, Unix, Mac, or what ever, but there should be choice away from Microsoft solutions.

2. Using Microsoft's dominance of 98% and the industry's NGP a formula should be formulated to allow annual tax levies against them. These taxes can then be divided into three parts.

One, schools should be given continued support to continue non Windows solutions. In other words, schools should be getting moneys every year to continue to purchase non Microsoft software and products. This will allow schools to seek out products from Microsoft's competitors and allow for competition.

Second, moneys should be given to Microsoft's competitors directly to advertise

and allow people to see choice. Linux, for example, has grown in spite of Microsoft because people want choice, but most won't see it at all. Most people will only see Windows because Microsoft can easily purchase and buy advertisement time. So how are company that produce other operating system expected to survive? BeOS just died, Mac is loosing ground, how much longer can the others survive? Some will argue about setting a standard OS. Why, so that killer computer virus kills all the computers at once? We need to have choice, but if these small OS don't get larger, application companies won't make new products.

Since Microsoft got so big by eating up small companies, it makes sense to give them a chance for people to see them and not let Microsoft bury them with Billions of dollars in advertisements.

Third, give some of the money to companies that make Windows products that compete directly with other Microsoft products. Again for advertisement, such as Corel. It's not that Microsoft makes the best products, it's that people just don't know that other products exist, unless they're in the business. The fact that other companies exist at all itself says a lot about how people really don't want Microsoft products. But with all the advertisement and money spent my Microsoft to dominate, the general public doesn't really know and they continue to feed the big monster making it bigger and bigger. Microsoft and others will then claim it's what the people want, no I don't. Most new Windows based computers already come with Microsoft's Office, that's really going to make easy for people to buy competing products isn't it? The percentages and moneys is something that could be worked out, we don't want to destroy Microsoft only hurt them and increase the amount of choice out there. As Microsoft's dominance percentage decreases, their penalty should be decrease and eventually eliminated.

As we can see in Microsoft's new Windows XP, XBox, and WebTV, they've made so much money on eliminating choice that they can began to expand their dominance into other fields. They will survive.

Now by giving them 14,000 new clients, 500,000 future customers year, and free advertising and calling that a punishment, it's just not right. Please continue to fight for the general public and for freedom of choice.

Thank you.

**MTC-00001993**

From: Ric  
To: Microsoft ATR  
Date: 11/22/01 10:50am  
Subject: Re: Microsoft's Class action settlement, and Antitrust settlement  
Good day!

Microsoft just can't ever seem to 'lose' anything that it's tried for. In it's 'CLASS ACTION' suit settlement, Microsoft has promised to 'GIVE' the poorest schools in the USA Free computers and software. How is this a punishment??? It is estimated that the settlement will 'cost' Microsoft \$1.1 Billion, and will benefit MILLIONS of students in the US. Firstly, the 'software' part of it will NOT cost Microsoft that much, as Microsoft's cost

for software is "NOT" the RETAIL cost. Secondly, this is nothing more than Public Relations stunt, and Advertising for the company and it's products. What difference does it make that Microsoft spends \$1 Billion in it's ad campaigns for Windows XP (as Microsoft itself claims), or if it GIVES away it's products to millions of people. The net result of this is a continued propagation of it's products domination and exposure.

The Best possible response to this (and I have abosolutely NO invested interest in this company...) is Red Hat's offer to give all those schools FREE software. I HIGHLY suggest that some consideration be given to the idea that Microsoft use the 1.1 Billion to buy nothing but Hardware and allow ANY other software vendor to participate, if they are offering FREE software and tools.

The very idea that Microsoft would 'give' as a function of it's financial penalties it's very own software does NOTHING less than help perpetuate the very monopoly that it currently holds. I'd like to point out that the very fact that Microsoft AGREED to 'ANY' kind of settlement, would substantiate the fact that the proposed remedy/settlement could not possibly be a significantly serious punishment. Microsoft is NOT stupid, and their army of lawyers will only agree to anything that will BENEFIT the company... At consumers and competitors expense.

In legal circles, as history would dictate, Microsoft has NEVER, ever agreed to any kind of remedy in its long history of offenses that would even remotely hinder the way it conducts business. And this new settlement continues this trend.

If anything, what has been learned in this entire antitrust case is, that if you are an entity that in itself has more financial muscle and endurance than even the government and the 19 states combined, you will eventually reach a point where your opponents will run out of money and 'steam'... As did the DOJ! And the net result will be instead of a serious punishment being dealt, you will get a mere 'scolding'. And will be able to continue your practices with MINIMAL intervention. Although this idea (by the DOJ) was quickly disregarded, I think some credence should be given to the REMEDIAL idea that Microsoft should BE FORCED to release a version of Windows XP WITHOUT all the "UNWANTED" bundled software.

It is NOT FAIR to 'force' people to pay for features they will never use. The idea of an oversight committee overseeing Microsoft's internal activities, is doomed to absolute failure. Please do not take these concerns lightly, as the impact of the proposed settlements will greatly impact the technology industry as a whole, and consumers.

Thank you for hearing/reading my concerns!

...Ric...

**MTC-00001994**

From: Sergei Ludanov  
To: Microsoft ATR  
Date: 11/22/01 10:39am  
Subject: What a shame!

Dear Sir/Madam,

I was very disappointed to hear about a shame in wich DOJ put itself by accepting settlement with Microsoft.

Microsoft predatory politics and practice greatly damaged the development and innovation in computing. If not for Microsoft we would have better and faster computers, friendlier operating systems and better software. By settlement US Department of Justice practically encourages Microsoft to continue its anti competitive practice and harm against consumers. Unfortunately instead of protecting consumers, DOJ decided to protect monopoly. Fortunately we can hope that 9 courageous states that disagreed with DOJ will continue efforts to bring Microsoft to Justice. I am proud that a live in one of these states.

Sincerely,  
Sergei Ludanov  
9116 Greco Court  
Sacramento CA 95829

**MTC-00001995**

From: cvsrlj  
To: Microsoft ATR  
Date: 11/22/01 12:31pm  
Subject: Microsoft Settlement

To whom it may concern:

This settlement does nothing to redress the losses to the individual end user and small hardware/software companies.

Individual customers, including myself, have spent hundreds of frustrating hours trying to get Microsoft Windows software to work then buying the next version of the software because something that was available was simply left out of the previous software apparently so it could be in a later upgrade— (ICS in win98se is one example). The upgrades for windows continue to be \$100-200 or so each. At the same time hardware has dropped at least 10X in price while there has been a 10x increase in hardware functionality. Each upgrade of windows also consumes a lot more space and processor time for only slightly increased functionality. Most of the improvements were originally the intellectual property of other companies that was bought or just appropriated by Microsoft. Since windows remains a monopoly the market cannot control the price. The government must therefore control the price for windows and it must drop equally with hardware costs— individual consumers should be offered the same price as hardware companies. Service should also improve dramatically. I have bought upgrades for windows (95, 98 (x2), 98se (x4), ME (x3)) for each of several computers—however over the last few years when I call Microsoft service because the software has problems the clear implication is that I first need to prove I have a separate copy of windows including upgrades for each computer—which I do—then I get a solution that does not work.

Developers of Microsoft office, Microsoft Games, and other software also have far more direct access to information concerning the windows operating system than other companies in the United States. I agree that the code is should be a trade secret but all United States companies and individuals that develop software need to have free access to at least how the source code works for the

only operating system available to run their software. Perhaps DOJ should also keep copies of all source code in trust at a site other than Microsoft. DOJ employees will essentially be Microsoft employees if they do everything at the Microsoft campus.

The final comment I have is the corporate culture of our country is changing so short-term gains for stockholders that buy and sell rapidly (Including executives that use stock options and sell them the same day) is more important than preparing for the future. Microsoft does seem to invest in some basic research—that is good. But it is clear that they prefer to buy the ideas of others. The settlement should encourage basic research at the college/post graduate level and not just bring everyone up to the same mediocre level, as will be done by just giving Microsoft software to poorly performing primary and secondary schools.

Very Respectfully  
Chris Stacy

#### MTC-00001996

From: mark evans  
To: Microsoft ATR  
Date: 11/22/01 11:36am  
Subject: you're letting Microsoft off the hook  
Why are you letting these criminals off so lightly?

I am an independent web developer and a multi platform user who greatly fears that Microsoft will continue to abuse it's position in the market to block competition and force usage of it's products. I also believe based on their previous behaviors that MS will eventually use it's position to invade my privacy and/or charge me a Microsoft tax to use the internet simply because they control such a tremendous portion of the market that I have no choice. Their recently announced "generosity" in offering to indoctrinate our children into their ongoing de facto monopoly as a settlement is proof enough to me that they will continue their anti-competitive behaviors. If the DOJ allows this, they are doing further injustice to the future of competition for our industry and for the future of US business in general. Stop them now before they are more powerful than the government itself.

I couldn't put it more better than the columnist below so I will just point you directly at his comments.

<http://www.pbs.org/cringely/pulpit/pulpit20011108.html>

neo-meme.com: info architecture \* web project management on-line presence development for business

2963 W. Nelson #3 \* Chicago, IL 60618 \* 773/478-9131

#### MTC-00001997

From: David K. Wolfe  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/22/01 11:33am  
Subject: Microsoft Settlement

I am very disappointed with the US Justice System settlement of the Microsoft case. It indicates to me and the rest of the world that big business like Microsoft can get away with anti-trust violations and racketeering with just a slap on the wrist. Microsoft has a massive monopoly of the computer industry

gained by illegal practices. They have threatened computer vendors to accept their demands or be forced out of business. Is this the new definition of "free enterprise"?

David K. Wolfe  
30 Royal Crest Drive, Apt 8  
Marlborough MA 01752

#### MTC-00001998

From: Bruce M. Binder  
To: Microsoft ATR  
Date: 11/22/01 1:52pm  
Subject: Microsoft Settlement  
Office of the Attorney General:

I was very disappointed in the Federal government's settlement in the Microsoft anti-trust case and I hope California will continue to pursue a more severe remedy. I have a suggestion for a part of a remedy. Microsoft should be fined a large amount of money, and that money should be used to help fund software companies in California. Microsoft should be required to help put software companies \*in\* business instead of out of business.

The money should be used to set up a fund and an independent non-profit organization to administer it. The money would be used by startup software companies or by existing companies developing new software. It could be dispersed as grants, loans, investments, or however the organization sees fit. Some restrictions would have to be in place, such as limiting the funds to companies developing software for Microsoft platforms. Additionally, Microsoft could be required to distribute, on its operating system media, any software developed under this program that a software company wanted distributed. This plan has benefits to software companies, Microsoft, and the State of California. Software companies would have this additional source of funding available in a market where venture capital is not as available as it once was. It would encourage the type of innovation and variety in the software market that led to Microsoft's success in the first place. By making this money available, California would encourage companies to set up software companies in the state, mitigating some of the recent layoffs.

I believe there are other restrictions that should be required as part of the remedy, and the above suggestion is not meant to replace them. Some of the restrictions have been addressed in the Federal settlement, and other, stronger restrictions are needed. However, I do not think an extremely strong punitive action in the form of a massive fine is uncalled for, especially if the money can be put to a constructive use.

Thank you for your consideration.  
Sincerely,  
Bruce M. Binder  
San Diego, California

#### MTC-00001999

From: Jibu Abraham  
To: Microsoft ATR  
Date: 11/22/01 1:21pm  
Subject: microsoft settlement

Hi,  
I had the privilege to read the settlement documents for the case against Microsoft. To me, it seems quite a joke that our Department

of Justice "settled" in this manner. It leads me to purport that Microsoft has the DoJ in its pockets. I do not see any substantial penalty for Microsoft in this "deal". In fact, I see the DoJ helping Microsoft to continue its unfair practices, given the very vague language used in the settlement, and few clearly defined "penalties" for Microsoft. The "penalties" that are clearly defined, are in my opinion, more supportive to Microsoft's business than a true penalty for its past business practices. The DoJ should reconsider its standing on this case, and not allow itself to be bought by Microsoft.

Thanks,  
Jibu Abraham

#### MTC-00002000

From: Robert McNeal  
To: Microsoft ATR  
Date: 11/22/01 1:17pm  
Subject: Regulate the computer industry!

I can't believe what I'm seeing! First, the Supreme Court lets Microsoft off on conditions containing loopholes big enough to fly a B-52 through, and now the States are letting Microsoft walk with the condition of a \$1 billion educational 'donation' settlement. This settlement contains refurbished PCs and Microsoft software that will surely take great strides in driving Apple Computers out of the education market, furthering Microsoft's monopoly. Could these settlements have actually made matter's worse for what's left of the computer industry?

As a unix user, It makes me sick to see 30 years worth of standardization efforts crumble as an unchecked monopoly forces its closed systems into the server market. Where unix and linux have innovated, Microsoft only sees the opportunity to build a closed system upon the work of others and drive the pioneering developers out of business. I'm really too enraged to put into words.

Why is the FCC not maintaining standards for internet protocols? What if nobody regulated the transmitter power for TV and radio stations? Whoever could afford the most powerful transmitter could overpower the transmissions of any competing networks. Every time a competitor upgrades a transmitter to reach its market, the market leader could upgrade its transmitter to dangerous levels of radiation so that only their broadcasts could be picked up on the airwaves. Eventually, in these unregulated airwaves, even the military would have to bow to the broadcast leader if they needed to do a radio transmission. Now we have XP, every system sold will have all ports exposed to viruses by default. In these trying times, people are jailed for harboring or supporting terrorists. Now Microsoft is intentionally making the most viral operating system on the planet even more virus friendly. Why? Perhaps to place the blame on TCP-IP and use the misplaced blame as an opportunity to introduce yet another Microsoft only 'standard.'

See: <http://www.pbs.org/cringely/>

First Java, then the 'embed' html tag, Microsoft has blatantly chosen to abandon existing standards in order to expand market dominance. The United States have chosen not to regulate any sort of standards in order

to expand Microsoft's market dominance. Granted, some people like to be treated like sheep and have a corporation decide how they should exist in the emerging digital age, but these mindless zombies should not dictate the future of the rest of the world.

So the US has sold out to Corporate America once again. The digital age will be a slave nation of 'subscribers' to Microsoft's corrupt agenda of exclusion. We shall no longer be the technological leaders of the world. Perhaps Europe will have more common sense when they try Microsoft. I can only hope that they can regulate the crimes Microsoft commits abroad, support competition by funding Open Source development, or at least put their money where their mouth is by not using Microsoft products and directly supporting corrupt business practices.

I've never been so ashamed to be an American.

Robert McNeal  
Henninger Media Services  
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Arlington, VA 22201  
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703.283.7096 cell  
703.243.4023 fax  
<http://www.henninger.com>  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

#### MTC-00002001

From: Kevin Hall  
To: Microsoft ATR  
Date: 11/22/01 12:49pm  
Subject: a joke

This settlement is a joke. Once again Microsoft wins again. Is there anybody who will stand up to this company, beside Janet Reno?

#### MTC-00002002

From: Robert McNeal  
To: Microsoft ATR  
Date: 11/22/01 2:23pm  
Subject: Micro\$oft is corrupt... Are you?

Q: Why do cars run on polluting gasoline rather than clean burning alcohol?

A: Because of a Big Business deal between Ford and Rockefeller to sell off gasoline, the by-product of coal refining, rather than use corn based alcohol that would support the poor a American farmers.

Q: Why do cars still run on gasoline after the environmental and international damages are so appearant?

A: Perhaps because of lobbying generations of corrupt government officials?

Q: Why do ALL major consumer PCs come with a 'Microsoft Tax?' Why can't I buy a PC to use with whatever operating I choose?

A: Because of threats from Microsoft to be PC manufacturers to be left out of their 'standards.'

Q: Why is Microsoft still operating unchecked by the government after nearly ruining the computer industry?

A: Please reply to this message with a good one. \$1 billion for education? What is the point of training our children to work in the computer industry at the cost of killing the industry?

Robert McNeal  
Henninger Media Services

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703.283.7096 cell  
703.243.4023 fax  
<http://www.henninger.com>  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

#### MTC-00002003

From: Andrew B. Lundgren  
To: Microsoft.atr(a)usdoj.gov  
Date: 11/22/01 2:12pm  
Subject: Redhat proposal change to the microsoft settlement.

The portion of the MS settlement allowing them to donate their software to schools will do more for benefiting MS than helping the people involved. They will simply be able to inculcate the poor youth with MS software.

Before accepting the MS software/hardware and training proposal, please consider the Redhat proposal. Let MS donate the same amount of money, but just use it on hardware and training. Instead of using just Redhat linux also include Suse, Caldera, Turbo, Debian, if they are willing. If a person understands Linux usage and administration, then Windows is a cake walk. The training on Unix will give them a much better understanding of computers and give them a better understanding of technology. MS software is designed to isolate the user for the computer, opensource software generally is not.

Please do not allow MS to further their monopoly as part of the settlement. Allow them to help out others, but not to their specific betterment.

Thank you.  
Andrew Lundgren  
lundgren@byu.net  
<http://www.itwest.net/~lundgren>

#### MTC-00002004

From: Adrian Verwolf  
To: Microsoft ATR  
Date: 11/22/01 1:52pm  
Subject: Proposed settlement

To Whom it may concern:  
The leeway engineered into this settlement agreement is transparent and disturbing. Aside from its general inadequacy in addressing the bases of the expensive and hard-fought case that the DOJ successfully presented against Microsoft, the definitional vagueness will allow even greater abuses than in the past. Microsoft will be unhindered in synthesizing and applying its own definitions to inherently fuzzy and rapidly evolving technologies.

As a single glaring example of the malleability of the terms of this settlement, refer to section III, J, 2 (b); therein Microsoft is essentially given license to restrict its own cooperation in sharing information on the basis that such information is not for a legitimate business purpose.

Microsoft could clearly argue that certain open-source development groups had no such purpose in spite of the fact that such development efforts are clearly in the best interest of the American people.

To clarify: the open source Samba service, reverse-engineered to interoperate with MS client PCs and servers, outperforms Windows

2000 Server file services in a number of scenarios. Samba is clearly a useful product, available for little or no cost, the development of which may have had no "legitimate business purpose" under the terms of this settlement.

Thousands of organizations rely on Samba to host proprietary Microsoft file services, despite the fact that Microsoft developed the protocol and offered no assistance to Samba developers. The long and short is this: Microsoft would prefer that Samba didn't exist, and is given license under this settlement to make such competing technologies unavailable by leveraging the power of a huge base of installed computers and MS software against such encroachment.

The solution to this specific issue is to require Microsoft to reveal all proprietary communication protocols to all interested organizations. The exceptions listed in the settlement (security, native server comm, encryption, etc.) are constructed solely for the benefit of Microsoft.

The open source community, for example, has developed stable, highly secure protocols whose sources are available for perusal by virtually anyone.

In fact, full disclosure is in the public interest because it inherently promotes system interoperability, robustness, and security.

The above example is not in any way meant to be comprehensive; rather, it intends to be illustrative of the flawed construction of the proposed settlement in a single context, and how it might be effectively remedied.

As a resident of Seattle and an advanced user of Microsoft consumer and commercial products, I want the company to succeed for a variety of fairly obvious reasons. However, this shouldn't be attained by the application of anticompetitive business practices that the DOJ has already proven to exist.

Excellent alternative technologies should be encouraged by any settlement; this proposal fails utterly to allow such advances to develop in a competitive, fair environment.

I use Apple products extensively in addition to Wintel systems, and am rapidly expanding my use of UNIX-based and open source software. In the real world, there is a need for each platform; this settlement undermines the potential for best aspects of each to emerge in ways that benefit people, businesses, and organizations.

Sincerely,  
Adrian Verwolf

#### MTC-00002005

From: Larry Tan  
To: Microsoft ATR  
Date: 11/22/01 5:55pm  
Subject: USA Today Article Feedback:  
Microsoft criticized for private suit settlement

Greetings,  
As an IT professional, I'm appalled at the Microsoft settlement. You've basically given Microsoft an opportunity to saturate schools with massive pro-Microsoft product marketing. This type of marketing is what they've done all along; This is no punishment! Their products are founded

upon proprietary operability with other Microsoft products, at the expense of operability with competitors products. Don't get me wrong, I use both Microsoft operating systems and software products, but the two are too tightly coupled. The public would have been better served had the Operating Systems group been split from the Software group. That would truly have fostered many potentially lucrative and beneficial partnerships within the industry.

Larry Tan  
Salem, Oregon USA

**MTC-00002006**

From: Neal McBurnett  
To: Microsoft ATR  
Date: 11/22/01 4:34pm  
Subject: Microsoft continues to hurt consumers by illegally extending monopolies

The proposed settlement with Microsoft is completely inadequate. Microsoft continues to hurt consumers by illegally extending monopolies, and your proposed settlement will do little to change that.

This happens in the word processing market in which they now use bundling arrangements to help MS Word and Office displace the competition. Having the documentation of a huge percentage of the world in a proprietary format is bad for our security and for innovation.

Microsoft is now aggressively trying to take over the Internet services market with its Passport and .NET initiatives. In particular, the Passport system puts Microsoft in control of a vast amount of valuable and confidential consumer information. But Microsoft has demonstrated not only the likelihood that it will use that position to the detriment of fair competition, but also that it is incapable of protecting the privacy of that information.

III.J: J. No provision of this Final Judgment shall... Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria Exempting security-related portions of APIs from the API disclosure requirements is not only disastrous for fair competition but also bad for our security. Time and time again it has been demonstrated that "security through obscurity" is bad practice, since the inevitable design flaws and bugs get broadly embedded in the marketplace before the flaws and exploits are discovered and developed, leaving more at risk.

The way this is written, in fact, encourages Microsoft to use protocols which are weak and thus would be protected from disclosure, since disclosure would compromise their security and trigger this provision.

Please reevaluate your position, listen to the state attorneys-general, and ensure that Microsoft cannot continue to abuse its monopolies. A split-up looks like the best approach—into three companies to pursue the OS, the applications, and Internet services.

Thank you,  
Neal McBurnett  
<neal@bcn.boulder.co.us>

**MTC-00002007**

From: gregury@ns.areasecure.com@inetgw  
To: Microsoft ATR  
Date: 11/22/01 4:24pm  
Subject: Microsoft Settlement

I was amazed when I heard what Microsoft was proposing as its "punishment" for exerting monopolistic practices. The offer is insulting to the US Department of Justice, the country's legal system, and ultimately the American people. That they would advertise offering \$1.1 billion in software (software that is readily reproducible for less than \$1 per computer) is absurd. That they would seek to exert their monopoly on future generations by exposing them to "their" way of computer usage and their way alone, borders once again on the criminal. I would hope that those far wiser and more learned than me can see through such overt deception. If not, we have problems far graver than one arrogant software company.

One additional comment. As a long time professional in the software industry, Microsoft's agreement to make available part of its source code to some of its distributors also leaves me troubled. The original Windows operating system, though a huge franchise, is being replaced by new code. This means that Microsoft has given to the world something that they see has little value to their's or any other organization. Microsoft is the dominant player in the software industry and as such has provided an electronic lingua franca to the world. I would hate to see their demise. I would also hate to see their monopolistic practices continue to squelch the inventiveness of those ideas that Microsoft eventually steals and markets as its own

**MTC-00002008**

From: Dan Ryder  
To: Microsoft ATR  
Date: 11/22/01 3:20pm  
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my concern about the recent proposed settlement ("Proposed Final Judgment") of the antitrust case against Microsoft. I believe that time pressure, and perhaps economic concerns related to the events of Sept. 11, have resulted in the antitrust division of your department making a hasty deal that will ultimately harm consumers. I am seriously concerned that we are all witnessing a repeat of the inadequate consent decree of July 1994.

I applaud the state attorneys general who refused to sign this settlement because it delivers no more than a slap on the wrist to a company that has repeatedly engaged in egregious illegal anti-competitive practices, as found by Judge Thomas Penfield Jackson, and upheld by the court of appeal. The proposed settlement states that the code that constitutes Windows "shall be determined by Microsoft in its sole discretion." In conjunction with the provision that Microsoft need not reveal communication protocols for non-trademarked middleware that is not distributed separately from Windows, this

gives the company a large loophole through which it may continue its practice of abusing its (illegally maintained) monopoly by "extending, enhancing, and exterminating" competing software, to the detriment of consumers. There are other large loopholes as well; for instance, Microsoft need not reveal communications protocols to open-source developers or anyone else the company deems not to have a "viable business". Windows XP, with its bundled technologies like Passport, will simply give the company more power to extend its monopoly into other areas. Frankly, I am stunned and amazed that it seems you intend to allow this.

Further, the enforcement measures according to the proposed settlement are inadequate because the three member Technical Committee is not held sufficiently accountable, and there is no easy way to impose penalties for clear infractions, other than launching a further lawsuit. Not only that, but the proposed settlement does not "deny the defendant the fruits of its statutory violation," which is what a remedies decree ought to do according to the Supreme Court. Again, your department seems to have failed in its duty.

I do not believe that entry of the revised proposed Final Judgment will serve the public interest, and I urge you to withdraw your consent.

Yours truly,  
Dan Ryder  
(dan@danryder.com)  
Department of Philosophy  
University of North Carolina  
Chapel Hill NC 27599-3125  
<<http://www.sinbad.info>>  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

**MTC-00002009**

From: Wayne Hammett  
To: Microsoft ATR  
Date: 11/22/01 7:29pm  
Subject: Comments on proposed Microsoft Settlement

The proposed Microsoft settlement has several flaws and loopholes that should be rectified before being accepted by the court.

(1.) The terms +ACI-reasonable convenience+ACI-, +ACI-reasonable opportunity+ACI-, +ACI-reasonable notice+ACI- are much too vague and should either should be replaced with a specific time period, or reasonable should be defined in the definitions section of the document as a time period not to exceed 30 days.

(2.) The technical committee should select and appoint by the court from a list of qualified persons nominated by Microsoft, the Justice Department, and the general public (including Microsoft Competitors).

Each of the three groups above should nominate at least five candidates. The court shall have the option to select any five candidates from those put forth by the general public, or name individuals to bring the nominees of the general public up to five. The court shall have the government investigate the background and qualification of all nominees and report their findings to the court. The court shall appoint one technical committee member from each of

the three groups of nominees, to form the three person technical committee.

If a member of the technical committee resigns or is unable to serve for any reason, the court at its discretion may choose a replacement from that member's sponsoring group, or may request five new nominees be named to choose from.

Upon expiration of the term of service, the same procedure shall be followed to appoint a new technical committee. A committee member may not succeed himself.

(3.) Technical committee members should be officers of the court. They should be permitted to testify, and their work product, finding, and recommendations should be admissible in any court action relative compliance with the Final Judgement.

(4.) Five years of oversight is too short—I recommend a minimum of 10 years. Microsoft has engaged in egregious anti-competitive behavior for at least 20 years, violating previous court orders for part of those years. Rather than fostering innovation, they have suppressed it, killing off good software by bundling second rate imitations into to windows +ACI-for free+ACI-. Actually, with the cost of Microsoft Software getting higher with each new version of Windows while the cost of other Manufacturer's software has stabilized or fallen, the cost to the public has been substantial. Why let them off with a slap on the wrist?

(5.) The provision that allows Microsoft to discriminate against companies that haven't sold a million copies in the U.S. and survived a year is absurd, and should be deleted. The definition of covered OEM's is likewise too restrictive, and should substantially be broadened.

(6.) API's should be disclosed at the time of the First beta release, or at the time 50,000 copies have been distributed outside of the Microsoft organization. Changes in API's after disclosure should be published to all internal and external parties at the same time. Developers using Microsoft API's should not be required to provide their code to Microsoft.

(7.) Microsoft should not be able to terminate any licensing agreements with hardware or software manufactures without court approval.

(8.) Developers should be able to place their icons on the desktop, regardless of whether Microsoft has a competing product.

(9.) Users should be able to configure their system to use alternates to Microsoft Middleware without having to confirm their choice for each use or session. They should be able to specify their preference on a control panel or similar mechanism, and change it at will. For instance, I want to use Sun's Java Virtual Machine, rather than Microsoft's, preferably by deinstalling Microsoft's and installing Sun's.

(10.) Developers of non-Microsoft middleware should not be required to support Microsoft's Active-X controls if they can accomplish the same results within their own code without interfacing to other operating system services. Active-X controls are a security risk, and should not be crammed down anybody's throat.

In general, I consider the Justice Department agreement a sellout, but what

can you expect when Microsoft donated over +ACQ-1 million to republican candidates in the last election.

#### MTC-00002010

From: Faisal Islam  
To: Microsoft.atr  
Date: 11/22/01 7:04pm  
Subject: Please stop Microsoft from Raping us again  
Greetings !

I speak for myself and the "little people" who are being raped by Microsoft year after year. The US Department of Justice is the only entity that has the power to stop this behemoth criminal in its tracks and we the people look up to it to do so. Please don't let us down, we cannot take it anymore. We understand the need of the DOJ to settle the case against the "dope dealer" of the IT industry, but please do not allow it to snub your (and also our) noses and walk unscathed. As the law of this supreme land requires all criminals to pay for their past crimes and reform, please make this rapist do the same.

Thank you,  
Sincerely,  
Faisal Islam  
2116 Rose Hill Road  
Carrollton TX 75007  
972-701-1920

#### MTC-00002011

From: frazhaa whinvaar  
To: Microsoft ATR  
Date: 11/22/01 7:50pm  
Subject: Antitrust Microsoft settlement  
This is to express my opinion about the suits against To continue your efforts against this company's ways of getting over their competition. But sadly, it seems like Microsoft is now getting away too easily from all these lawsuits. I even think that this settlement in which Microsoft has to give away computers and software is not going to give more market shares to anyone but Microsoft. Sure, they pretend that the schools will have the choice to take the money and spend it to buy from other companies, but what are we expecting to happen? They will surely try to push their own products on the line and then, they'll have an even bigger monopoly. (what will happen with alkl those students who will probably only work with Microsoft's products, they will likely continue to use only these...)

And what about this new Windows XP. It's getting worse to use other products when you realise that they try to force you to use their own Windows Media Player, their own MSN Messenger, their own Internet Explorer, etc... over other products more difficult to install because of supposedly "security issues".

I think Christian Loweth is right when he says that "It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well." and I think this case is not solved. So, if nothing is done, it may be possible that other groups or countries will not continue their efforts against Microsoft in this antimonopoly and antitrust case because it wasn't solved properly.

Thanks for the time you take to read this.  
Franois Laramie  
Longueuil, Quebec, Canada

#### MTC-00002012

From: jt  
To: Microsoft ATR  
Date: 11/22/01 7:36pm  
Subject: Microsoft settlement is a joke— Punish Them!

Yet I can't be alone in thinking that punishing a company by giving it a huge competitive advantage in a brand new market, at minimum expense to itself, is one of the queerest examples of justice outside of the Grimm Brothers. Forget Harry Potter, this is the real fantasy for our times.

#### MTC-00002013

From: Christian Loweth  
To: Microsoft ATR  
Date: 11/22/01 11:06pm  
Subject: Microsoft settlement

The recent proposal by Microsoft to settle the private lawsuits is outrageous. This is a cynical attempt to increase market share in the education market. If anyone accepts this ludicrous offer, shame on them. And as for the Federal Government, shame on you for failing to restrain this rapacious corporation.

Christian Loweth  
12308 Moon Lake Circle  
New Port Richey FL 34654  
(727) 379-0164

#### MTC-00002014

From: Vincent Roca  
To: Microsoft ATR  
Date: 11/22/01 10:59pm  
Subject: Dropped the ball...

WOW...has the DOJ really dropped the ball on this one. Your solutions to the Microsoft case are minimal and don't really solve the problem. Have you noticed when a Mac user goes to MSNBC.com, they can't run video because they don't have Windows??? There are MANY other situations that are similar. Windows is literally FORCED on the public. And they are hardly getting a slap on the hand. PLEASE rethink your "solutions".

Vincent Roca  
6009 Buffalo Ave, #7  
Van Nuys CA 91401

#### MTC-00002015

From: Jim  
To: Microsoft ATR  
Date: 11/22/01 11:04pm  
Subject: microsoft settlement  
Good Job  
zargon@nonnyabiz.com

#### MTC-00002016

From: Harry Bardal  
To: Microsoft ATR  
Date: 11/22/01 9:10pm  
Subject: Microsoft vs Department of Justice: Feedback

to whom it may concern  
As a Canadian citizen I understand my comments on actions of the American Justice Department are somewhat misplaced. I have however watched the DoJ vs Microsoft lawsuit unfold with interest and some trepidation. I have felt on many occasions that the progress of the technology sector has been both helped and hampered by Microsoft. The real issue in the case however is the degree to which the consumer has been affected. I can claim that, in my opinion,

Microsoft has limited my options as a consumer. Microsoft road blocks have cropped up many times over the course of the 12 years I have used computers professionally and as a hobby. It has been a source of frustration that good 3rd party software has, time and again, been compromised by Microsoft practices.

My own government seems less aware of the consequences of a monopoly in the arena of Operating Systems and Web Browsers. My own experience with these items has led me to believe that they are more important in a national or global sense than just another consumer appliance. I applaud the actions undertaken by the Justice Department and hope that Microsoft's apparent anti competitive practices are given great weight and that a remedy is chosen that prevents Microsoft from continuing to do business in the same manner.

Sincerely  
Harry Bardal

**MTC-00002017**

From: 54321 parr  
To: Microsoft.atr  
Date: 11/22/01 11:24pm  
Subject: Microsofts proposed settlement is wrong for the US

Hello,  
I feel very strongly that the proposed settlement by Microsoft is wrong. It is not punishment for monopolistic practices to extend their monopoly to schools. It does not prevent further Microsoft monopolistic tactics. It hurts the few potential competitors that are left. THE PROPOSED SETTLEMENT IS WRONG.

I urge you to correct this misguided action, while there is still a chance for competition before all of the competitors are wiped out. We the people of the United States deserve better than the Microsoft monopoly.

DO YOUR DUTY, THROW THE PROPOSAL OUT, DONT BE PUPPETS OF MICROSOFT. BREAK UP MICROSOFT.

Thank you  
Parr Crone

**MTC-00002018**

From: Walter S. Rue  
To: Microsoft ATR  
Date: 11/21/01 11:59pm  
Subject: DOJ-Microsoft Objection

To whom it may concern:

I object to the DOJ-Microsoft settlement. To me, Microsoft's coercive suppression of competitors is actual racketeering, and the DOJ settlement therefore is a capitulation. Please continue to pursue justice.

A case can be made, I believe, that the Microsoft monopoly contributed measurably to the current recession. The largest engine driving the dot-com "irrationally exuberant" expansion was the euphoric assumption that Microsoft had excelled on its merits and was unstoppable, while the truth was its unstoppable and ruthless suffocation of competitor "air supply". Microsoft's racketeering "capitalism" is not healthy, it is tyranny. The healthy rivalry of true competition results in slower growth inherently, but growth that is more stable and longer-term and that leads to better products. Denial of choice devolves to the inability to

choose better. Not only must Microsoft itself bear a comparable brunt of this recession, cessation of these practices will contribute measurably to its reversal.

Walter S. Rue  
95 Maple Street, Apt. 12  
Malden, Massachusetts 02148  
1-781-397-2468

**MTC-00002019**

From: Teuila (038) Bertie Hall  
To: Microsoft ATR  
Date: 11/21/01 11:53pm  
Subject: MS settlement? NOT.

Your Honor,

The penalties imposed on Microsoft are not fair to everyone. MS will have an increased market share and other operating systems, ie Apple Macintosh, Linux, etc will be pushed out since MS will provide FREE software, increasing its installed base. I am not happy with this decision.

Sincerely,  
Bertie Hall  
Galveston, TX

**MTC-00002020**

From: fiduciary  
To: Microsoft ATR  
Date: 11/22/01 12:41am  
Subject: critics, starving trial lawyers and AD's CA and MA to achieve political high profile

Enough already, give some credit to what MS has contributed to our economy and stop wasting tax payers money on filling the coffers of greedy trial lawyers and political hacks. Especially the most liberal states of the union, ie CA where I live and MA, the Eastern branch of socialism.

Robert Johnston,  
San Diego.

**MTC-00002021**

From: Doug  
To: Microsoft ATR  
Date: 11/22/01 12:01am  
Subject: Settlement Furthers a Monopoly  
This settlement, from what I can gather from news sources, serves to further entrench Microsoft in our lives. Any company would love to have similar access to teachers and students. It is tantamount to a marketing campaign for them. How shameful that the government trying to prevent a monopoly is helping to bring even more people into it's grasp. This cannot be allowed to happen. Any settlement must be painful to Microsoft, financially, and must include limits on the development, bundling, distribution and marketing of their software. Please don't let this settlement take place. Best wishes. doug

**MTC-00002022**

From: Neal  
To: Microsoft ATR  
Date: 11/22/01 1:20am  
Subject: microsoft

I do not support such light punishment of Microsoft. A slap on the wrist will serve no purpose at all— it will probably just inflate MS' ego even more. After all, they screwed tons of people (including their consumers) and are getting away with it.

I work in the video game industry. You may be aware that this is an industry that Microsoft has recently entered with their new

console system, the X-Box. Quite frankly, I feel that they will conquer the video game market with their new system. But it will not be because of the quality of their products, or because of brilliant business practices. It will be because they have twenty thousand times more money than anyone else, and because they will ruthlessly screw everyone else in the business. Is this a good, American way of doing things? Is this letting the best man win? No, its lying, cheating, and stealing to get your way. The trials provided substantial evidence of Microsoft's dirty business tactics. By allowing Microsoft to get away with a slap on the wrist, you are showing the world that we essentially approve of playing dirty to get ahead. Not only this, but you set the nation and the world up to be ruled by Microsoft for the rest of our lives. Bill Gates has said before that his dream is to own every electronic device in the world— he wants everything digital to have his name on it. Are we going to give him this power? I don't want to be forced into a position where I have only one platform to develop games for— Microsoft's. I don't want to only have one choice of software to use to develop my games— Microsoft's. I don't want my bloody toaster to have a microchip in it that is running a version of Microsoft Windows. Please stop this from happening, or at least do what you can. In America, being a bastard should not be admirable behavior.

Thank you,  
Gregory Scott  
11711 Highgrove Dr.  
Houston, TX 77077

**MTC-00002023**

From: Charlie Dailey  
To: Microsoft ATR  
Date: 11/22/01 1:18am  
Subject: Microsoft antitrust case

Stay out of private enterprise!!! You beurocrats are too lazy to come up with a better mouse trap and are jealous of someone who can. Your place is to spend hard worker's money on free ride programs and retire on a government pension.

That takes the intelligence and motivation of a bivalve. Gates and his brain trust can think circles around you fools. When you mess with tech. stocks.....you're messing with the market and our future.

**MTC-00002024**

From: Matt Lyon  
To: microsoftcomments@doj.ca.gov@inetgw  
Date: 11/22/01 1:15am  
Subject: everybody's favorite monopoly Dear California State Attorney General (cc: the U.S. DOJ),

I applaud your determination to hold the Microsoft Corporation accountable for its illegal practices. Their monopolistic behavior is exactly the type which anti-trust laws were designed to deal with. It is unfortunate the proposed federal settlement on the anti-trust case is more of a benefit to Microsoft than a punishment. I believe this case will be very important to the future of computing, and by extension, the quality of life in the future. Already, the impact of the computer industry has altered our way of life in ways unforeseeable even ten years ago—and I

believe it has just gotten started! To let Microsoft's illegal actions continue, to let them further dominate the computer industry, would be a preventable tragedy.

Sincerely,  
Matt Lyon  
651 Ashbury Street  
San Francisco, CA 94117

"Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety."

?Benjamin Franklin  
CC:Microsoft ATR

**MTC-00002025**

From: Eric MacKnight  
To: microsoftcomments  
@doj.ca.gov@inetgw,attorney.gener...

Date: 11/22/01 12:42am

Subject: Microsoft

To: Attorneys General who are resisting the DOJ settlement with Microsoft

Thank you, thank you, thank you for objecting to the absurdly ineffectual settlement of the Microsoft case that is being proposed by the Department of Justice.

The proposed settlement would do not deter Microsoft from continuing to exercise its monopoly and stamp out its competitors. Mr. Gates will not voluntarily give up his monopoly; it must be taken away from him, and only governments can do that.

Stand fast, for the sake of millions of consumers.

Sincerely,  
Eric T. MacKnight  
981 Forest Hills Drive  
North Vancouver, BC  
Canada V7R 1N4  
(604) 984-6036  
<ericmacknight@shaw.ca>  
CC:Microsoft ATR

**MTC-00002026**

From: Geoffrey McCabe  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/22/01 2:37am

Subject: Please take care of this

Dear Madam or Sir:

Since you are still hearing on this case, this article says it better than I could:

OPINION:

Microsoft on Truth Serum—the Antitrust Settlement Examined

Contributed by Tom Nadeau  
osOpinion.com

November 20, 2001

The proposed Microsoft agreement looks good and feels good, but listen to how the definitions in the agreement would play out in real life, and then the agreement doesn't sound very good for competing software companies or consumers.

The recent antitrust settlement between the U.S. Department of Justice and software monopolist Microsoft (Nasdaq: MSFT) has enough loopholes to sew a circus tent.

The settlement actually grants Microsoft extra legal powers beyond what it had before the trial. Don't think so? Well, here is a simulated conversation that may convince you. This is what I believe a Microsoft official would say to a neutral examiner asking questions about the settlement agreement, if the software giant were under the influence of a truth-enhancing substance.

Microsoft on truth serum. Listen in.

Set You Free

Examiner: "Let us start with the definitions, shall we?"

Microsoft: "Of course. Words mean things, whatever we want them to mean."

Examiner: "A. Application Programming Interfaces (APIs)"

Microsoft: "APIs running on one operating system (.NET) and calling a different operating system (on your PC, remotely via the Web) are exempt from regulation."

Examiner: "B. Communications Protocol"

Microsoft: "Since the settlement exempts code to remotely administer Windows2000 Server and its successors, all our communication software will be embedded with pieces of this code. We will not have any Communications Protocols that can be regulated according to this definition."

Legal Loopholes

Examiner: "D. Covered OEMs"

Microsoft: "The 20 highest licensees? Does that mean licenses paid for, licenses delivered to customers, licenses committed to, or licenses actually registered by the end user?"

Examiner: "H. IHV (Independent Hardware Vendor)"

Microsoft: "The settlement says they're only 'independent' if they depend on us for Windows. Unless we already 'own' them, we don't have to give them anything."

Examiner: "I. ISV (Independent Software Vendor)"

Microsoft: "The settlement says they're only an 'independent' if they depend on us. But if they only sell software for non-Microsoft operating systems, we don't have to give them anything. They will never be able to make their non-Windows products interact with our Windows-only products."

Hidden Message

Examiner: "J. Microsoft Middleware"

Microsoft: "The settlement says it's only Middleware if it has a X.x version number. But we don't use version numbers any more. We use year numbers. So our Middleware is not regulated by this settlement."

Examiner: "K. Microsoft Middleware Product"

Microsoft: "The settlement calls it a 'middleware product' if it is embedded in the operating system.... But it's just 'middleware' if it is distributed separately. If it is distributed by a shell company controlled by Microsoft through stock ownership, then it's not 'middleware' because it is not distributed by Microsoft or a wholly owned subsidiary."

A.P.I. Arrogance

Examiner: "L. Microsoft Platform Software"

Microsoft: "We'll ship the APIs as a standalone product through a third-party company, or sitting on a Web server somewhere. But we don't have to divulge any details of the APIs because they won't have a version number.

So they're not 'middleware'—and therefore are not covered by 'middleware' clauses. Since they are not part of Windows, they are also not a 'middleware product.'"

Examiner: "M. Non-Microsoft Middleware"

Microsoft: "Sure, like we wouldn't give away free copies of comparable 'Microsoft

middleware' to put them out of business.

Except that it's not 'Microsoft middleware' if it has no version number, so it would not be regulated by this settlement."

Examiner: "P. Operating System"

Microsoft: "If we ship the APIs separately—on the Web—then it says that Windows is not even an operating system! It's totally unregulated!"

More Monopoly

Examiner: "Q. Personal Computer"

Microsoft: "Right, only PCs are covered. They let us extend our monopoly into game boxes, TV, servers, handhelds, phones, PDAs, whatever."

Examiner: "R. Timely Manner"

Microsoft: "We have to deliver product info as soon as we ship to 150,000 beta testers per version. However, we no longer beta test with more than 148,000 testers per version."

Examiner: "U. Windows Operating System Product"

Microsoft: "Ha! Doesn't even cover DOS-based stuff. We can keep spreading that stuff around any way we want. Oh, and that last sentence... We can put anything we want to in Windows—any code owned by anybody! Yes, Just give me that last sentence!"

Best For Last?

About that last sentence.

The slickest part of all is to put the definitions at the end of the document, where they legally overrule all that comes before, and to place the loosest definition of all at the very end of the document, slyly positioned to trump any preceding malarkey.

That last sentence ostensibly was inserted to protect Microsoft from having to ship code that it did not choose—so that Microsoft would not have to ship a rival company's code, such as Java or Netscape, for example.

But Microsoft can choose to claim that a competitor's product \*is\* a Windows Operating System Product, because the last sentence says that the court grants Microsoft the "sole discretion" over "the software code"—not just "the Microsoft software code"—that Microsoft chooses.

Above the Law

While other companies may have their claim to software ownership reviewed by the courts, this "settlement" exempts Microsoft from such review—immunizing Microsoft from copyright lawsuits.

This is a license to hoist the Jolly Roger and sail the seven seas, pirating any rival code that Microsoft chooses.

Peace,

Geoffrey McCabe  
36 East 7th Street  
NYC 10003

**MTC-00002028**

From: Jon Schalliol

To: Microsoft ATR

Date: 11/22/01 1:57am

Subject: MS Settlement Unacceptable

Please do not accept the Microsoft Settlement, harsher penalties are in order. I am a resident of California (address below). The Settlement offered is unacceptable and I believe it actually helps Microsoft in the education market, because I am confident that a majority of the computers that would be used would be for Microsoft software.

Perhaps Macintosh computers could be purchased for the schools instead. Old computers are no good anyway. My wife teaches first grade in San Jose, they need new (not old) computers. Her district only uses Macs additionally.

Jonathan R. Schalliol  
250 W. El Camino Real  
Apartment #1412  
Sunnyvale, CA 94087

**MTC-00002029**

From: Ash Wadhvani  
To: Microsoft ATR  
Date: 11/22/01 3:21am  
Subject: Microsoft Settlement

**MTC-00002030**

From: BergerT@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/22/01 3:05am  
Subject: Microsoft—proposal

Dear Sirs,

1) It is my belief that free software, even if donated for charitable causes is not a remedy: (<http://news.cnet.com/news/0-1006-200-7936780.html>—proposed settlement).

I am working for a large organization myself. If you would donate software, we wouldn't need to budget for it. This means when after a few years the license expires or upgrades are needed; we would face enormous challenges to create a budget. Because we would have to create this budget from scratch, we would never be able to justify the expense for alternate solutions, because upgrading the free software will cost less. This creates a de-facto lock-in.

2) What people really need:

My organization owns about 120 servers running NT 4.0; has 3000 users. We are currently preparing for the Win2000 rollout at great expense of manpower, licenses and hardware upgrades (server replacements). We still have 2 servers running Win NT 3.51 which is no longer supported. The migration to Win2000 (later XP) will takes us 3–5 years until the last NT4.0 PC is removed from our premises. As you may know with the release of WinXP Microsoft will stop releasing fixes (including security ?) for Win NT 4.0 because “we only support one version back, which is Win2000” [sic].

3) What everybody would benefit from:

To have regular updates for Windows NT and Office98 available— this includes fixes—for at least 10 years from now. This would force Microsoft to make their stuff work. If the quality of their aproducts is as good as they always claim, this should be a minor issue.

You may know that even with a “Premier Support Contract” (\$30.000 a year) you are still not entitled to receive NT4 fixes. I have two minor issues discovered early 2001 which Microsoft support refused to fix.

Currently Microsoft refuses provide updates for new technologies (FireWire for WinNT for example). On the other hand, third parties don't have enough information.

4) Suggestion:

Microsoft must provide support for Win NT4 and Office98 until 2011. Of course, they could charge for this support around \$50 per incident seems reasonable. Unlike current

support, every confirmed bug must be fixed if the customer pays for the incident. Fixes for known bugs are available for \$10; discount for 10 fixes 20%, 50 fixes 30%, 100 for more fixes 50% (MS releases about 300 NT4 fixes per year). Service-Packs for NT4 and office \$25. They must provide anybody with a source-code license for NT4 for \$1000 (under NDA of course).

Conclusion:

Good for MS—they are forced to provide support. Good for business and consumers; they are not forced to upgrade or buy new hardware. It is ensured that the current software remains functional and secure. regards,

Thomas Berger

PS: If you really want to penalize Microsoft, include Windows 98 as well.

CC:BergerT@aol.com@inetgw

**MTC-00002031**

From: Jean Labrique  
To: Microsoft ATR  
Date: 11/22/01 2:49am  
Subject: microsoft

Why such “coercive” action against free enterprise? Microsoft was the software company that allowed millions of users to get reasonable access to computers! Do you always have to kill entrepreneurs?

Jean Labrique

jean.labrique@skynet.be

**MTC-00002032**

From: D.E. de Roos  
To: Microsoft ATR  
Date: 11/22/01 5:11am  
Subject: Microsoft settlement

To whom it read and it may concern,

I am shocked regarding the Microsoft settlement last week. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating money in Microsoft products to this industry. In that order, you give Microsoft the way to continue business as usual. So, you are supporting Microsoft's by making them an offer like this, instead to punish them.

It is not the way to give Microsoft the change putting more of their product into the education market. If you want Microsoft to donate a lot of dollars, so let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? By putting more Microsoft products in (needy) schools or education centre, you are giving companies like Apple Computer no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.

With kind regards,

Dick de Roos

Kerkuil 20

9781 RE Bedum

Holland

e-mail: d.e.de.roos@freeler.nl

Groeten,

Dick de Roos, HVK / AMD

Visserstraat 47, 9712 CT, Rijksuniversiteit Groningen

e-mail: d.e.de.roos@bureau.rug.nl  
tel. (050)–3634820  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

**MTC-00002033**

From: Tim Holmes  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

Date: 11/22/01 3:51am

Subject: MS settlement is a travesty of justice  
TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Tim Holmes

CC to: California:  
microsoftcomments@doj.ca.gov  
Connecticut:  
attorney.general@po.state.ct.us  
Florida: ag@oag.state.fl.us  
Iowa: webteam@ag.state.ia.us  
Kansas: GENERAL@ksag.org  
Massachusetts: tom.reilly@ago.state.ma.us  
Minnesota: attorney.general@state.mn.us  
Utah: uag@att.state.ut.us  
West Virginia: consumer@mail.wvnet.edu

**MTC-00002034**

From: Roderick Klein  
To: Microsoft.atr(a)usdoj.gov,microsoftcomments(a)doj,...

Date: 11/22/01 3:47am

Subject: Microsoft not a monopoly ?

Dear Sir/Madame,

I found your email adresses via the internet. I may be somebody from the Netherlands but the outcome of this trial between Microsoft and the different states will also effect my computer use in a positive way. Microsoft is plain and cold monopoly. They have a market share of more then 90% and they move further in other directions. like the handheld device market, server markets... Slowly with there standards they are breaking up a free world, the internet! Some webpages can only be succesfully viewed with the browser internet explorer. Some governments run a large part of there offices with Windows. With this comes higher cost etc.

Its simple to say the consumers, governments and companies have missed out on some great innovations because of Microsofts position on the software market; Microsoft crushed small companies with bad practices. These small companies is where mostly the innovation comes from. Microsoft for instance violated also some patents like Stacker (disk compression software that ran under DOS).

Outside of the courtroom Microsoft paid Stacker an unknown amount of Money. Microsoft stole some code from Stacker and used in there Double Space under MS DOS. The other example is video for Windows. Some of the code Microsoft used came from Quicktime from Apple. My point is that I hope the present deal between Microsoft and the US goverment does not go ahead.

Regards  
Roderick Klein

#### MTC-00002035

From: David Flory  
To: Microsoft ATR  
Date: 11/23/01 2:14am  
Subject: Microsoft settlement

I find it absolutely ludicrous that the United States Department of Justice feels that it is an appropriate punishment for illegal monopoly practices to give MS a chance to increase their OS monopoly by letting them give mediocre computers and software to schools that can't afford to refuse the gift. This verges on malfeasance by the DOJ and makes me really wonder if the DOJ people involved are honest. I'm ashamed to see a convicted organization rewarded instead of being punished as any other company would be.

Fairwinds and happy bytes,  
Dave Flory, San Jose, CA.  
dafloory@pacbell.net Go Sea Kayaking!!  
(C)2001

Speak softly and study Aikido, then you won't need a big stick.

#### MTC-00002036

From: Kevin Gamiel  
To: Microsoft ATR  
Date: 11/23/01 12:16am  
Subject: Perfect solution

I fully support the amended solution proposed by Red Hat, Inc.: [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) If that solution is not accepted by the DOJ, the DOJ will have some serious questions to answer. Allowing Microsoft to give away a limited number of copies of it's software to schools simply hooks more users on it's software you found to be monopolistic. This amended agreement truly helps our children by providing many more computers and free, superior software for life! It also punishes Microsoft a bit more for their crimes by \*not\* continuing their monopoly via their "punishment".

Respectfully,  
Kevin  
—Kevin Gamiel Email:

kgamiel@islandedge.com  
Island Edge Research, Inc. <http://www.islandedge.com>  
Kill Devil Hills, North Carolina

#### MTC-00002038

From: root@wt6.usdoj.gov@inetgw

To: Microsoft ATR, antitrust@ftc.gov  
@inetgw.Ralph@essen...  
Date: 11/23/01 5:06am  
Subject: "Microsoft Hegemony" The Face Of God

CC' letters@latimes.com@inetgw, letters@sjmercury.com@i...  
Re: The Case Against Microsoft  
James, during the Georgetown speech, repeatedly defended the settlement and addressed many of the criticisms, which he blamed largely on rivals.

He blames criticism? This does not compute. Is criticism a crime? The criticism is legitimate. Where is the accountability? Where are the principles?

"We've never had competitors be quite so aggressive,"

James said. "Some of them had hoped for a broad-scale emasculation of the company."

"Thank you, assistant A.G. James, for defending Microsoft. People need to put face on almighty Dallah, you know, ka ching ka ching. This is role I play in big scheme of thing—for to rally DJIA... Rivals are devils not for benefit to Wall Street..."

#### MTC-00002039

From: ruben  
To: Microsoft ATR  
Date: 11/23/01 4:10am  
Subject: Microsoft

I am just saddened by the slap on the wrist given to Microsoft. If there ever was a monopoly in this world it would be Microsoft. I feel that no other person has a chance to come up with a new better idea for fear that Mr. Gates would come and squash them and steal there ideas. I would hate to see every computer in the world have Microsoft on it. I mean all the computers are really just Microsoft tools to sell its product. Think about it? All the consumer computer makers all have to use Microsoft's operating system. The only company that doesn't is Apple. I have used both and I have to say Apple makes a better product but that isn't good enough because of the monopoly. Pretty soon it is just going to be all Microsoft. We should really understand that the most powerful man in the world is not the president of the United States. It is the holder of information. We are all depended on computers and who controls them? Microsoft and Bill Gate's. With the power to influence the hearts and minds of the world or To cut us out. I know this may seem dramatic but just a thought. I believe in capitalism but not monopoly's. Thank you for reading this.

—Ruben John Pulido  
President/CEO  
Seratonin  
Digital Media  
Santa Monica, California  
<http://www.seratoninindigitalmedia.com>  
E-mail: ruben@seratoninindigitalmedia.com  
310.392.6263

#### MTC-00002040

From: David Bennett  
To: Microsoft ATR  
Date: 11/23/01 2:33am  
Subject: What A Joke

Dear Sirs,  
This proposed settlement is truly one sided and it is most definitely not the consumers

side. Microsoft deserves more than a slap on the wrist for business practices it continues to use. Please, please don't just knuckle under to the lobbying of the Microsoft camp. It is so important that these practices stop, if any true advancement in the computer industry is to emerge. This company puts a strangle hold on the industry and it must be stopped.

Respectfully,  
David B. Bennett

#### MTC-00002041

From: Warren E. Gimple  
To: Microsoft ATR  
Date: 11/23/01 7:20am  
Subject: Microsoft Litigation  
11/23/01

Dear Folks:  
Let's get this case behind us, and move on to more important legal issues !!

Warren E. Gimple  
2600 Barracks Rd. C-13  
Charlottesville Va. 22901-2198  
email: gigtaxi@cstone.net  
ph: 434-295-1890

#### MTC-00002042

From: genegard  
To: Microsoft ATR  
Date: 11/23/01 7:53am  
Subject: Release before being ready!

I am a computer user since 1982 and a Retired USAF Navigator who is good with hi-teck innovations; however, new releases of MS Products is loaded with errors that cause the experienced user and those new to computers very much pain. First they hype their products and then you have to continually download fixes and updates. They especially like to design their software to be not compatible with other software and hardware. I have learned to use Netscape Communicator for email and browsing because it is easy to use and does not crash and require continuous upgrades and fixes. In my view they have done irreparable harm to consumers and other competitors. To them \$5 billion over five years is less than a slap on the wrists and they are continuing their unfair and ruthless tactics.

Now I feel a little better, but will I ever forget their causing so much frustration? NO

Harry E Bungard  
9 Chestnut Hill Rd  
Chelmsford, MA 01824

#### MTC-00002043

From: Darcy Baston  
To: Microsoft ATR  
Date: 11/23/01 7:14am  
Subject: think intention

Just as capturing Osama Bin Laden will not stop humanity from committing acts of terrorism, policing Microsoft will not stop their anticompetitive nature. It's a question of intention. What you intend, you create no matter what protection some silly settlement puts in place. The consumer must be protected from Microsoft's self serving intentions.

This settlement, which is based on money, further promotes money as a source of power and control over people. This has got to stop. Money is getting more and more like a disease and child-like reward system than it ever was. I don't blame Microsoft for being

what they are, a perfect creation from a world that worships money. But I do blame them for trying to push their views on us, you and me. I don't want their unevolved "money is might", "ours is better", "you're less", "we can buy you out", "buy our stuff or suffer" and "we think you're stealing so work harder to earn our dominion" intentions.

Instead of putting some people in place to watch their accounts, sit in their meetings and audit their bottom lines, introduce an ethical review board that will have to be convinced before any future decision Microsoft is put into place within its company. Microsoft does need a baby sitter but not for its money, for its intentions.

Or even better, let the public decide. Have an annual vote of your populations, let the billions that we are have our say in what Microsoft can and can't do like an election. Just as this E-mail opportunity was created, that's a good step to learning the multitude of different truths us consumers experience daily.

best wishes,  
Darcy Baston  
Sudbury, ON  
Canada

**MTC-00002044**

From: GriffinF@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 6:53am  
Subject: Bad Microsoft Settlement

Hello  
The Microsoft settlement is a very short-sighted answer. With such weak restrictions Microsoft will continue to bundle their products and will soon dominate the instant messenger and media player markets because of it.

I am also very concerned that there is absolutely no punishment for them. I can't believe that on such a high profile case the American Judicial system wants to send the message that white collar crime is never punished! Its just offensive!

The next time I go out and break the law can I also get this type of treatment?

Regards  
Michael Fitzgerald

**MTC-00002046**

From: Reinier Erens  
To: Microsoft ATR  
Date: 11/23/01 8:02am  
Subject: Microsoft settlement

To whom it may concern,  
I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this. To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that's appropriate. If you want

Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order. What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

Reinier Erens  
A concerned Dutch citizen.  
www.eren.net  
Descargue GRATUITAMENTE MSN Explorer en <http://explorer.msn.es/intl.asp>  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

**MTC-00002047**

From: Mrmaced@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 7:56am  
Subject: A REWARD

This settlement seems to be a reward for Microsoft instead of a judgment. How the courts can come up with this is unbelievable.

**MTC-00002048**

From: Robert Poland  
To: Microsoft ATR  
Date: 11/23/01 8:12am  
Subject: Microsoft settlement

What kind of settlement is that, punishment by forcing them to do more of what the original crime was?

Bob Poland—Sumter, SC  
rpoland@usa.net  
Check out my garage sale <http://www.ibrb.org/>

**MTC-00002049**

From: J.Kool@students.geo.uu.nl@inetgw  
To: Microsoft ATR  
Date: 11/23/01 8:19am  
Subject: Microsoft settlement

To whom it may concern,  
I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that's appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some

competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

Another concerned Dutch citizen.  
With kind regards,  
Johan Kool  
Merwedekade 225 bis a  
3522 JM Utrecht  
the Netherlands  
j.kool@students.geo.uu.nl  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

**MTC-00002050**

From: Jeff I. Greenberg  
To: Microsoft ATR  
Date: 11/23/01 8:38am  
Subject: Microsoft Settlement

Boldly, this settlement is still not restoring any level of fairness to the marketplace. The question becomes, how dominant is Microsoft in the marketplace now, and does the ruling allow competition.

I am not all knowledgeable. I am merely relating my experience as a computer professional. I teach technology to professionals on a daily basis.

1) How dominant?  
Microsoft owns, has minimal competition, makes it difficult for anyone to break into the following areas:

Browsers. They have killed their prime competition, and refused to adhere to agreed upon standards, thereby forcing the community to adhere to theirs. This is included free with their operating system. It is reported that 90% of people over the age of 40 will not download a new browser; their only introduction to a new browser is when they buy a new computer.

I still don't understand why they can't unbundle their browser, unless it's to dominate the market. They don't maintain parity on the Macintosh platform. And why should they. Apple is their competition.

Messengers. Suddenly, they need to add instant messaging to their operating system. Did they need to? No. Was the marketplace working without it? Sure. And again, it's bundled with their operating system. Operating systems. Linux is viable ... but Microsoft considers them to be threat ... so they are a target under the gorilla's gaze. Meanwhile, for someone to be considered a computer professional, Microsoft has invented a number of certifications which provides them even more revenue. Software. Go take a look at how many pieces of software MS makes. Now, how many of which are they the dominant player in the marketplace. I'll name a couple

- \* Microsoft Word
- \* Microsoft Excel
- \* Microsoft Powerpoint
- \* Microsoft Outlook
- \* Microsoft Works
- \* Great plains accounting
- \* Halo which was going to be cross platform until microsoft bought bungie
- \* Netmeeting
- \* Visual Basic
- \* Visual C++

In fact, I can only think of two products where microsoft doesn't own the

marketplace. Microsoft Money, because quicken was there first, and Microsoft Publisher, because Adobe & Quark have sold professional packages. Frankly, I'm astounded at the way the current government turns a blind eye to the way Microsoft operates, has operated, and is permitting the settlement to occur.

With each passing day, microsoft becomes further the squatter with XP and the .NET protocol and makes it even more difficult for another company (such as red hat, such as apple computers) to even dream of competing.

Settlement.

Microsoft offered to give schools in poor districts computers with software. Would you let your kids just go out and drink coke in school? But that's exactly what's happening. By capturing the youth market early, microsoft is further entrenching themselves as a monopoly. Today's children are tomorrow's workers. But you say, they have to know the systems that are out there. They're out there because it's a monopoly. And Microsoft's offer, will only make it moreso.

Microsoft ought to pay for computers with the competition to be out there. Such as Apple, such as Red hat linux to be available.

My last thoughts.

How pervasive is microsoft? Simple. Go out to a large computer store. Try and buy a computer fully stocked with a word processor and spreadsheet without one piece of microsoft software on it.

Try it.

Now see if they don't truly have a monopoly.

Jeff I. Greenberg.

#### MTC-00002051

From: Anthony E. Bodo  
To: Microsoft ATR  
Date: 11/23/01 8:28am  
Subject: MS world monopoly

Dear Sir/Madam: Greetings!

I believe that the people at the top of Microsoft, who are controlling and manipulating the world domination, should be severely punished and not just a pat on their hands! I have invested a lot in my (Amiga) computer and am unable to use most of the software/hardware unless I import them from overseas. This Microsoft world monopoly went a bit too far! I hope you exercise your authority and punish them with the fullest extent of the law. In my opinion a few years in jail would be appropriate for the top ten of Microsoft!..I thank you & remain—yours sincerely

Anthony E. Bodo  
Anthony E. Bodo  
4623 East 25th Avenue,  
Lake Station, In., 46405  
fone/fax: (219) 962-7026  
e-mail: abodo@netnitco.net

#### MTC-00002052

From: Terry Nigrelli  
To: Microsoft ATR  
Date: 11/23/01 8:25am  
Subject: Microsoft Settlement

Dear U.S. Department of Justice,

This settlement is not punishment for Microsoft, it is a huge reward. Once they get

their software into these schools the schools will have to pay hefty yearly subscription fees. It is also going to prevent the competition from securing accounts in these schools for years to come. Please consider requiring Microsoft to donate money rather than hardware and software to public schools.

Terry Nigrelli

#### MTC-00002053

From: Jody Bevan  
To: Microsoft ATR  
Date: 11/23/01 9:20am  
Subject: Microsoft Settlement

My understanding of the settlement is that Microsoft will be providing hardware with their operating system, and some of their applications on all the computers. These systems will be given to schools that would otherwise not afford these systems. On the surface it looks great. BUT! This is exactly what Microsoft has done all along. Give away product with the knowledge that you get people hooked on their product and they will be back for more. Not only will the schools be hooked but the students, teachers, parents etc.

This is far from a fair to others in the computer industry. This is not punishment but rather a reward. Why not make Microsoft give the schools the money. Then lets the schools choose between vendors other than Microsoft for the hardware and operating system, and applications. If not that, just make them pay the fine at the very least!

Jody Bevan

#### MTC-00002054

From: Larry D. Burton  
To: Microsoft ATR  
Date: 11/23/01 9:17am  
Subject: About that settlement...

I really like the proposal that Red Hat made for an alternative settlement. Not only would this be of much greater benefit to the schools in question, but it would truly server to level the playing field between Microsoft and the rest of the competition that may have been shut out by Microsoft's monopolistic practices.

Regards,  
Larry Burton  
larry@dallasbay.net  
<http://www.dallasbay.net>

#### MTC-00002055

From: Jim Robertson  
To: Microsoft ATR  
Date: 11/23/01 9:09am  
Subject: Proposed microsoft settlement

I've been told that the Department of Justice is seeking public comment on its proposed settlement with Microsoft. Enclosed is a copy of a letter I sent to the California Department of Justice, asking it to persevere in its pressure for a more meaningful punishment of the company's predatory business practices.

I'm a long time Macintosh user with a long memory of the often-strained relationship between Microsoft and Apple. Last year, I was encouraged that the Federal Government finally had the wisdom and courage to curtail Microsoft's predatory business practices. Unfortunately, the proposed settlement does NOTHING to accomplish this, and the

contempt with which Microsoft regards those who would attempt to limit its monopoly is evidenced by Microsoft's marketing of Windows XP. It should not be necessary to detail these new transgressions, but the fact that settlement talks proceed in the face of this conduct makes it clear that those who ought to have control don't care, don't understand, have been bought off, or are overwhelmed by the company's propaganda. To wit: 1. XP will refuse to run if a user makes more than some unknown number of modifications to the hardware in his/her system, and cannot be resurrected without a call to Microsoft. Imagine a person working on deadline with his laptop hundreds of miles away from his home office and his installation CDs, who decides he needs more RAM to finish a project. He installs the RAM and his computer becomes non-functional. 2. XP disables the multimedia applications that have become default standards in favor of its own file formats. Some of these are products of other companies (QuickTime, Flash, Real Audio), and some are non-proprietary standards (mp3).

Even more ludicrous is the proposed settlement of other private lawsuits which seems to COMPEL microsoft to strengthen its grip on one market it does not yet control, education. Is Br'er Rabbit working successfully for Microsoft?

I know that the California Department of Justice is seeking more meaningful penalties. I applaud that position and beg you to hold fast to it.

James S. Robertson, M.D., F.A.C.P.  
Nephrology Associates  
1265 North Dutton Avenue  
Park Center #3  
Santa Rosa, CA 95401  
Voice: (707) 526-2027  
FAX: (707) 526-2096  
e-mail: jamesrob@sonic.net

#### MTC-00002056

From: John Winson  
To: Microsoft ATR  
Date: 11/23/01 8:50am  
Subject: Microsoft Settlement

It makes no sense to have any portion of this settlement include a grant of software, product or technical support from Microsoft to schools or other not-for-profit organizations. This only serves to solidify Microsoft's domination of the computer industry by giving these organizations the very products and services they will be bound to use.

If a judgment of \$500 million—\$1 billion is imposed as a part of the judgment, Microsoft should send money to be used on computers and computer technology, letting the organizations involved choose what computer equipment, operating systems and its accompanying technical support requirements they wish. Under such a scheme, Microsoft might still get significant return, but it would not mandate the use of funds for the benefit the company losing the judgment.

It was the "donation" of browser software as a predatory, anti-trust activity that spawned this legal action. Please do not allow the remedy to copy the crime.

John Winson

9 Knowlton St  
Beverly, MA 01915

**MTC-00002057**

From: Geoff Braun  
To: Microsoft ATR  
Date: 11/23/01 9:46am  
Subject: The case against Microsoft

The outcome of the DoJ's case against Microsoft is so Microsoft-friendly, it suggests that Microsoft can—and does—dictate US law. Very sad.

— Geoff Braun  
Trustee, Placentia Library District  
Placentia, CA

**MTC-00002058**

From: Matthew Roe  
To: Microsoft ATR  
Date: 11/23/01 9:30am  
Subject: Microsoft Input

I believe that Microsoft is a monopoly, in every sense of the word. If they are allowed to have this 'settlement', they will only take over the one market they haven't dominated; education.

They should be taken to court in my opinion.

Thank you.  
Matthew Roe  
Hemlock, NY  
matthewroe@mac.com

**MTC-00002059**

From: Adam Rice  
To: Microsoft ATR  
Date: 11/23/01 9:26am  
Subject: short version: I don't like the proposed settlement

Longer version:

The proposed settlement does not go far enough in dealing with a company that has been found to be a monopoly. It does not defend the interests of consumers, the (rest of the) software industry, or the computer hardware industry with sufficient vigor. It almost appears that the Department of Justice negotiated this settlement as if from a position of weakness, when in fact it is in a position of strength. Some of the verbiage emanating from the government suggests that the Windows operating system should be considered akin to a public utility. If that is the case (I do not agree myself), then Microsoft should be treated like a public utility, with rate boards, universal-access guarantees, and the full weight of bureaucracy that surrounds an electricity or water utility to look after the public's interest. A three-member review panel—with 1.5 members appointed by Microsoft—does not qualify. That is more like the fox guarding the henhouse.

I suspect that Microsoft would, reasonably, find such a bureaucracy very intrusive, and reject the idea. The only alternative is for it to stop being a monopoly. While I did not agree with the specific approach that Judge Jackson took to breaking up Microsoft, I felt the general idea was a good one.

The above comments address the proposed settlement overall. I also have a comment on a specific aspect. As formulated, the proposed settlement essentially allows Microsoft to define anything as part of the operating system. This is exactly what got Microsoft into this suit in the first place. I

would urge a very restrictive definition of "operating system" as a collection of functions (APIs) provided to software applications, with no features that are directly accessible to the user. That, plus some sort of basic file-management application. This definition should be easy to understand, easy to enforce, and most importantly, honest.

Microsoft has shown a stubborn insistence on treating anything it wants as "part of the operating system." A line must be drawn, and it must define a narrow space clearly and inflexibly. As it stands now, the Windows operating system (and all others) come bundled with many small utilities for convenience, plus e-mail and web-browsing applications, etc. The control of Internet access applications is very important. Microsoft must be barred from obtaining greater market share for its Internet applications simply by virtue of controlling the operating system rather than offering a superior product. Breaking the company up would be the most efficient and effective way of achieving that goal. The other options start looking like rate boards micro-managing a utility, but even that would be preferable to a monopoly unchecked. Which the proposed settlement enshrines.

Thanks for your attention,  
Adam Rice adamrice@crossroads.net  
Austin TX USA http://  
www.crossroads.net/

**MTC-00002060**

From: Gail Knowles  
To: Microsoft ATR  
Date: 11/23/01 9:21am  
Subject: Microsoft settlement

Dear Justice Department,  
I do realize that government and big business skip merrily down the road at most consumers expense, but don't you realize that making MS give schools THEIR proprietary hardware instead of money is in fact GIVING THEM MORE BUSINESS DOWN THE ROAD? The schools affected (or donated to, as you put it) will then be forced to buy all the upgrades and software updates for the MS systems, as opposed to spending the money where it could be needed or choosing their own computer systems, Mac, linux. . You know, Microsoft's competition, which has been illegally conspired against by Microsoft, which is why they are in court!!  
Ahem!

Just a thought. . .  
Gail M. Knowles (taxpayer, voter, mom)  
foolproof@mediaone.net  
Gail M. Knowles  
Foolproof Design  
141 Raleigh Way  
Portsmouth, NH  
03801-3442  
603-430-9429  
Fax: 877-847-3418  
Got anthrax?

**MTC-00002061**

From: Christopher Tiedje  
To: Microsoft ATR  
Date: 11/23/01 10:30am  
Subject: How Could You?

How blind are the people who accepted this deal to allow Microsoft to blitz their way

into the education software market by "donating" up to a billion dollars worth of equipment and software to struggling schools. This is punishment? It might cost them some cash, but it guarantees them a whole new market and new customers. For about the same cost as a major advertising campaign, they get guaranteed exposure to a whole new market which was unavailable to them previously. Now these schools will have to pay for the software updates, network administration, and software trainers which were never expenses prior to this "settlement". It also helps Microsoft perpetuate their monopoly by spreading into the ever-growing education market which they have been struggling to do for over 10 years. Congratulations, you just made Bill Gates even richer.

Chris Tiedje  
Star Tribune  
ctiedje@startribune.com  
612.673.7702

**MTC-00002062**

From: Trevor Milevskiy  
To: Microsoft ATR  
Date: 11/23/01 10:24am  
Subject: Antitrust deal

I have read through the internet that one of the agreements was to make microsoft give equipment and software to poorer schools. While this may seem a good idea on the surface, it is actually a way to increase microsoft's dominance in the computer industry by locking these poorer schools into the microsoft systems so that they will have to purchase upgrades etc from this company. Wouldn't it be a far better idea to give the schools the money so that they can decide how they will spend it. Some may need to use this money for other technological equipment like TV's Videos and Overhead Projectors to name a few.

Thankyou

**MTC-00002063**

From: S  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/23/01 10:17am  
Subject: Proposed U.S. D.o.J. settlement re: Microsoft anti trust case

This message is to add my voice to what must be a chorus of protest against the proposed settlement between the U.S. Government and Microsoft in the antitrust case in which Microsoft has been held guilty. The outline of the proposed settlement, as it has become public is both irresponsible and inappropriate. This company has been held guilty of major and continuing breaches of both Federal and state law. The U.S. Department of Justice has proposed remedies which fail to punish the company for past behavior, fail to provide an effective remedy to prevent future abuses of the same kind, and fail to provide an effective mechanism to detect and prevent new abuses.

One justification for this "softball" settlement has been the economic effects on a major industry that is already in recession. While Microsoft and other companies which ride financially on Microsoft coattails are major financial components of the economy, there is little sense in allowing the

continuation and expansion of the activities that 1) led to the guilty judgment in the first place, and 2) will result in continued restraint of trade, narrowing of competition, and use of illegal tactics to leverage monopoly power in operating systems and development related tools to gain dominant positions in new and emerging lines of business. The settlement would put any competitive challenges by other companies in the same chilling position that they now are in and will hinder recovery the economy on which we all depend. In short, appropriate restraints against Microsoft would \*\*restore\* a competitive marketplace and drive faster recovery in the information technologies industries that are now in recession. It is my opinion that the "Microsoft as economic flywheel" argument for settling this case too easily for Microsoft will damage rather than help economic recovery. Overall, the recent activities of Microsoft have confirmed that the direction and goals of Microsoft activities and intentions remain unchanged and are even more widespread, aggressive and damaging to consumers and to the marketplace. These recent actions include:

1) The recent intentional denial of access to the MSN network to anyone using software other than that supplied by Microsoft (Internet Explorer). This action is parallel to and a direct extension of the attempt and near success of Microsoft to put Netscape out of business. A move that damaged both the competitive arena in network browsers and has caused demonstrable damage to consumers by denying access to the MSN service by using their operating system monopoly to, first ,make use of Internet Explorer (IE) nearly mandatory for the average consumer, and then making the use of IE a prerequisite to use of the MSN service. This aggressive and anti competitive move was only deterred by the sensitive position that Microsoft was in at the time of this experiment vis a vis settlement with the D.O.J. It is not hard to imagine this tactic and similar ones becoming common Microsoft practice after the proposed settlement with the D.O.J. takes effect. Microsoft also continues to coerce the consumer to use only IE by corrupting pre- existing network coding standards, thus making Web pages developed with Microsoft tools and to Microsoft's own standards incompatible with other browser software. Such incompatibilities and usurpation of standards makes viewing and interacting with Web sites developed with Microsoft tools hard to view and hard to interact with when using browser software other than Microsoft's.

2) The release of the Windows XP operating system that continues to bundle software of types and in ways that establish and maintain a growing stream of revenue to Microsoft at the expense of many competitors and the consuming public. The settlement does nothing to address this new abuse and does little to prevent future activities of this kind. The ineffectual proposed D.O.J. settlement negates the effect of the judgment against Microsoft in the anti-trust case and leaves Microsoft free to continue to damage to both the IT industry and U.S. economy

3) Microsoft's announced ".net" strategy is another facet of the overall anti competitive

and anti consumer strategy Microsoft is implementing. The result of the ".net" strategy will be unprecedented control over and restriction of Internet use and Internet based commerce to the benefit of Microsoft and it's business partners, exclusion of competition, consumer choice, and allowing Microsoft to have virtually unconstrained control over the prices and terms of licenses and services that are available to the public.

For the above reasons I urge the states to continue to seek more effective penalties and more restrictive controls over Microsoft's activities until both competition in the IT industry and consumer abuses have been addressed effectively.

Steven H. Barry  
Arlington, VA

**MTC-00002064**

From: Noel McRae  
To: Microsoft ATR  
Date: 11/23/01 9:48am  
Subject: Microsoft settlement

I am concerned about the short term settlement. Will Microsoft in 5 years be allowed to run rough shod over smaller and espec. startup companies as they had in the past?

Will the settlement be a means of extending their monopoly and even hurt others? For example, if they contribute 1 billion dollars to schools using Intel products, that will seriously undermine the Macintosh's roll in schools. Why not make it so the schools can get equipment of their choice—either Intel or Apple?

**MTC-00002065**

From: Cynthia  
To: Microsoft ATR  
Date: 11/23/01 10:52am  
Subject: Microsoft settlement

I think that instead of giving Microsoft software to poor schools, Microsoft should have to give MONEY. That way Microsoft doesn't profit from software people like me wouldn't pay for anyway AND the schools are REALLY helped. Are we trying to give them more of a monopoly? Shouldn't we be punishing them for monopolistic practices?

Cynthia Nichols  
30+ year teacher in public schools.

**MTC-00002066**

From: sbesedick1@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 10:39am  
Subject: a mistake

To Whom it May Concern,

How can the infusion of Microsoft based hardware, along with Microsoft software be considered a punishment. Talk about stifling competition . . .this judgment kills competition. Granted, the offer to help disadvantaged schools procure tech resources is well and good, but how can planting Microsoft based technologies in 12K+ more locations do anything but expand its already huge base. It is a well know fact, that many companies have been focusing on the education market because of its rich potential for growth. Well, with one fell swing of your gavel, you have turned over an ever larger section of the education market over to Microsoft. Wouldn't it have been more logical to have told Microsoft to foot the bill

for whatever tech resources these disadvantaged schools wanted, rather than hand them market share on a platter? Such a recourse would have made the company have to compete for the privilege of doing business with our schools! Hasn't the issue been all along to level the playing field . . . I guess not! Microsoft has pulled out another victory here, and to add insult to injury, our government has made them appear to be the "great benevolent ones."

Stephen Besedick

**MTC-00002067**

From: Neil McKelvie  
To: Microsoft ATR  
Date: 11/23/01 10:35am

I think that any settlement should NOT include any provision for Microsoft to provide computers for schools. He may not be a recognized legal authority, but the song by Tom Lehrer, "The Old Dope Peddler", can be cited: "He gives the kids free samples Because he knows full well That today's young innocent faces Are tomorrow's clientele."

Quite apart from legal remedies as such, there could be a blanket policy from the top levels of the US government, that all branches institute a policy of diversification in computers and computer operating systems. At present, that means getting Macs, in addition to computers using the Microsoft operating system, but such a directive could well lead to other possibilities being introduced. Likewise, State governments could follow suit.

(Prof) Neil McKelvie  
City University of New York

**MTC-00002068**

From: Ann Safir  
To: Microsoft ATR  
Date: 11/23/01 11:23am  
Subject: Microsoft Proposed Settlement

I urge the justice department to reject the proposed Microsoft settlement. Microsoft clearly violated anti-trust laws and this settlement does not go far enough to punish the company for its illegal practices. Accepting the settlement will only encourage Microsoft's predatory ways and effectively kill any meaningful competition. This settlement is not in ANYONE'S best interest except Microsoft's!

Ann Safir  
355 Highland Street  
Weston, MA 02493

**MTC-00002069**

From: William Gardner  
To: Microsoft ATR  
Date: 11/23/01 10:54am  
Subject: Microsoft judgment

Gentlepersons:

If you collectively let the 'Osama ben Ladens' of the world PC industry off with just a minor slap on the wrist, you will have grossly disserved the United States and the world. Gates and his minions are some of the worst robber barons that have ever lived. Do not be fooled by their surface-only contriteness. They are just the wolf dressed up in Grandma's clothing, just waiting to ravage all PC consumers at their first opportunity. You must sanction them severely and also you must subject them to

an ongoing investigation of their daily activities and trends. To do less would be to commit treason on the consumers of the world.

William H. Gardner  
US citizen, patriot, voter and veteran

**MTC-00002070**

From: Al Coir  
To: Microsoft ATR  
Date: 11/23/01 11:12am  
Subject: Microsoft Settlement.

Microsoft is up to their old tricks. Buying millions of dollars worth of PC computers with their software installed for the schools. Promoting their software with children. Free advertising in the guise of a settlement. Really is that a penalty for them? They may even make the computers appear to be a gift. Why not force them to give the funds to the schools to be used as they desire,

Allard (Al) Coir—P.O. Box 23966—  
Phoenix, AZ 85063-3966  
(623)846-7402—Celular (623) 341-4068—  
E-Mail <alcoir@amug.org

**MTC-00002071**

From: Jeff Shultz  
To: Microsoft ATR  
Date: 11/23/01 11:00am  
Subject: Disapprove

To whom it may concern—

I wanted to send this message to say I strongly disapprove of the proposed Microsoft settlement. How is it a punishment to increase their market share in the education arena? This is exactly what they have been trying to do for years. This would actually increase their illegal monopoly. Once they place the computers and software in the schools, they then get to sell upgrades to the schools.

If you really want to punish them, you should make them give the money directly to the schools so the schools can choose their own computers and software. Then if the schools choose to purchase windows machines, so be it. But at least they have the choice.

Sincerely,  
Jeff Shultz  
(916) 498-8509

**MTC-00002072**

From: Taru Fisher  
To: Microsoft ATR  
Date: 11/23/01 11:27am  
Subject: Microsoft Settlement—NOT

I really am incredulous over the blatantly biased so-called Microsoft settlement. This is a settlement that would effectively (once again) provide this monopolistic monster with yet another leg up into infiltrating the school systems with their brand of garbage and unfairly compete with Apple Computer. Do the people brokering this deal really believe that US Citizens are this stupid and can't see the huge bias at work here? This settlement effectively gives Microsoft a tax break, great public relations, and an unfair advantage into the school systems. All the while, Microsoft continues its' monopolistic practices in a variety of other venues. Obviously, their money has a lot of clout with the government and the people who have complained the loudest are once again being shoved aside. I'm extremely displeased

with this decision and will vote accordingly in the next election.

Jean-Anne Taru Fisher  
213 Durand Way  
Palo Alto, CA 94304  
(650) 498-8149

**MTC-00002073**

From: Steven Kolins  
To: Microsoft ATR  
Date: 11/23/01 11:30am  
Subject: settlement  
FYI

I do not believe the settlement is in the best interests of consumers, companies, the government or education.

Steven Kolins  
Alamance-Burlington NC USA, School  
System Computer Tech  
mailto: Steven\_Kolins@abss.k12.nc.us  
Possess a pure, kindly and radiant heart!

**MTC-00002074**

From: Steven Schier  
To: Microsoft ATR  
Date: 11/23/01 11:30am  
Subject: MS Settlement

Although I use both Mac OS and Windows, I believe what the Government has allowed MS to get away with way too much, and now, to cut into Apples largest market, education, is very wrong. If Mac OS 10 is given an "even" chance by all the "lemmings" out there, there's just no comparison between it and Microsoft XP.

**MTC-00002075**

From: David Spinney  
To: Microsoft ATR  
Date: 11/23/01 11:40am  
Subject: Microsoft Settlement

Folks,

Please tell me that this is all a joke and you are not serious about the proposed "settlement" with Microsoft.

I simply cannot believe that you would be party to any agreement that will merely serve to increase Microsoft's share of the educational market, and offer them no real penalty at all.

Is there no one who will stop the Microsoft juggernaut before we are all paying them exorbitant monthly fees just to use our computers and access the internet?

Sadly,  
David

**MTC-00002077**

From: Neil Lynch  
To: Microsoft ATR  
Date: 12/6/01 2:42pm  
Subject: Microsoft settlement—not acceptable or effective

Gentlemen,  
I am extremely disappointed with the settlement arranged with Microsoft.

In my opinion, the Microsoft settlement should be "cash to be used for Microsoft or competitive products at retail, single user license, prices." This levels the field where alternative products may be considered and provides the companies their highest markup—so they can not undermine the effort with a "special" deal.

The monetary settlement should only be part of a longer reaching change. When Coca Cola's was first introduced and was widely

used, its secret ingredient was a narcotic. The product was addicting, in that, if you ever started using it, you would not be able to function normally without it. "Pepsi just doesn't give you the same feeling."

When children first encounter a crack cocaine dealer, the first sample is "no charge". When Microsoft provides software to schools, governments, and public institutions—Microsoft knows they will have to come back for more. If nothing else, Microsoft will change data formats to inhibit their ability to exchange information until they purchase the latest products. Their current licensing practices will inhibit the ability of these institutions to update their hardware.

It took the government to make Coca Cola change its receipt. Simply extracting money would not have worked.

If allowed to settle in the delivery of Microsoft products, the Microsoft \$1 Billion settlement will:

1) Cost Microsoft less than 10% of that amount  
2) Lock the school systems into Microsoft products so that they will hereafter be purchasing "upgrades"  
3) Lock out competitors and their products, effectively forever  
4) Inhibit the school districts of considering alternatives, effectively forever.

Over the years, I have watched Microsoft effectively kill viable businesses that serviced the interests and needs of the public.

(Artisoft, Borland, Coral, Sun, Apple, GEM, Netscape, etc.)

Over the years, I have watched Microsoft use its money (in the form of grants) to influence and inhibit access to alternative platforms (IE: UNIX) in the University Computer Science settings.

Over the years, I have watched Microsoft introduce products that only partially implement published industry standards and provide proprietary extentions that damage the public and industry in many facets. Over the years, I have watched Microsoft introduce "updated" products that cause an entire business to have to update because of the data format incompatibilities they introduce.

Over the years, I have watched Microsoft re-introduce inferior implementations of existing technology, using different terms that already had well established industry standard terms. The effect is that they introduced a language barrier, alienated (and thus obsoleted) computer science and information systems professionals, thus creating a void that was partially satisfied with the H1B Visas (to replace displaced American workers).

Over the years I have watched Microsoft adopt and refine the "embrace and smother" and "financially exhaust a company in court rather than purchase or license their technology, trademarks, or patents" techniques.

I was a Channel Partner with Microsoft, a Solution Provider, a Certified Professional, etc. I carried the Microsoft banner until I took time to examine their practices.

I now teach JAVA for IBM and Sun because it allows me to help the professionals that have been alienated by Microsoft to extend their skills in an industry standard and platform independent strategy. I have adopted a personal mission to help keep

Americans employed, and to promote technologies that are very advantageous (cost, connectivity, broad skill base, etc).

I was dumbfounded and infuriated by Microsoft's effort to confuse, compromise, and corrupt the JAVA technology and to explicitly damage Sun Microsystems. I am acutely aware that Fry's Electronic's in California stocked NO Sun Microsystems products immediately following Microsoft's loss to Sun in their JAVA lawsuit.

I was not able to purchase a retail competitive Internet Browser when I determined that Microsoft's Internet Explorer:

1) invariably connects to various nodes at microsoft.com and msn.com without user knowledge or consent (before your home page and between requests) 2) that the configuration option to disable "ieupdate" has no effect 3) that IE will not work if all communications to Microsoft and MSN are disabled 4) That even with cookies disabled, and no prior use IE still sent system or "cookie" like information to the Microsoft site—judging from the volume of bidirectional data transferred. This means that the Microsoft assimilates and sends personal system information without the knowledge or consent of the user.

The "XP" products have extended this practice even than I describe above.

It took the government to make Coca Cola change its recipe. Simply extracting money would not have worked.

More specifically, Microsoft should not be able to inject their systems and products into schools. The people should not accept a settlement that would force this to happen. The schools, however, should have the option to purchase Microsoft and any other products.

Sincerely,  
Neil Lynch  
Saline, Michigan

#### MTC-00002078

From: bradleyc@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 12:07pm  
Subject: Microsoft Settlement

Do not settle!  
Break them up!

Microsoft, Stifles innovation! Ask Novell. Ask Caldera. Ask Corel, Ask Apple... The list goes on and on. It is time to do what is right. Break them up and make them compete.

Sincerely,  
Brad Caldwell  
Clearfield, UT

#### MTC-00002079

From: Jack Maher  
To: Microsoft ATR  
Date: 11/23/01 11:57am  
Subject: Microsoft Antitrust Ruling

Hello, I am extremely displeased at the ruling in the Microsoft antitrust case. This ruling smacks of a "sell-out" by the Federal government to "Big Business Crony" and a "whitewashing" of their behavior and activities. The ruling will have absolutely no effect on their predatory, monopolistic practices or their continued quest to dominate the Internet.

The penalties suggested are a joke and indeed the suggestion by Microsoft that they

"donate one billion dollars worth of hardware and software" to poor and underserved schools and children is nothing more than a marketing ploy. Typically, Microsoft will "donate" out of date software and hardware and then take an inflated tax deduction for product that no business would purchase or use. And doubly disturbing, is the fact that by inserting the Windows operating system into these schools, they are just making the schools and the children dependent on Microsoft and their products.

If such a donation is considered, it should be in cash so that the schools can decide what hardware or software they wish to purchase. The schools should be able to purchase from any OEM or vendor and any operating system platform, including but not limited to, Apple Macintosh, Unix, or Linux.

As a small educational, multimedia business, we are typical of Microsoft's victims. Please do not reinforce and continue the destructive, monopolistic behaviors of this behemoth. The petty penalties proposed by this ruling will only encourage Microsoft to continue to search out and destroy competitors. They will not stop until they achieve complete control of the PC industry and the internet.

Respectfully,  
John J. Maher, MD  
iNet Educational Resources, LLC  
Janesville, WI

"The battle is now joined on many fronts. We will not waiver, we will not tire, we will not falter and we will not fail. Peace and freedom will prevail." President George W. Bush

#### MTC-00002080

From: Matthew  
To: Microsoft ATR  
Date: 11/23/01 11:42am  
Subject: microsoft

As a consumer, I would ask that the DOJ take a much tougher line against a company that has been found guilty of monopolistic evils more than once.

I would ask that you:

a) break Microsoft into various companies, one for the OS, another for applications and perhaps a third for their "internet strategy and services", b) require than any P.C. sold for the next 36 months come without Windows and its various flavours bundled and preloaded (hey maybe by forcing the consumer to see that there are alternatives...) c) require Microsoft to develop for the Macintosh platform for a minimum of 72 months d) require Microsoft to stick to the established standards when creating multimedia and/or web browsing software for a minimum of the next 36 months. e) prevent Microsoft from taking over any software company for the next 36 months (i.e. Adobe).

I see that Microsoft has just completed another legal challenge by agreeing to donate PCs to schools. Somehow, I doubt that training another generation of consumers that Microsoft is greatest/best/all powerful is really a good thing or a very harsh punishment. How about making sure that Microsoft donates Apple computers rather than machines that run Windows? That would be a fitting punishment.

Thank you  
Matthew Wensley  
"He who makes a beast of himself, lessens the pain of being a man"  
(By now you would think my life was completely painless)

#### MTC-00002081

From: mactech@mac.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 1:07pm  
Subject: You have got to be kidding

I cannot believe your punishment for MicroSoft to give \$1 billion in software to schools. Totally absurd. It is like instead of sending a drug dealer to jail, you have him push more of his drugs, only to schools.

Wake up DOJ. Give them a real punishment, something like donate \$1 billion in money and let the schools decide where to spend it. \$1 billion of software costs MS something like \$100 million, if not much less.

#### MTC-00002082

From: Justin Snyder  
To: Microsoft ATR  
Date: 11/23/01 12:37pm  
Subject: Re: Microsoft Settlement

There are two men, both extremely wealthy. One develops relatively cheap software and gives billions of dollars to American charity. The other sponsors terrorism against all Americans. Question: Why did the Clinton Administration Department of Justice with Janet Reno at the helm spend more money chasing down Bill Gates over the past eight years than Osama bin Laden?

Just letting you know that we're sick and tired of this persecution against success. The proposed settlement with Microsoft is outrageous at best!

Justin Snyder

#### MTC-00002083

From: Les Fuchs  
To: Microsoft ATR  
Date: 11/23/01 12:23pm  
Subject: Comment on proposed settlement

Dear Sir or Madam:

Permitting Microsoft to settle its anti-trust conviction by allowing it to increase its monopoly influence is mind-boggling. I'm referring to the provision in the proposed settlement that would allow Microsoft to donate \$500,000 worth of hardware, software and training to public schools. While this may seem altruistic on their part, it is actually an incredibly smart, if disingenuous, move to spread their Windows hegemony. There are two major problems with this proposal.

First, most recipients will opt for Wintel setups by virtue of the facts that Microsoft is willing to grant Windows licenses at little or no cost and that the vast majority of their software runs only on Windows hardware. This will hurt Apple and help Microsoft, exactly the opposite result that the Justice Department started out to rectify.

Which brings me to the second major problem. The government sued Microsoft because the company was engaging in monopolistic behavior to the detriment of other companies and, ultimately, the public. This aspect of the proposed settlement does

nothing whatsoever to address the issue that originally prompted the lawsuit. It's as if a doctor suggested her patient change the oil in her car as a cure for the patient's cancer. The cure the Justice Department is willing to accept has nothing at all to do with the harm Microsoft does by its monopolistic behavior. In fact, it serves to further the harm rather than reduce it.

I respectfully request that this aspect of the proposed settlement be withdrawn by the Justice Department. If the Department cares at all about fashioning a just solution to the problem that it initially sought to correct, it will replace this remedy with one that addresses the issue of Microsoft's monopolistic behavior rather than being an accomplice in perpetuating it.

Yours truly,  
Les Fuchs  
3035 River North Pkwy.  
Atlanta, GA 30328

**MTC-00002084**

From: Christopher Phillips  
To: Microsoft ATR  
Date: 11/23/01 12:17pm  
To the DOJ:

I am quite concerned that the settlement you have reached with Microsoft will only provide the software company with more opportunities to extend its monopoly. Much like the Gates foundation which already exists, the foundation will buy computers and likely Microsoft software. If this proposed foundation is formed, it will only increase the proliferation of the Windows operating system and other technologies, and allow it to gain a stronger hold on not only the OS and browser markets, but others as well. Additionally, if the foundation results in a greater installed base of Windows machines in public schools, this will only extend their ability to engage in anti-competitive practices, practices which Microsoft has no indication of reversing even given the recent anti-trust litigation.

The settlement does nothing for consumers. It does nothing for the losses incurred by other companies. It does nothing to promote innovation in the industry. Frankly, the DOJ should be ashamed of this settlement, and should be investigated for political influences which could have been involved in the making of this settlement. This settlement is a win-win situation for Microsoft and blow to the plaintiffs, the consumers, and the justice system of our country.

Christopher Phillips  
Pittsburgh, PA  
cphillips@mac.com

**MTC-00002085**

From: Tony Begonja  
To: Microsoft ATR  
Date: 11/23/01 1:22pm  
Subject: Comments on the proposed Microsoft anti-trust case

To whom it may concern:

I strongly think that the settlement that DOJ has proposed in its antitrust case against Microsoft is too mild. It fails to force Microsoft to adequately make amends for its illegal maintenance of a monopoly in Intel-based operating systems, as upheld by the US Court of Appeals for D.C.

This proposed settlement needs to be scrapped!

Sincerely,  
The Very Rev. Tony Begonja

**MTC-00002086**

From: daniel  
To: Microsoft ATR  
Date: 11/23/01 1:21pm  
Subject: NO!

Please DO NOT let Microsoft got off by "donating" software and computers. The computers are already donated and the software is free by way of piracy in the first place. Most 12 year old kids have more software than I could afford to buy using my life savings.

Make them pay CASH!  
Daniel DeLisse  
14321 La Cueva Ave NE  
Albuquerque NM 87123

**MTC-00002087**

From: Woody Hansen  
To: Microsoft ATR  
Date: 11/23/01 1:18pm  
Subject: Microsoft settlement; WHAT settlement?

To whom it may concern:

My comments based on a recent news article shown below:

"Microsoft Reaches Private Antitrust Settlement

By REUTERS WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said."

The Justice Department is waaaaaaay off base on this one. What a sweet deal or "settlement" for Microsoft! What a blow to the market place in general, and to Microsoft's competitors in particular! THIS IS JUSTICE? This misguided "settlement" amounts to little more than a billion dollar investment for the FUTURE SUCCESS of Microsoft! It doesn't take a great scholar to see that this "settlement" provides Microsoft with an additional future client base of 14,000 units! It doesn't take a leap of imagination to realize that in time—probably in less than five years, certainly after five years—these 14,000 "units" will need upgrading of some sort or another.

In time these, 14,000 units will need their computer boxes upgraded. Hmmm, after using Microsoft products for FIVE YEARS, I wonder what operating system (Microsoft Windows?), what hardware (Microsoft compatible?), and what software (Microsoft?) these U.S. school administrators will want, even DEMAND, their school districts purchase as REPLACEMENTS? Is there any doubt? What a FUTURE windfall for Microsoft! Who do we have to thank? Right now, we have to thank the U.S. Justice Department.

It's not that giving computers to the poorest U.S. schools is bad—that's a commendable,

if not somewhat idealistic—approach to education; what is UNBELIEVABLY SHORTSIGHTED, MISGUIDED, AND MISDIRECTED is the fact the GOVERNMENT—THE JUSTICE DEPARTMENT—is simply FURTHER encouraging the monopolistic use of Microsoft products! This is a no-brainer in FAVOR of Microsoft. Whose side are you folks on anyway?

The old Scoreboard of Life would read: JUSTICE DEPARTMENT (read U.S. citizens) "0" ... MICRSOFT "14,000!"

I'll bet Bill Gates is laughing at the Justice Department all the way to the bank, if not NOW ... certainly in five years! Invest a billion dollars now, and reap the "investment" reward in five years! Most business people would LEAP at the same chance.

Let's not REWARD Microsoft for breaking the law! I agree we should not put Microsoft out of business entirely, but we need a better attempt at leveling the competitive playing field. As the decision now stands, Microsoft has little to lose in the present and MUCH to GAIN in the future! The current decision is reward oriented, not punishment oriented.

Please reconsider your position. Thank you.

Woody Hansen

**MTC-00002088**

From: Ian Elliott  
To: Microsoft ATR  
Date: 11/23/01 1:43 pm  
Subject: Microsoft

A leopard does not change his stripes. The confrontational posture taken by Microsoft in recent court proceedings are the way they attack the market.

There is not sufficient motivation for Microsoft to change as a result of the penalties and limitations.

The consumers, individual and corporate loose@!!!

lanelliott@mac.com

**MTC-00002089**

From: Ken Sherman  
To: Microsoft ATR  
Date: 11/23/01 1:40pm  
Subject: Microsoft antitrust settlement  
Dear Sirs,

I am NOT in favor of the proposed settlement in the Microsoft VS. US Government anti-trust case. There are many, many problems with the settlement in my opinion. There appears to be no punishment for the crimes. There appears to be no restitution for the victims, either businesses or individuals. There appears to be nothing but an ineffective panel setup to help Microsoft do nothing more than obey the same laws they have been continually flaunting.

Microsoft has shown contempt for the courts, the rights and intellectual property of other businesses and individuals. I think it is necessary to make a statement to this company that this behavior will not be tolerated.

Please consider a HEAVY fine to be paid to the companies hurt in the past, and some effective ruling to make it IMPOSSIBLE for this scandalous behavior to continue.

Sincerely,  
Ken Sherman  
11575 Darlington Dr.  
Orlando, FL 32837

**MTC-00002090**

From: Dale  
To: Microsoft ATR  
Date: 11/23/01 1:30pm  
Subject: settlement

After years of Microsoft monopolizing markets, which they have been on trial for, the justice department has let off the hook by further allowing a Microsoft dominated world.

The schools receiving these machines furthers the monopolization of the computer industry. It allows Microsoft another "in" to the consumer. These poorer schools will not have other platforms like Linux or Apple to show students, so they grow up not knowing anything but Windoze.

As an educator, I believe in solutions. I believe that Microsoft should have to provide the money, not their products. In order to fight the monopoly, make Microsoft buy Apple computers, and PCs running Linux. That would be a solution, rather than allowing Microsoft to use Dell and the other companies already in bed with Microsoft to force XP down our throats.

Dale Loebel  
Tech Coordinator  
Kluge Elementary School  
Milwaukee Public Schools

**MTC-00002091**

From: D3215@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 1:24pm  
Subject: MS settlement

It appears that the government has gone soft after a hard fought battle. I see nothing to prevent Microsoft from doing almost the same thing a few years down the road. Why spend the time and money to file the complaint if you are not going to prevent it from happening again? The only true remedy is the break up of the company.

Sincerely,  
David J. Carlson

**MTC-00002092**

From: MKallin  
To: Microsoft ATR  
Date: 11/23/01 2:04pm  
Subject: Settlement

The only questions that remain are how much and who did Microsoft pay for this oh so gentle slap on the wrist.

**MTC-00002093**

From: Ted Grigg  
To: Microsoft ATR  
Date: 11/23/01 2:01pm  
Subject: Microsoft Settlement a Slap on the Wrist

This settlement is totally inappropriate for this company that has chosen to thumb its nose at US law. The settlement should not only compensate the end-users and companies harmed by its illegal use of market power, but the company should pay billions of dollars in penalties.

The idea of giving away free software to the educational market actually rewards Microsoft for its deliberate and proven illegal

maneuvering in a "free" market place. The court now fulfills Microsoft's desire to steal yet one more more market they do not control.

If the court insists on free gifts to schools, then require a cash settlement to schools so the schools can choose what software they prefer to buy with the money.

The cash should go through the court and not directly to the schools because Microsoft will somehow use the money as a marketing ploy by offering large discounts for their software and treat the cash settlement like a coupon worth several times its value. Do not allow this settlement to become Microsoft's next court-directed advertising campaign.

Splitting the company was the only settlement that began to make sense. Microsoft illegally destroyed Netscape and continues to hurt Sun, Apple and others by punishing hardware suppliers from supporting competing products.

Even if the settlement restrains Microsoft (a highly doubtful outcome), Microsoft should now pay more than it gained for its illegal practices in cash.

I only hope that those states who recognize Microsoft for what it truly is will somehow prevail and find a way to punish Microsoft for its injustices.

We still may have a chance to support the law. It appears, however, that the court may actually reward Microsoft's illegal action. Please punish Microsoft for its illegal actions and lack of respect for the law.

Best,  
Ted Grigg, Senior Direct Marketing  
Consultant  
Zachry Associates Dallas Office  
Direct: 972-471-0380  
Fax: 972-410-0016  
e-mail: tgrigg@zachryinc.com  
Web: http://zachryinc.com/

**MTC-00002094**

From: Jan Steinman  
To: Microsoft ATR  
Date: 11/23/01 1:58pm  
Subject: Microsoft

Dear US Justice Department,  
I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power. Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs. But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional

layer of software—Active X—that Microsoft's own content provisioning software does not go through.

This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime content, whereas 90% of pre-Windows XP computers could. With this move, done right under your collective noses while you negotiated a cushy "hand slap" settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an "out of the box" computer will be unable to view any content that Microsoft has not provided. With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with "states' rights" Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

—Jan Steinman  
<mailto:Jan@Bytesmiths.com>  
Bytesmiths <http://www.Bytesmiths.com>  
19280 Rydman Court, West Linn, OR  
97068, 503.635.3229  
CC:Mac EvangeList Classic

**MTC-00002095**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR.antitrust@ftc.gov  
@inetgw.Ralph@essen...

Date: 11/23/01 2:31 pm  
Subject: Microsoft Hegemony: The Secret Result

CC: letters@latimes.com  
@inetgw.letters@sjmercury.com@i...

Re: Pressing the case against Microsoft  
After careful review, the proposed settlements fall far short of restoring competition and innovation to the computer software industry so important to California and our nation.

The settlement doesn't require careful review because it is impossible that Microsoft would agree to something that's truly effective. The settlement is a failure in the most abstract because it does not remove Microsoft's control of the OS API. By scrutinizing the settlement you legitimize the insanity that behavioral remedies is an acceptable substitute for ending the hegemony. Anyone serious about modifying corporate behavior for public benefit knows that the micromanagement approach will accomplish little else than damage the argument for regulation—exactly the secret result that many want from this case. The simple fact is that the government must guide

industry or it runs off the track. It's happening in PC software & hardware, it's happening in energy, it's happening in military, it's happening in ag/food, it happened in banking, it's happening in pharma, it's happening in biotech, duh, it's happening everywhere.

PC software—MS junk technology, hijacking of interoperability

PC hardware—Intel stifling paradigm shifts, e.g. RISC

Energy—paradigm shift to renewables hijacked by oil interests

Military—Air Force pilot pride hijacking paradigm shift to drones

Ag/Food—refined food creates diseases of affluence

Banking—savings & loan debacle of 1980s  
Pharma—bandaid fixes instead of

preventative medicine

Biotech—frankenfoods

#### MTC-00002096

From: Robert O'Brien

To: Microsoft ATR

Date: 11/23/01 2:09pm

Subject: RE: Microsoft reparations

The reparations in the antitrust case with Microsoft should not offer the company another opportunity to further its stronghold in the marketplace. Specifically, the recent news of Microsoft proposing to give technology to education would, I think, be analogous to its original practice of wedging out competitors with its browser software.

Giving to education is a noble gesture and perhaps a good one but only if that giving is not attached to its products but rather monetary, letting the school's themselves decide how to best spend it on technology, even specifically computer technology. This would provide the desired effect of reparation without the undesirable effect of increasing market base unfairly, again.

Thanks for your attention in this matter.

Robert O'Brien, Consultant  
1813 Ryan Drive  
Bismarck, ND 58501  
(701) 223-4093  
bobo@btinet.net

#### MTC-00002097

From: Patrice Drolet

To: Microsoft ATR

Date: 11/23/01 2:07pm

Subject: Give computers to schools, yes, give MACINTOSH computers!!!

Hi,

I am a user Mac, Windows and Linux computers. I think that an appropriate way to deal with the MS issue is to agree that they give schools computers from other manufacturers, like Apple (Mac OS X) or even Linux (do not know if the schools would use them?). This would not increase MS's monopoly!

Regards,  
Patrice Drolet, md  
Logiciels INFO-DATA inc.  
e-mail:pdrolet@mac.com

#### MTC-00002098

From: Michael J Wise

To: Microsoft ATR

Date: 11/23/01 2:05pm

Subject: Punishment -> Marketing Opportunity for MS?

The proposed settlement has turned what should have been a punishment into a marketing opportunity. A Billion dollars worth of Software, which it will cost them maybe a \*MILLION\* dollars to actually \*MAKE\*, and you are taking their stuff and GIVING it to the next generation, like a hit of crack.

The marketing guz in Redmond must be absolutely rolling in the isles. I am disgusted. Aloha mai Nai'a.

"Please have your Internet License <http://kapu.net/~mjwise/> and Usenet Registration handy..."

#### MTC-00002099

From: Lynne LaMaster

To: Microsoft ATR

Date: 11/23/01 3:10pm

Subject: Microsoft Settlement

I want to express my concern about this MS settlement. It will harm companies like Apple, who have a strong presence in schools. How in the world do you expect Apple to compete with free? You would be better off requiring that they put \$1 Billion into a trust account where the schools can purchase any kind of software/system they desire. Or, require them to give Office: OS X to any school that wants it. I see no reason why you should harm Apple in this settlement. This is absolutely ridiculous.

Lynne

#### MTC-00002100

From: Harden

To: Microsoft ATR

Date: 11/23/01 2:48pm

Subject: I Strongly Disagree with Microsoft School Proposal, Extends Monopoly

Hi !

Do not accept this marketing ploy. The cost to MS will be trivial. No Punishment at all for what they have done. Prior to and during WW II, Adolph Hitler tried to control people by burning books, controlling information. To a great degree he succeeded for a time in fooling the German people and the world. Then the world figured him out and he lost big time but the cost to the societies of the world was very great and reasonable Germans were very embarrassed by their foolishness. Most recently, the Taliban has tried to control the lives of the folks of Afganistan by controlling information and everything else they could do with their lives. They are losing but the cost is very high. Bill Gates and Microsoft have been successfully placing a ring in the noses of everyone they can to do everything the Microsoft way. They are trying to control information and the way we receive and view it. VERY DANGEROUS !!

If Microsoft succeeds much further, we will all someday understand the foolishness of our ways. BUT AT WHAT PRICE ???!

#### MTC-00002101

From: Lane Roathe

To: Microsoft ATR

Date: 11/23/01 2:40pm

Subject: Settlement Feedback

While I realize that the importance of the Microsoft case degraded significantly after Sept. 11, the Justice Department's settlement is a grave disservice to the American people. The fact that Windows XP continues the

practices found to be illegal in a court of law, and that Microsoft is now set to dominate the home console gaming market should have been enough evidence that Microsoft needs tough love. I'm all for smaller government, but that does not mean allowing one company to have a stranglehold on the future of an entire generation!

Sincerely,

lane

Lane Roathe, President Ideas From the Deep

<<mailto:lane@ifd.com>> <<http://www.ifd.com>>

#### MTC-00002102

From: Jan Chesne

To: Microsoft ATR

Date: 11/23/01 3:59pm

Subject: A reward, not a punishment

The proposed settlement is shocking. This is more like a reward for Microsoft. It will only help them oust their minor & struggling competitor, Apple Computer, from the schools. Apple is generally well-liked in education. If you want to punish MS, why not have them purchase Apple computers for the schools? In neither case will it have any effect on MS changing its ways. I can't imagine why you would want a settlement that furthers Microsoft's 95% monopoly.

#### MTC-00002103

From: fred ford

To: Microsoft ATR

Date: 11/23/01 3:47pm

Subject: I THINK YOU SHOULD TRY TO SETTLE ALL PARTS OF THE MICROSOFT DEAL AS SOON AS POSSIBLE AND LET THE TEC

I THINK YOU SHOULD TRY TO SETTLE ALL PARTS OF THE MICROSOFT DEAL AS SOON AS POSSIBLE AND LET THE TECH WORLD GET BACK TO WHAT IT DOES BEST.

FRED

C. FORD [fredevy@beaufortco.com](mailto:fredevy@beaufortco.com)

#### MTC-00002104

From: Wm. Williams

To: Microsoft ATR

Date: 11/23/01 3:38pm

Subject: I hate Microsoft

Anything the govt does to them isn't enough. I think Microsoft is a bully, so I use Netscape and am upset that University of Phoenix forces me to use Explorer, to use their site/limited student access, also they require MS Word etc.

Wm. Williams

#### MTC-00002105

From: semperfigungho

To: Microsoft ATR

Date: 11/23/01 3:16pm

Subject: Agreement

Agree with Microsoft's settlement bid and move on. This has gone on too long and everyone benefits with new bid.

#### MTC-00002106

From: John Koenig

To: Microsoft ATR

Date: 11/23/01 5:35pm

Subject: Microsoft settlement

Microsoft has been found guilty of being a monopoly because Microsoft has used its

power to crush competition, restrict access of new products technologies and, keep consumers from accessing choices that would have otherwise been available in a normal market. Microsoft keeps prices artificially high and delivers software that is defective and/or of poor quality. The security holes in Microsoft products pose a great threat to the computing public (and, as all business and commerce is affected, even to those who do not own or use computers themselves are harmed).

What is the government actually doing to protect me (and other taxpayers) from this abusive monopoly? With billions of dollars at stake, if Microsoft is allowed to get away with a mere slap on the wrist, it will go back to business as usual. I'll be watching and, I'll remember how (and if) the government lives up to its responsibility when I'm in the voting booth in November 2002. I welcome a response.

Sincerely,

John P. Koenig  
24 Chichester Avenue  
Center Moriches, NY 11934-2402  
631-878-8424  
jkoenig24@earthlink.net

**MTC-00002108**

From: Robert Greenleaf  
To: Microsoft ATR  
Date: 11/23/01 4:40pm  
Subject: Microsoft Anti-trust Settlement  
To Whom It May Concern:

I am deeply disappointed that the current administration is caving in on Microsoft. Fair competition is essential for capitalism to work and Microsoft has done everything in its power to stifle competition. Because of their monopoly they get by with releasing mediocre products. Further, their activities are hurting the growth of innovative technology and your weak-kneed position will hurt the economy in the long run. Please take a longer range point of view and stimulate competition by forcing Microsoft to cease their efforts to take over the internet and virtually all computer software.

Robert Greenleaf

**MTC-00002109**

From: Raul Ramirez  
To: Microsoft ATR  
Date: 11/23/01 4:32pm  
Subject: Bed fellows

Is the Bush administration fair with the people of these United States? We deserve to know if the settlement is just.

ramirez2@home.com

**MTC-00002110**

From: jahbini@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/23/01 6:53pm  
Subject: Microsoft settlement

When someone cheats in an athletic competition, the culprit is disqualified and other contestants are given their proper rewards. However, in the contest of the software business, the culprit is now being rewarded by increasing the power base by giving away more software!

This is like having Gillette give away razors to men. Gillette loves that, because, they will be happy to sell razorblades to those same men in a few weeks.

So Microsoft wins by increasing the user base, and competition looses. Maybe forever.

The guys on the prosecution who went along with this absurd settlement should be investigated for conflicts of interest! This is not even a slap on the wrist. It's a congratulatory pat on the back for Microsoft.

Jim Hinds

**MTC-00002111**

From: Joel Markwell  
To: Microsoft ATR  
Date: 11/23/01 6:07pm  
Subject: DOJ and Microsoft: A Failure to Meet Your Responsibilities to Your Real Bosses

I am incredibly disappointed in the abdication by the Justice Department in the Microsoft Antitrust Case. Microsoft is one of the most aggressive anti-competitive companies in our history and has been proven to be so over-and-over. The list is long and much of their wrongdoing was not even presented at court. Their actions towards lesser companies have stifled creativity, crushed smaller, more flexible and ultimately more consumer-friendly companies by simply threatening to enter their market and have for years they have produced a product that is inferior in almost every way to every one of their competitors and they can only do so because of their size.

No financial backer would ever dare subsidize the creation of a new word-processor to challenge Word or spreadsheet to challenge Excel, yet smaller companies do so every day with intelligence and creativity only to be run out of business by Microsoft. Developers fear MS to the extent that I have seen them refuse to criticize MS on camera for fear of being hurt by MS, yet off camera they clearly hate the company and the product. Because of their iron grip on the computer space, MS has almost no incentive to make their products more secure and often fail to release security patches in a timely manner and often release products they know to be buggy because there simply is no broad-based alternative out there for the consumer and server market in their space.

Bill Gates and now Ballmer have both shown their disdain for the American public and the US Justice Department publicly by their words and behavior and yet the Justice Department has completely abrogated their responsibilities to the American consumer, I assume, at the "suggestion" of the Bush administration.

The biggest loss to the American consumer has been the Republican Congresses consistent failure to agree to even reasonable campaign finance reform and so long as large monopoly corporations like Microsoft continue to own America's politicians, we working American will continue to unrepresented in the halls of justice and the halls on Congress.

Forcing Microsoft to act as a more responsible and competitive American company, even to the extent of breaking it up will not hurt the US economy. The effect of forcing MS to toe the line or even to break it up would be a breath of fresh air to a computer industry strangling in Microsoft's grip. How much stronger would the US economy be if MS were not sitting astride it?

The Justice Department doesn't worry Bill Gates, because he might as well own you as he does everything else, given the present circumstances.

Sincerely,  
Joel Markwell  
736 Ponce de Leon Terrace  
Atlanta, GA 30306  
joeldm@mindspring.com

**MTC-00002112**

From: Bill King  
To: Microsoft ATR, antitrust  
@attorneygeneral.gov@inetgw  
Date: 11/23/01 6:03pm  
Subject: Microsoft settlement

I'm writing this brief note to express my displeasure with the recent US Dept. of Justice's Microsoft settlement. I firmly believe that Microsoft should have received harsher penalties for their outrageous conduct. However, I'm somewhat relieved in that some of the state attorney generals (who I've cc'ed on this e-mail) are also not satisfied with the terms of the settlement. I hope they continue to pursue a more appropriate and fair judgement.

While I realize that the drawn-out nature of this lawsuit may have made a settlement attractive, I am disappointed in the lack of any real punishment. The message the current settlement sends is that while a company can engage in unfair practices, any punishment will not reflect or in the slightest way compensate for the damage they cause.

I realize that Microsoft now plays a significant part of the day-to-day economy/stock market of the US and the world to a certain extent. A judgement against them will have a trickle down impact. I feel, though, that any financial impact that a Microsoft punishment might cause would be well worth it considering their predatory and overreaching practices. Their behavior has caused irreparable harm to the computer industry, among others, and I believe they must be stopped or at least punished for what they have wrought. Thank you for allowing me to voice my opinion.

Bill King  
207 N. Narberth Ave.  
Narberth, PA 19072

**MTC-00002113**

From: Dan Snyder  
To: Microsoft ATR  
Date: 11/23/01 7:19pm  
Subject: Why the MS settlement isn't enough  
Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices and illegal abuse of monopoly power.

Here are three quick examples from the past six months of how Microsoft continues to use their monopoly power in one market to destroy competition in another market.

1. Microsoft used it's operating systems monopoly to eliminate any serious competition in the web browser market. Microsoft is now using their web browser dominance to gain further control over Internet content by dropping support for industry-standard third-party browser plug-ins. Microsoft is doing this to force

competition out of other Internet areas like streaming media. This move forces companies using the competing products to re-design their web sites. This is very expensive for companies and many of companies decide that since they are being forced to "re-design" they should use the Microsoft product to try and avoid a problem like this in the future.

2. Microsoft has removed the Java runtime environment from its Windows XP operating system. Java applications can run on any operating system, which is a big threat to Microsoft's Operating Systems dominance. By doing this, Microsoft is making it harder for the average PC user to use Java based applications. Due to this added inconvenience of not having Java installed, thousands of customers will no longer use competing applications written in Java.

3. In Windows XP, Microsoft has dropped support for saving files in the industry standard MP3 format in favor of their own proprietary format. Again, Microsoft is trying to use their operating system to gain control of another market, the digital music market.

Please reconsider this "hand slap" settlement. Only breaking up the company will open up competition and benefit consumers, since Microsoft could then no longer leverage monopoly power in one market to gain monopoly power in another market.

Thanks for your time,  
Dan Snyder, Apple Product Professional  
MacDataTech, Apple Solution Experts  
Phoenix, AZ  
Phone: 480-539-9622, <http://www.macdatatech.com>  
Macintosh Support, Networking,  
Programming, Training & More!

#### MTC-00002114

From: Arkady Kofman  
To: Microsoft ATR  
Date: 11/23/01 7: 16pm  
Subject: MISCROSOFT "SETTLEMENT" IS A JOKE!!!

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC Senator Schumer

Dear Department of Justice,  
Below please find a copy of my email("LOSE WIN" TRICK) to my NY Senator\*\*\* I hope that DOJ does consider how numerous American's, like myself, feel about this issue. The Microsoft MUST NOT BE ALLOWED to practice its "Kill The Competitor, then Appologize-Settle, if need be" policy. This School Donation "Settlement" is Highly UNSETTLING to anyone who can look past its nose. It also is wrong, and un-American!!! When Microsoft expands into almost every other area, like cable TV, Internet, Digital Music, using their ILLEGALLY acquired wealth against their competitors, that scares me. For Microsoft to wrap themselves into American Flag, and say: how can you go after us(MSFT) when our country is at war, when economy is down? THAT'S UGLY HOGWASH!!!! If Microsoft "gets away with it", when and where will it stop? Microsoft MUST be made to PAY for it's crimes! The PUNISHMENT should be made to compensate us the

consumers, the fallen competitors who they killed off. As to schools, let them DONATE \$\$ only, so that schools are free to buy Apple Computers, if they choose to do so, or and any other software.

The current "SETTLEMENT" is nothing bad a huge Microsoft banner which is shoved down the throats of those hungry schools. After the time period expires, the graduates of those schools are railroaded into becoming Microsoft customers for life!!! Boy, is DOJ so dumb not see this Microsoft trap? Or worse, is DOJ scared of Microsoft, or worse yet, is someone in DOJ getting a "\$\$ thank you" from Microsoft? Boy, I hope not!!! I wonder how many people who have been working on this "SETTLEMENT" own Microsoft stock! Thus far, this "MICROSOFT SETTLEMENT" looks like a mockery of common sense!

Just cause Microsoft has some good lawyers, that doesn't mean that no crime has been committed. And if they were found to be a monopoly, then they must be punished, and not rewarded!!!

Even if you took half or three quarters of Bill Gate's and his MS Execs personal wealth and distributed it among Microsoft's victims, those execs will STILL be either Multi-Billioners or Multi-Millioners.

Thanks for your time.

Arkady Kofman

Dear Senator Schumer,

With all the focus on Osama, terrorism and such, it looks like Big "Brother" Bill(Gates) and his Microsoft are about to get away with it, and slip right through again, behind our backs!!! If it's just the \$\$ that they want to give away, it's one thing, but free software to schools— THAT'S A JOKE!!! And if the Department of Justice let's them, then DOJ is an even bigger joke. Let's hope that there are still folks in Washington who Think Different ? and are awake enough to stop Microsoft's "Lie Train" before it again steam rolls over US Constitution and the very Justice and Common Sense that it is supposed to represent!!!

I have also contacted Senator Clinton via [http://clinton.senate.gov/email\\_form.html](http://clinton.senate.gov/email_form.html) and am encouraging all my friends to contact their representative and speak out ASAP!!! PLEASE DON'T LET MICROSOFT PULL THIS LATEST "LOSE WIN" TRICK ON ALL OF US, US, THE WORLD!!!

Arkady Kofman

25-40 30th Rd., #C6

Astoria, NY 11102-2628

(718) 204-2477 12-9 PM

web page: <http://home.nyc.rr.com/arkady/>

Deal may put Microsoft at head of the class  
By: Joe Wilcox and Michael Kanellos 11/21/01 7:45 AM Source: News.com

A proposed settlement agreement in a series of antitrust suits may not only give Microsoft a fairly inexpensive legal resolution—it may also help the company and its PC allies further erode Apple Computer's position in education.

Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately \$500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms could hurt Apple and other software providers, according to analysts and educators. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else.

Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products.

Michael Theochares, an educational multimedia specialist at a Massachusetts public school, decried the settlement as "anticompetitive" and "targeted at a competitor with dominant market share" in elementary and secondary schools.

"What's even more infuriating is that Microsoft is turning this into an altruistic proposition," he said. "You can't get better advertising than this. This is a settlement?" Microsoft could wind up "undercutting everyone in the education market," Gerard Klauer Mattison analyst David Bailey said. The best-case scenario for Apple would be that Microsoft increases the overall level of PCs in schools without directly harming a company like Apple, he said.

Linux specialist Red Hat Software tried to counter Microsoft's move soon after the settlement was announced. The company said it would provide its software to every U.S. school district and encouraged Microsoft to convert the software component of the deal to increased hardware donations, which costs the company little.

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly," Red Hat CEO Matthew Szulik said in a statement.

An Apple spokeswoman declined to comment on the issue.

The potential pain for Apple comes in the unique settlement terms. Under the deal, Microsoft will grant approximately \$500 million to help underprivileged schools create self-sustaining technology programs. Of that, \$90 million will go to teacher training, while \$160 million will go to technical support. Microsoft will also match contributions from other donors. Additionally, Microsoft would give the schools software and would give nonprofit organizations approximately 1 million licenses for the Windows operating system, which the nonprofits in turn would use to provide refurbished PCs to the schools.

The donations would go to public elementary and secondary schools, at which 70 percent of students are eligible for federal meal assistance, or approximately 14 percent of the nation's schools, according to Microsoft. Approximately 12,500 schools, representing 7 million students and 400,000 teachers, would be eligible to participate in the program.

"A slap in the face" Nancy Hudnall, an accountant from Rolla, Mo., faulted the terms of the proposed deal.

"Settlement of this case as proposed is a slap in the face of all consumers, as well as

free trade," she said. "By allowing Microsoft to remedy their anti-competitive actions by infiltrating our schools, the consumer and Microsoft are in a 'lose-win' situation."

Hudnall emphasized that she is a user of Microsoft products and has no grudges against the company. "However, I do feel that our legal system is not acting in the public's best interest," she said. "The need of schools should be addressed in another manner, not as a means to alleviate our judicial system's inability to deal with Microsoft's unethical business dealings."

With these donations, Apple equipment becomes far less attractive to cash-strapped districts. Even if the grant funds are used to buy Apple equipment, a district would have to pass up opportunities for free software.

In recent years, Apple has seen its share of the market decline because of price competition. Dell is now No. 1 in the education market, with 37 percent of new elementary and high school sales in the second quarter, according to IDC. Apple came in second, with 23 percent. Familiarizing students with Microsoft technology could also make loyal customers out of today's students. Developing familiarity, in fact, was the basis for Apple's push into education back in the 1980s. The theory was that students would stick with the technology they understood best. While there may be some truth to this, it hasn't completely panned out in the numbers. Apple's share of the PC market is below 5 percent, far below its share in education. Microsoft CEO Steve Ballmer denied the proposed settlement was an attempt to boost the company's share of the education market.

"The benefits we provide can be used for PCs or Macintoshes," he said. "It can be used for PC software or Macintosh software. Certainly, the money can be used for non-Microsoft software, so I don't view it as some big thing about market share." IDC analyst Roger Kay pointed out that Microsoft also produces applications for Apple computers.

Although the settlement terms will likely help Microsoft's position in education, more tangible benefits come from the relatively light terms. The company is effectively making a \$500 million charitable donation and giving away its own software to settle a case where the liability could have stretched into far higher figures.

The case in some ways is being settled for pennies on the dollar, according to Bob Lande, an antitrust professor with University of Baltimore School of Law. The company will also likely get positive public relations messages out with the deal, said Gartner Dataquest analyst Michael Silver. "This gets Microsoft out of all these lawsuits in one fell swoop," Silver said. "It's a penalty, but it makes Microsoft look good and gives schools PCs, and in so doing would give Microsoft an even larger installed base than they already have."

#### MTC-00002115

From: Doug Walker  
To: Microsoft ATR  
Date: 11/23/01 7:05pm  
Subject: Unhappy with federal settlement  
I am very unhappy with the Federal government's settlement of the Microsoft

anti-trust case. Microsoft broke the law! The punishment is far too mild. Furthermore something needs to be done to prevent Microsoft from continuing these violations. It appears our government has failed to do its job.

I am very happy nine state's Attorney Generals did not join the Federal government's settlement.

Doug Walker  
2743 Blackburn Drive  
Davis, CA 95616

#### MTC-00002116

From: Ian Orchard  
To: Microsoft ATR  
Date: 11/23/01 6:56pm  
Subject: Microsoft: "Get out of jail free"

As a non-US citizen materially affected by the monopolistic behaviour of Microsoft, I had hoped that the democratic processes of American would have prevailed and that the combined forces of the ordinary people could call to account the robber barons of Big Business. I am deeply disappointed.

Not only has the Department of Justice capitulated, the settlement actively reinforces Microsoft's monopoly in Education, leaving the Department wide open to accusations of political interference or even corruption. A 'settlement' favouring the guilty as unbelievably blatant as this could only have been achieved if officials in the department had been bribed.

I'm sorry, but this affair has destroyed my faith in America as the bastion of freedom and democracy.

Ian Orchard  
67a Windermere Rd  
Christchurch 8005  
New Zealand

#### MTC-00002117

From: Ian Mander  
To: Microsoft ATR  
Date: 11/23/01 7:57pm  
Subject: Refurbished Macs

The settlement appears to be either badly worded or have little thought for alternative computing platforms.

From pages 23-24 of the settlement:

5. Refurbished Computers. Microsoft will establish a Microsoft Authorized Refurbisher program. Under this program non-profit refurbishers who meet reasonable criteria established by Microsoft for business standards and practices will be encouraged to refurbish Macintosh computers and personal computers for use in this program. Microsoft will provide such refurbishers with licenses and/or software for Microsoft operating systems (Windows 98 SE or more recent as machine specifications permit) installed on refurbished personal computers. Why are Macintosh computers even mentioned? Microsoft does not need to provide software for them under this clause (not even Office for Mac) because Macs do not run a Microsoft operating system (unless they are running Virtual PC or similar to emulate a PC). Also, Macintosh computers ARE personal computers. However, they are not Wintel-based PCs.

Microsoft will administer the program and bear the costs of administration. As part of this program Microsoft will guarantee that a

total of at least 200,000 computers, consisting of Macintosh computers or Pentium-class personal computers or better, will be available to Eligible Schools for each year of the Settlement Period at ordinary fees charged by such Refurbishers. Can we take this to mean that Microsoft is expected to pay for refurbishers to refurbish Macs, without any Microsoft software? Since there is no proportion specified of the 200,000 computers per year that should be Macs, why should Microsoft think they should pay for any? After all, as written it is Microsoft that decides which non-profit refurbishers meet Microsoft's criteria for business practices. So again, why are Macintosh computers even mentioned? It seems a token effort that falls well short of what is needed to properly address Microsoft's strong monopoly position in many areas.

Each such computer will include a color monitor, Ethernet card, speakers, keyboard and pointing device, necessary cables, 56K modem and CD ROM drive. Macs do not generally need an Ethernet card—it is built in. Macs also often do not need external speakers.

The minimum specifications adopted each year will include but not be limited to processor speed, RAM and storage capacity, and will not be below a level sufficient to run at reasonable performance levels, for school use, Windows 98 SE and the application programs to be donated pursuant to Paragraph IV.6 herein. Of course, this paragraph excludes ALL Macs from being included in the scheme unless they are running Virtual PC or similar.

Yours faithfully,  
Ian Mander, BSc.

#### MTC-00002118

From: Noah Fields  
To: Microsoft ATR  
Date: 11/23/01 7:39pm  
Subject: Unhappy with Microsoft Settlement...

I am writing to tell you that I am very dissatisfied with the current Microsoft antitrust settlement. I strongly agree with the Settlement Enhancement proposed by RedHat inc. ( see: [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) ) Allowing Microsoft to install their software in schools would turn the US public school system into one of the largest customer bases for the company. This seems to be antithetical to an anti trust settlement, and turns punishment into an award.

Please read the alternative settlement proposed by RedHat inc. It suggests that Microsoft donate computer equipment to public schools, and RedHat provides software and unlimited support, also for free. This is a win win scenario, because it doubles the benefit to the schools, and prevents Microsoft from widening their influence.

Thanks for your time,  
Noah Fields  
227a Summer St. Apt #3  
Somerville, MA 02143

#### MTC-00002119

From: kevin@kevin.phys.unm.edu@inetgw  
To: Microsoft ATR, Kevin E.

Cahill, Dima, Steve McCreedy  
Date: 11/23/01 7:26pm  
Subject: Doubts about settlement

Dear DoJ:

Microsoft is the most profitable monopoly in the history of man, and one of the more ruthless. It has used its domination of the PC software industry to cripple the open-software movement and has even tried to pass laws that would make that movement illegal. The DoJ settlement should include a strict and comprehensive prohibition of efforts to stifle the open-software movement.

It is hard to imagine how any government committee would be able to supervise Microsoft's compliance with any agreement. Microsoft's recent offer to give \$1 billion in computer products to poor school districts is absurd. The real cost to Microsoft of a software product valued at \$300 is about \$1. So in exchange for some \$3 million of CDs and packaging, Microsoft will settle lawsuits, receive millions of dollars of publicity, and create millions of new customers. The proposal of Red Hat [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) to provide its Linux software for free if Microsoft would donate \$1 billion of computer hardware should be taken seriously by all parties to the settlement. It would be a much better deal for the schools. It is very odd that while the DoJ was suing Microsoft, other US government agencies, such as DoE and NSF, were using Microsoft documents and forms rather than ASCII text documents which can be read by people using any operating system. DoE and NSF have been forcing professors applying for research grants either to use Microsoft's operating system or to jump through hoops using programs that imitate Microsoft Word on a Linux system.

Yours truly,  
Kevin Cahill

Kevin Cahill Phone: 505 277 5318

Department of Physics and Astronomy,  
University of New Mexico, Albuquerque, NM  
87131-1156

Fax: 505 277 1520, Web page:  
[kevin.phys.unm.edu/kevin/](mailto:kevin.phys.unm.edu/kevin/), E-mail:  
[cahill@unm.edu](mailto:cahill@unm.edu)

#### MTC-00002120

From: ARNOLD MCCREARY  
To: Microsoft ATR  
Date: 11/23/01 8:29pm  
Subject: Microsoft settlement

If I understood it right Microsoft has done it again. The plaintiffs should have been rewarded with money to spend as they choose, instead of a gift of computer services that will make millions for them as before.

#### MTC-00002121

From: Eric Berger  
To: Microsoft ATR  
Date: 11/23/01 8:27pm  
Subject: My View

Please reconsider your decision regarding Microsoft's penalty for monopolistic practices. Please consider mandating that Microsoft be broken into operating system, application software and hardware companies. I have observed first-hand the effect of Microsoft's practices of driving its competitors into insolvency through dirty

tricks, especially compiler and office software companies. This lever has only been available because Microsoft controls the OS and has office and compiler software for sale. Without their control of the OS, and the problems that they caused for users of competing software products, their competitors (e.g., Borland, Wordperfect, Novell, 3Com, etc.) would still be in the market providing the innovations that Microsoft copied just before the companies were driven off the map of out of the market.

Thanks for the opportunity to comment

#### MTC-00002122

From: jss  
To: Microsoft ATR  
Date: 11/23/01 7:58pm  
Subject: Don't let Microsoft get away with it

I'd like to express my strong reservations about the antitrust agreement with Microsoft. If you let them get away with this they will continue their monopolistic practices. There needs to be very strong penalties and even more rigorous oversight of this company.

Thank you,  
Joel Shoner  
Brookline, MA

#### MTC-00002123

From: Christian Miller  
To: Microsoft ATR, microsoftcomments  
@doj.ca.gov@inetgw....  
Date: 11/23/01 8:32pm  
Subject: The Microsoft Settlement

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure.

Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime

content, whereas 90% of pre-Windows XP computers could.

With this move, done right under your collective noses while you negotiated a cushy "hand slap" settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an "out of the box" computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with "states' rights" Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

The Lamb that was Slain is the Lion now who Reigns.

#### MTC-00002124

From: George  
To: Microsoft ATR  
Date: 11/23/01 10:04pm  
Subject: Microsoft Punishment—how to make fair

What you're posing hardly seems like punishment for breaking the law. If you really want to punish Microsoft, make the 1 billion be in either Apple computers with AppleWorks software, or Dell PCs running Linux with other than Microsoft products! Now that would make sense.

#### MTC-00002125

From: Acurrent@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 9:54pm  
Subject: The Microsoft case

Look's like Microsoft can't loose in this. The billion dollar donation only helps ensure their dominance in the market. Surprise, surprise, surprise.....

Andy Current  
419 Sunset  
Oglesby, IL 61348  
H815-883-9183 ?i Fax 707-220-1347  
[acurrent@aol.com](mailto:acurrent@aol.com)

#### MTC-00002126

From: Chris  
To: Microsoft ATR  
Date: 11/23/01 8:57pm  
Subject: Settlement

I have read the text of the settlement agreement regarding Microsoft. If this settlement is approved it doesn't appear that Microsoft will be penalized for its behavior. I imagine Mr. Gates must be giddy about the terms of this settlement as it clearly extends his company's tentacles in areas that couldn't afford his products before this.

Please negotiate a settlement that has no Microsoft logo on any element of it. Recipients should be able to make decisions on the use their share of the settlement from all platforms/products available from all vendors?

Chris Bradley

N1032 M35  
Menominee MI 49858

**MTC-00002127**

From: pete rhinehardt  
To: Microsoft ATR  
Date: 11/23/01 8:47pm  
Subject: antitrust settlement

Dear Sirs,

I hope you will take the time to really consider the implications of settling the Microsoft antitrust case. By your own findings, Microsoft has used its market power to squelch most competition, giving Microsoft a stranglehold over software and operating systems with its 90% market control. 90%! There is nothing wrong with making a dollar; but Microsoft has so cornered the PC market, it is like being hooked on a drug. Since there are few options available, people are forced to keep buying their products. We've become dependent upon Microsoft. Not only that, but like an illicit drug, we are destroying ourselves with a bad product.

In light of recent develops in another case, Microsoft, in an effort to settle another suit, Microsoft has offered to supply poor districts with new equipment and MORE Microsoft products. This will shift the balance of installed OS in the midwest very much in Microsoft's favor. More districts become dependent upon inferior products and innovation is dealt yet another blow.

Surely, it must be obvious that these settlements are not about Microsoft realizing their aggressive dominance tactics result in innovation being crushed. It's about money, and making a profit. Microsoft is thumbing its nose at the government and business world. Its grip gives Microsoft the impression of being above the law. The world will not benefit from these tactics. Our economy won't. And we may lose the edge as a world technology leader. Please consider employing stricter sanctions against Microsoft and reigning in this juggernaut.

Peter K. Rhinehardt  
16 Westlawn Rd  
Portland, ME 04103

**MTC-00002128**

From: Funky Soul Rebels  
To: Microsoft ATR  
Date: 11/23/01 10:10pm  
Subject: Microsoft: The world's richest bully  
To whom it may concern:

It is becoming rapidly apparent that our world is on the brink of many turning points. From terrorist threats to political fiascos, we are experiencing the most turbulent time in our nation's history. If there is any security that we Americans have, it's in knowing that there are competent men and women of integrity running the government and judicial system. Of course, that ideal rarely graces our reality when there are riches involved.

Needless to say, I was not at all surprised by the latest developments in the Microsoft litigation. It is obvious that the company's massive buying power has come into play as they shamelessly continue to utilize the surreptitious maneuvers that earned them the status of a full-blown monopoly in the first place. The company has proven time and

time again that it doesn't give a fig about fair play and will use anything in its vast arsenal of unethical tactics to wipe out the very competition they stole their ideas from! So now they get a slap on the wrist and are told to back out of the educational market, an insignificant fraction of their mainstream revenue sources and ... that's it? Is this American Justice? Will Big Money have the final say in everything?

If answer is yes, then what does our future hold as a nation? Take a good look at the repetitive history of all empires and you will see that they all fell due to the greed and corruption of their leaders. We live in a time when the line between corporation and government is blurred. Microsoft has found ways to influence the highest levels of power and authority in the name of the almighty dollar. I am not a capitalism basher by any means. People should be free to get as rich as they want. I just don't want to see blatant injustice funded by deep pockets. With more resources than any terrorist network or mafia clan, Microsoft is the world's richest bully and must be taught that the court's decision does not have a price tag. I implore you to make our voices heard in Washington so that we can believe in this country again. If justice does not prevail, it is only the beginning of our great nation's inevitable collapse.

My words may sound melodramatic to some, but I firmly stand behind the conviction that we have shed our blood in vain if we struggle to defend something that is rotting from the inside out.

Thank you for your time and consideration.

Sincerely,  
Heath Davis  
252 South 4th Street  
Brooklyn, NY 11211

**MTC-00002129**

From: Edatkent@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/23/01 10:07pm  
Subject: MS Settlement

Dear Department of Justice:

The recent announced penalty "against" was essentially the undoing of Apple's education market niche. No doubt, MS is delighted to have the opportunity to "invest" into a market that they have yet to dominate. What are you people thinking? They lose but they still win. Can't you recognize the wolf in sheep's attire, poorly as it is, guarding the hen house?

Ed Orlosky

**MTC-00002130**

From: Howard Johnston  
To: Microsoft ATR  
Date: 11/23/01 10:54pm  
Subject: "I am very disappointed with the

Feds settlement. Microsoft"

"I am very disappointed with the Feds settlement. Microsoft"

"It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well."

Howard Johnston

**MTC-00002131**

From: Bernie  
To: Microsoft ATR

Date: 11/23/01 10:24pm

Subject: Irresponsible Settlement

Not only do I hope that the DOJ-Microsoft settlement gets put aside via the Tunney Act, and that the remaining state and EU suits come up with something resembling a real remedy to the Microsoft problem, but I hope also that circumstances surrounding how such a jaw-droppingly stupid, pro-Microsoft and overall irresponsible settlement could come about.

**MTC-00002133**

From: Terrence  
To: Microsoft ATR  
Date: 11/23/01 11:26pm  
Subject: Microsoft Settlement  
Date: 11/22/01  
Subject: Comments on Microsoft Settlement

Dear Sirs,

I strongly oppose the proposed settlement in the Microsoft antitrust case. Microsoft has been proven before the law to have abused its monopoly powers and needs to be punished for that and effective rules must be put in place to restore competition in the marketplace. The recently publicized settlement does neither. Healty competition, innovation, and consumer choice are ESSENTIAL to the high-tech economy. The way I interpret the settlement it is full of holes and will not stop Microsoft from steamrolling the competition with unfair business practices and does nothing to prevent Microsoft from gauging consumers for years to come.

In particular:

—Microsoft must be prohibited from engaging in exclude and semi-exclusive agreements with any parties for any time period.

—Microsoft must not be allowed to provide financial or other incentives to other parties for favoring Microsofts products over a competitors product.

—Microsoft must not be allowed to bundle or cross-license its products in any way.

—Microsoft must make public the programming interfaces to all of its major products to allow competitors to implement meaningful interoperability with Microsoft's products. Also, Microsoft must notify all interested parties well in advance before it decides to change any such interfaces and must make these changes available.

—Microsoft must be prohibited from breaking public technology standards by adding proprietary and incompatible features to such standards and then bundling this proprietary technology into hundreds of millions of Windows platforms, thus creating a de-facto standard that overrides the existing public standard.

No exemptions or loopholes can be allowed for the above rules if meaningful relief is to be achieved.

I urge the court to understand the impact Microsoft's past behavior has had on the high-tech marketplace. If Microsoft's ruthless business practices continue unchecked the American economy will pay an enormous penalty in the long run.

Microsoft should compete as much as it wants, but it must stop doing so in an unfair manner. The proposed settlement does not guarantee this in any way.

Sincerely,  
Terrence Barr  
20875 Valley Green Dr #27  
Cupertino, CA 95014

**MTC-00002134**

From: Barbara Passman  
To: Microsoft ATR  
Date: 11/23/01 11:22pm  
Subject: Microsoft

I am very troubled that Microsoft, which, indeed has committed AntiTrust violations, as confirmed in the court hearings earlier this year, is now going unpunished.

The Federal Settlement is so wimpy as to be an apologia to the company. The very recent pricing settlement Microsoft made and its "conciliatory" plan to aid schools is a brash ploy to increase its monopoly on education!

While Microsoft has been innovative in many of its products, the company's modus operandi is, for the most part, stifling of the computer industry.

Our legal system must have the courage to do what is right, what has been determined in a court of law to be right. Our justice system should function independent of which political party holds sway at any given time. Do we really want to confirm the stereotype that a Republican US Attorney General will always cave in to "Big Business"?

The recent Microsoft 'settlements' indicate, alas, that this is so.

Sincerely  
Barbara N. Passman  
Vice President, The Rest of Us, Chicago's  
Macintosh User Group  
Chicago, Illinois

**MTC-00002135**

From: Vladimir James  
To: Microsoft ATR  
Date: 11/24/01 4:03am  
Subject: Justice and Microsoft  
US Justice Department,

It's a pity that DOJ has chosen expedience over justice. The only lesson Microsoft has learned from the whole exercise is that it can flout DOJ decisions and, if fact, any implied monitoring that citizens expect from the DOJ. Because of the precedent set, the situation now is worse than it was before the DOJ became involved.

Shame.  
Vladimir James  
An American abroad

**MTC-00002136**

From: herbamac@snowcrest.net@inetgw  
To: Microsoft ATR  
Date: 11/24/01 1:48am  
Subject: Deal may put Microsoft at head of the class

This NEWS.COM (<http://www.news.com/>) story has been sent to you from herbamac@snowcrest.net

Message from sender:

I want to protest this proposed settlement of the anti-trust suit. This is giving Microsoft the best deal possible. A much better solution and one I propose you try to get, is instead of products, Microsoft give money to allow the schools to purchase what ever equipment and software they prefer.

Please don't let the monopoly continue. I work for a department of the US government and the entire computer/information tech group is a blatant front for Microsoft products. Please stop this monopoly from continueing.

Deal may put Microsoft at head of the class  
November 21, 2001, 7:45 a.m. PT  
<http://news.cnet.com/news/0-1006-200-7936780.html?tag=st.ne.1006.saslnk.saseml>

A proposed settlement agreement to donate some \$500 million in technology to schools could give the software maker a chance to erode Apple's position in education.

**MTC-00002137**

From: John Highberg  
To: Microsoft ATR  
Date: 11/24/01 1:35am  
Subject: USDOJ vs. Microsoft Anti-Trust SETTLEMENT...

Hello USDOJ,  
I disagree with the latest settlement between the USDOJ and Microsoft. I believe the penalties agreed upon are not strong enough to prevent Microsoft from exercising its monopolistic (racketeering) power. The earlier remedy established by Judge T.P. Jackson to break-up Microsoft into two entities—Application and Operating Systems companies—should be reinstated. Also, the latest settlement offer by Microsoft to have it "donate" ("bribe") Computers / Software to American Public Schools only furthers their monopoly hold on America.

Thank you,  
John D. Highberg  
Ferndale, MI

**MTC-00002138**

From: PRC00L@aol.com@inetgw  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw  
Date: 11/24/01 1:18am  
Subject: Microsoft Settlement  
To Whom It May Concern:

Microsoft's antitrust violations mean they have done a wrong action. The solution is to make sure it never happens again. I find it puzzling how justice is being served by having Microsoft implant itself in our schools. This further leads to their dominance does it not?

Schools will soon be dependent on Microsoft for everything and then when 1 billion dollars runs out I'm sure they will be so heavily dependent on MS that they will have no other choice than to buy MS products. Microsoft will gain more than it could possibly lose.

MS has turned into a monopolistic company and must be stopped, not encouraged. The California Attorney General is right in not taking the purposed MS settlement, he should not be forced to either.

Sincerely  
Jeffrey Tanaka  
4922 Maytime Ln.  
Culver City, CA 90230

**MTC-00002139**

From: Douglas (038) Nell Stetner  
To: Microsoft ATR  
Date: 11/24/01 7:30am  
Subject: Microsoft settlement

The roumers of a settlement where Microsoft donates to schools will only

entrench them deeper into the schools. Go with Red Hat's proposal of letting MS donate the hardware, but with Linux as the OS. Or better yet, make them put Apples computers into the schools.

Douglas Stetner  
Doug & Nell Stetner  
dstetner@bigpond.net.au

**MTC-00002140**

From: Ruediger Cordes  
To: Microsoft ATR  
Date: 11/24/01 5:40am  
Subject: My opinion

Hello misters and madams!

Microsoft ist selling its products to a price they like. Conditions for companies have a little rabatt. All handling of this is difficult and time taking. They fight a battle against all other software companies. And they used their market position to kill for example Netscape by delivering IE for free. When they sell their other products for high prices why is IE (Internet Explorer) for free?

And that is only one example. They are a strategic fighting company. Incidentally they are writing software. Do what you want with MS, I will never buy anything from this company cause their products Windows and Office are too time consuming for me to use. I like MacOS and am using this platform since 1987. I was supporter for Windows NT too for 3 years.

That was enough for me.

R•diger Cordes  
<http://opelgt.org>  
CC:jessica Rautenberg,Christin-Susan Back

**MTC-00002141**

From: Dr. Mark Waldman  
To: Microsoft ATR  
Date: 11/24/01 9:17am  
Subject: Microsoft Settlement

Dear Sirs:

I have read the Competitive Impact Statement  
<<http://www.usdoj.gov/atr/cases/f9500/9549.htm>>

Can you point me to a more concise Competitive Impact Statement and also, one that compares the Penfield Remedy (Microsoft breakup) with the current remedy (WatchDog policing) and how the two remedies will affect future competition? The current Impact Statement has no such comparative analysis.

The Jackson Remedy called for breaking up Microsoft into two companies: An "operating system company" and a "software application company". In contrast, the current remedy leaves Microsoft intact and sets up a WatchDog Monitoring System. Why was the Jackson Remedy rejected? Which remedy will work better in ensuring free competition and stopping Microsoft from engaging in predatory activities? Do you have such an analysis? Can you send it to me, please, or post it on [www.usdoj.gov/](http://www.usdoj.gov/)

At the moment, after an admittedly cursory analysis, it appears to me that the Penfield Remedy relies, ultimately, on market forces to stop Microsoft from engaging in monopolistic activities; the current remedy, on the other hand, relies on a WatchDog Committee. Market forces are almost always more powerful than WatchDog Committees.

Market forces are made up of millions of consumers; WatchDog Committees are made up of only a few people and, in general, fail in enforcing anti-trust remedies like those being proposed. An example of this failure is the 1998 antitrust settlement against Microsoft which Microsoft simply ignored. Your comments, please.

Sincerely,  
Mark Waldman  
Message from Dr. Mark Waldman  
dr.mark@waldman.co.il  
POB 1331, Holon 58112, ISRAEL  
Tel: +972-3-505-4479  
Fax: +972-3-504-6590  
Cell: +972-55-503905

**MTC-00002142**

From: Paul Thomson  
To: Microsoft ATR  
Date: 11/24/01 7:57am  
Subject: Microsoft settlement offer

Madam/Sir,

I am most concerned about the potential settlement being offered by Microsoft to flood educational establishments with their products.

I request that you reject this offer and continue with the plan to divide the company into two constituent parts.

Best,

Paul Thomson

synesthesia. music for film & tv

roundhouse recording studios

91 saffron hill ec1n 8pt

studio phone/fax—020 7242 4362

**MTC-00002144**

From: Alan Larson  
To: Microsoft ATR  
Date: 11/24/01 10:14am  
Subject: Microsoft "Settlement"

Dear Sir or Madam,

I cannot believe the lack of vision and understanding evident in the Microsoft settlement of the monopoly case.

To "force" them to provide a billion dollars of their own products into school systems only further extends their marketing reach. This did not hurt or punish them at all.

Had the justices had some courage and wisdom, they would have forced Microsoft to provide that same billion dollars worth of computer products from some other provider of quality education products like Apple.

Doing that would have had a true financial punishment with no future payback opportunity.

If this was the best you could do with such an identifiably strong case against a corporate behemoth, then I fear for the future of independent business in America.

Alan W. Larson  
3119 N. Peach Tree Lane  
Appleton, WI 54911

**MTC-00002145**

From: paul galanti  
To: Microsoft ATR  
Date: 11/24/01 9:46am  
Subject: appalled

I am appalled at the sell out to MicroSoft—and I teach antitrust law so I know what I'm talking about. This is the biggest con job since Brer Rabbit got Brer Fox to throw him in the briar patch.

Of course I don't know how much money flowed from Redmond to Austin during the 2000 election debacle.

Paul J. Galanti  
Professor of Law  
Indiana University School of Law—  
Indianapolis

Lawrence W. Inlow Hall  
530 W. New York Street  
Indianapolis, IN 46202-3225  
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**MTC-00002146**

From: Paul M. Webber  
To: Microsoft ATR  
Date: 11/24/01 12:44pm  
Subject: Microsoft Antitrust Settlement

Dear US Justice Department,

I do not believe the proposed remedy for the Microsoft antitrust conviction is going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power. Consider the case that started it all, internet browsers. Since the time the case started, Microsoft bundled its browser for free, and threatened computer makers who offered other browser software to consumers. This drove other browsers out of the market. Microsoft claimed it had a right to do this, under the guise of "innovation" and "serving consumer needs." This abuse served as one of the bases for the antitrust conviction against Microsoft.

Now consider what is happening with "Windows XP." This operating system does not support industry-standard third-party browser plug-ins for presenting specialized content, using any internet browser. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime, no longer function with any browser under Windows XP using the standard installation procedure. Instead, third party content providers must provide special installations that go through an additional layer of software known as Active X.

This means that ordinary consumers will have to struggle to install third-party content provisioning software. If they do actually overcome that barrier, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software. With this move, Microsoft not only successfully extends its operating system monopoly into the internet browser market, it also extends its browser monopoly into the content provider marketplace. The current settlement proposal does not address this abuse. This is happening even as a remedy for the antitrust conviction is being discussed. I believe that there are intelligent people working in the U.S. Justice Department. How can you let this happen?

Here is what will happen if you ignore this issue: Microsoft will control internet browser content. Within three years, the average consumer with an "out of the box" computer will be unable to view any content that Microsoft has not provided. Microsoft not only want to serve consumer needs, it wants

to control consumer needs. The proposed remedy is insufficient to prevent this from happening.

Yours truly,  
Paul M. Webber, M.D.  
3725 Hickory Hill Drive  
Colorado Springs, CO 80906

**MTC-00002148**

From: aanestad@ncal.verio.com@inetgw  
To: Microsoft ATR  
Date: 11/24/01 2:11pm  
Subject: Microsoft Commentary

It is my opinion that Microsoft has gotten away with another big one and I'm horrified at my government's legal team in giving-in to them. Microsoft blatantly broke the law with its monopolistic practices, in my opinion, and used unfair strong-arm tactics to force hardware makers to bundle their operating system. This is outrageous. What's more outrageous is the my government is letting Microsoft get away with it by a dainty slap on the hand. What does this do? It teaches our kids that it's ok to be a bully. Microsoft continues to push the legal boundary envelope and continues to get away with it.

Thank you.

Kathy Aanestad  
19328 Junipero Serra Drive  
Sonoma, CA 95476

**MTC-00002149**

From: planetelf  
To: Microsoft ATR  
Date: 11/24/01 1:57pm  
Subject: And this is punishment for a monopoly?...

Dear Sir/Madam,

Making Microsoft place computers in under-privileged schools is a nice idea, but how will it break up their monopoly? It will only encourage it. Did the people at Microsoft suggest this solution?.. (Maybe having them buy Macs would be a better solution.) An even better solution would be to split the company and make them operate under some very strict federal guidelines.

Thanks for the time,

Edward Tonner

**MTC-00002150**

From: John Cruet  
To: Microsoft ATR  
Date: 11/24/01 1:08pm  
Subject: I want my tax dollars back  
To the collectives who prosecuted Microsoft:

You wasted our time and tax dollars in this fruitless lawsuit of a private corporation.

What gives you the right to penalize a corporation for being successful?

I pay heavy taxes each year for this nonsense?

You failed to mount a convincing case against Microsoft, failing to provide solid and convincing evidence of abuses of Microsoft against corporations. You have shown beyond a reasonable doubt what a sham the antitrust laws are. Having done that you (as a collective) managed to strongarm Microsoft into a settlement proposal that forces "altruism" on the part of this corporation whose major purpose is to sell products and services to the consumer market. Well, this effort makes you look like a bunch of hypocrites.

Why?

Because, by accepting this settlement, you are actually helping Microsoft expand its market into the educational sector, practically carte blanche. Also, does the government not run the vast majority of its computers off of Microsoft in its various agencies? where was your desire to maintain a competitive market then, when Microsoft-based systems won the "bid process?" You as a legal collective have wasted valuable time and tax dollars pursuing this case. Judge Penfield Jackson's rulings were unjust and immoral, and should be overturned by anyone who still has a real sense of justice. Shame on you, as a legal team and a collective!

You have failed in your mission, which was immoral, corrupt, and unjust from its inception to its baneful, sickening conclusion.

JC/AIA

**MTC-00002151**

From: Hector Pereira  
To: Microsoft ATR, novalog@tux.org@inetgw  
Date: 11/24/01 12:47pm  
Subject: microsoft settlement

Dear Sir/Madam:

With this email I want to support the suggestion of Linux vendor Red Hat about the remedy for Microsoft's monopolistic practices that they have been convicted of: at least exclude Microsoft's software from the price tag of the punishment.

The originally proposed settlement, wherein Microsoft would supply computers and its own software to schools otherwise too poor to afford them, is a clever ploy to wiggle out from under paying a painful price for its actions. To Microsoft it costs virtually nothing to make copies of its own software.

To include the market value of the software, therefore, increases the stated price of the deal to a seemingly reasonable level, while the real cost, excluding the software, is very minimal. A similar problem always occurs with large class action suits, where the members of the class typically receive rebates on the Company's products, coupons for free upgrades, and similar freebees. In these cases the lawyers' fees are based on the stated value of the deal, so the only ones who receive real money are the lawyers. The customers get nothing, basically, a bunch of worthless coupons.

The present case is different, since the lawyers on both sides are paid for by their own parties. Still, the principle is the same: any remedy should give real value to the aggrieved party. In Microsoft's case this is the general public, including someone like myself: specifically, I can not find a simple laptop computer without being forced to pay for Microsoft software, while I want one that has linux pre-installed.

I applaud RedHad in its willingness to supply free software as part of the Microsoft deal.

Sincerely,  
Nino R. Pereira

**MTC-00002152**

From: John Hails  
To: Microsoft ATR  
Date: 11/24/01 4:31pm

Subject: National Security issues of a Monopoly

Microsoft's monopolistic practises are not only bad for businesses, they are a serious threat to the National and International Security interests of many sovereign nations. Homogenous computer and internet services are more readily attacked and brought down by viruses and worms. Microsoft products have been notoriously easy to breach by hackers. It is short sighted thinking to put all of ones eggs in one basket and to entrust the safety of that basket to a single corporate entity who's only major concern is control and profit but that is what we are doing. With each new release of Microsoft's operating system that control is inexorably expanded to increasingly encompass all our information systems, our database mangement, personal information, banking records, taxation, defense, entertainment, internet communication, retail sales, health records, government etc. etc. These issues are far too important to be entrusted to one company that if left unchecked will certainly control almost every aspect of our future lives.

I urge you to consider forcing Microsoft to release its code into the public domain, breaking the company up into two or three seperate entities and encouragin public sector services to be mandated to adopt alternative software solutions designed to encourage diversity and interoperability. Tim Berners Lee invented the World Wide Web in the early 70's to make it possible to share information across language and technology barriers. The idea was to design a system that permitted diversity not a monoculture of clones. Microsoft could make their systems operable with competing or rival solutions but they won't because there is no reason for them to do so. In fact there is every reason for them not to. Nothing I have seen so far indicates that they will change their ways. With the release of Windows XP, Microsoft is about to ratchet up its ability to dominate the sytem one more notch

Thankyou  
John Hails  
Calgary, Canada

**MTC-00002153**

From: jhahoward  
To: Microsoft ATR  
Date: 11/24/01 2:26pm  
Subject: Proposed settlement continues illegal actions

The proposed settlement by Microsoft of the anti-trust class action suits is unacceptable. It would only server to perpetrate, and in fact extend, Microsoft's illegal monopoly. As a long time computer professional (since 1965), with many years in the school and university market, I find Microsoft's continued arrogance and disregard for the consumer, business, and destruction of the computing market competition to be totally reprehensible. I watched IBM struggle with the same issue in the 70's and 80's only to be overcome by Microsoft. Microsoft has used much more aggressive tactics and blind ambition to prevent competition that IBM or Bell telephone or Carnegie ever did. Allowing Microsoft to give away used Intel/PC equipment and software that would cost

them almost nothing to provide other than media reproduction costs, would hobble schools with training and future upgrade costs in a blatant attempt to penetrate one of their weaker markets. Microsoft can give away as much hardware and software as it wants, but the remedy for its illegal monopoly actions cannot be resolved this way. I do not claim to know the best solution to the issue, but this is not it. Perhaps using the \$1.1B to provide broadband or high speed infrastructure access to more schools would be a better computing solution, and then allowing the schools to set their own technology platform choices.

Thank You,  
James H. Howard  
519 S. Visalia  
Mesa, AZ 85202  
480-898-9529

**MTC-00002154**

From: GenesisTwo@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/24/01 2:17pm  
Subject: MS and our economy USDOJ:

I do not believe that the remedies proposed in the news are going to have a significant impact on Microsoft's predatory marketing practices, and their continued abuse of monopoly power.

Take, for example, the internet browser issue. Before the beginning of the anti-trust case against them, Microsoft began bundling their browser at no cost with their Windows operating system, essentially driving all other browsers out of the market. They have always claimed that they have a right to do this and that they are only serving consumer needs.

Unfortunately for consumers, in their most recent version—now included with all browsers shipped with the new Windows XP—Microsoft has made a significant change: they no longer support industry-standard, third-party browser plug-ins. These plug-ins allow the presentation of specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime, to name a few, no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content-provisioning software can avoid.

This means that ordinary consumers will have to struggle needlessly to install third-party content-provisioning software, but more importantly, the third-party plug-ins will run more slowly and with less capability than the Microsoft "default" install (which, of course, uses MS's own XP-bundled software).

This also means that some 90% of new computers sold cannot properly access some web sites (say, sites containing Apple's QuickTime or RealNetwork's RealAudio media content), whereas 90% of Windows XP computers could. (Again, all these issues are cropping up only because MS is purposely deleting, bypassing, or internally changing tried-and-true internet standards in

order to "push" their own software exclusively.)

Now that Microsoft is beginning to exert control over content-provisioning, content itself may be targeted next. Seriously think about it, within a short span of years, it is very possible that the average consumer with an "out-of-the-box" computer may be unable to view any content not provided, or sanctioned, by Microsoft. (Remember Standard Oil?)

With this illicit behavior, Microsoft not only successfully extended their operating system monopoly into the internet browser market (already an abuse of monopoly power), but also have extended this monopoly control into the content provider market! Basically, they have broken the law once, and while being penalized, have broken it again. This is wrong; the penalties and decrees currently being proposed are inadequate and will not stop this illicit behavior. Destroying companies by sheer force and size (causing people to lose jobs as a result), taking away choice from consumers, and eliminating competition are NOT the way American companies should be allowed to do business...the penalties and restrictions imposed on Microsoft (short of an AT&T-style break-up) need to be, must be, harsher.

Gabriel Ramos

**MTC-00002155**

From: Bob Teese  
To: Microsoft ATR  
Date: 11/24/01 5:48pm  
Subject: Microsoft settlement

I strongly encourage you to revise the proposed Microsoft settlement.

I believe it would end up letting Microsoft become more of an abusive monopolist, not less.

When I read the text of the settlement I spotted many loopholes, although I am not a lawyer. Even if Microsoft is eventually forced to divulge some code or change their behavior as a result of the settlement, they would be able to drag the process out long enough to crush the competition. They have already shown the ability to do that.

Windows XP contains an activation mechanism that will reduce piracy. That ought to lead to a reduction in price, but in fact XP will cost more. Only an unreformed monopolist could do that. What bothers me the most is that the settlement is backward-looking. It would not prevent them from using their Windows monopoly to make .Net a monopoly by building it into Windows as they are already doing.

Thank you for your public service.

R. B. Teese

Robert B. Teese (teese@muskingum.edu)  
Muskingum College Physics Department

**MTC-00002156**

From: mahria day  
To: Microsoft ATR  
Date: 11/24/01 5:22pm  
Subject: Microsoft needs to be stopped!  
Stiffer penalties for Microsoft!

I am writing because I am very disappointed with the Fed's settlement of the antitrust violations that Microsoft continues to violate. Microsoft has gotten off too lightly, and I plead with you to enforce stricter

parameters and enforce them against this monopoly! I support the Attorney General's path is seeking more prosecution for Microsoft's violations.

Mariah Day  
475 East Cotati Ave #A  
Cotati CA 94931

**MTC-00002157**

From: XxSKAntsxX@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/24/01 5:21pm  
Subject: Microsoft Settlement

To tell the truth when I first heard of this settlement I thought it was a joke. Abite one billion dollars is a lot of money, but is it really punishment? Why force Microsoft further into one of the few markets it doesn't total control yet? Why not give the schools the money to spend on computer as they see fit? I could call this settlement many things, justice is not one of them.

Chris Gerz  
615 N. Laloma Ave.  
Litchfield Park, AZ 85340

**MTC-00002158**

From: CasadyD  
To: Microsoft ATR  
Date: 11/24/01 4:35pm  
Subject: Microsoft anti-trust—my comments

As a computer technician (and former educator) at a small, private college, I have followed with interest, the proceedings in the Microsoft anti-trust settlement case.

For what it's worth, below is a summary of the "Microsoft Effect" as I see it at our college.

\* The Windows 9x, NT and 2000 server and desktop operating system products were purchased because they promised a greater "ease of use" and lower "training time" than other products (Mac OS, Linux, Unix, VMS). It has NOT lived up to this promise. The products are "buggy" and take HOURS of wasted time applying security patches, updates, service packs, hot-fixes, etc.

As a user of Unix, Linux and MacOS as well as Windows, I can assure you that it is not "easier" than any of the competing products in any respect.

\* The Microsoft products including Office 95/97/2000 and Internet Explorer and Media Player have effectively prevented the "practical" use of any other similar products. (Corel Wordperfect suite, Netscape and QuickTime media player for example) The competing products can usually be installed, but the time and effort it takes in "man-hours" to support them on the Windows "integrated" operating systems, makes it unpractical. Virtually all of the Microsoft product installers, updaters, service packs and "bug" fixes, reset all settings to "optimize the system for use and "integration" with the Microsoft products." i.e. it changes our custom settings back to the Microsoft defaults. It is nearly impossible for our small staff to keep up with the continual "resetting" of preferences to make the competing products work again.

\* Microsoft "internet" products relating to the Explorer browser, IIS server AND the DEVELOPMENT and back-end products (like SQL) for these programs make any website created with them functional only by a

system using Windows operating system and the Internet Explorer browser. Use of Java, connections to SQL databases, etc. becomes a technical nightmare if they must "integrate" with the Microsoft products. For example, I can edit our website ONLY from a system running Windows OS with Internet Explorer 4 or greater. I cannot edit it from any system using the Netscape browser (or any other browser like Opera, iCab or OmniWeb), or from MacOS, even running the latest Microsoft Internet Explorer software for MacOS.

\* We originally purchased Microsoft products because they offered "Professional technical support" unlike the myriad of "open source" products like Linux. However we have found that each call to Microsoft support, at the rate of \$500 per call, is greeted with the same response... "we have never seen that problem before." To date we have 4 of our last six support calls "closed" by Microsoft as "solved" (from their standpoint), even though the problem with their product is NOT resolved on our end. e.g. they essentially said "It \*should\* work, but still doesn't... oh well, good luck, and call again (for \$500) if you have any more problems."

\* We are now essentially "trapped" and forced to continue using their faulty products. We have so much time and money invested in them that there is really no way that we can financially drop Microsoft and switch to other products. Due to the problems with integrating the Microsoft products with other platforms, it is also practically impossible for us to "wean" away from the use of Microsoft.

All-in-all we feel cheated, trapped and caught in an endless cycle of "service packs", forced upgrades, and the inability to use any products other than Microsoft... we are like the professional equivalent of an "abused child".

Sincerely,  
Duane Casady  
Network Administrator  
Westminster College  
Fulton, MO 65251  
(573) 592-5266  
casadyd@jaynet.wcmo.edu

**MTC-00002159**

From: Matt Shomphe  
To: Microsoft ATR  
Date: 11/24/01 6:38pm  
Subject: Anti-Trust Case

As a consumer with some computer experience, I'd like to say that I disagree with the Department of Justice's decision to settle its anti-trust case with Microsoft. I will not refer to arguments that have been made by those more knowledgeable than I; I will simply address what I know.

If I want to do anything with a computer, it must be running a Windows variant. To me, this is the essence of a monopoly. In the current environment, only MS-compatible software is viable. I use Windows, and I use a lot of MS products. However, I do so out of necessity rather than preference.

I suggest you discuss this case with consumer rights' advocates, like Ralph Nader, and with knowledgeable consumers, like those in the slashdot.org community.

Thank you for your time.  
Matt Shomphie

**MTC-00002160**

From: Zach Arnold, JMaD  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/24/01 6:00pm  
Subject: Microsoft antitrust case

Dear Sir or Madam,

I am writing to express my disapproval for the latest Microsoft antitrust settlement. It is true that this "solution" would help disadvantaged schoolchildren by furnishing them with computers and software, but I fear that Microsoft's goal, and in fact what could very well happen, is that such actions would further establish Microsoft's share in the education market, undermining competitors such as Apple who are struggling to fight the Microsoft behemoth already. Microsoft's proposed settlement is inappropriate to the current situation. I urge you to reject it for the good of the computer industry, including Microsoft's competitors.

Very sincerely,  
Zach Arnold  
322 Maple Avenue  
Swarthmore, PA  
19081  
zacharnold@excite.com

**MTC-00002161**

From: Matzke  
To: Microsoft ATR  
Date: 11/24/01 9:44pm  
Subject: Anti-Trust

The current settlement is not punishment, it is a future business opportunity. Why are we letting Microsoft control the future market by letting them buy advertising space on the desktops of our school children? If there should be a punishing settlement, have Microsoft give money to open operating systems like Linux or Unix for future development. THAT would be punishment.

Matzke Household.

**MTC-00002162**

From: Sloloucks@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/24/01 8:10pm  
Subject: Please stop this expansion of their monopoly position

The proposed settlement whereby microsoft "donates" software and hardware to schools will only increase their monopoly position in the marketplace. Microsoft products are priced higher than other comparable or better software and yet they are able to charge these higher prices because of their overwhelming dominance of the market. Their donation of software to the schools will only increase this dominance.

James HL Ewan  
1221 Sylvia Ct  
San Luis Obispo, CA  
93401

**MTC-00002163**

From: a brody  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/24/01 7:17pm  
Subject: I understand your offices are for a Microsoft settlement

Dear sirs,

I am doing this joint e-mail because it applies to all your offices. It appears according to news stories, that you have joined in agreement with Microsoft to let them get by on their penalty for being a monopoly, by letting them face no stiffer penalty than a 1 billion dollar funding program to low income schools. This penalty is a GIFT! It is the schools where the hearts and minds of all our future computer users are being met. And the fact it is low income schools it doubly sends the message that Microsoft is the sole provider of computer services to school systems and their kids. Guess what, most school systems don't use Microsoft. Support costs for schools are much cheaper because most use the Apple Macintosh platform in its stead. If you force Microsoft technology on schools, these school systems will be forced to recoup support costs 100 times higher than they presently have for computers. If you don't believe what I am saying, visit [http://homepage.mac.com/mac\\_vs\\_pc/Intro.html](http://homepage.mac.com/mac_vs_pc/Intro.html)

And Microsoft is only going to be obliged to cover the first 1 billion dollars. After that, it is up to the poor school systems that previously didn't have to pay these high support costs to come up with the moneys. This means teachers will be laid off. This means music programs will be cut. This means after school activities will be cut. This means the school systems will go further down the hill than they were already. And why? Because now each of the school systems will be forced to upgrade each time a new technology comes. If they don't upgrade and their computer breaks down, they'll be forced to buy new computers if they want to keep any computer systems in their place. Where before with Macintosh systems, they could have a 9 year old Macintosh, and it still act as a functional tutorial machine for using computers. Allowing Microsoft to pay off their penalties as a limited settlement to schools, is equivalent to letting Microsoft expand their market by giving away its systems to people who formerly were happy with their competitor's systems. What waste!

I strongly urge you to reconsider, and find a stiffer penalty for Microsoft, so they don't get off the hook so easily for being a monopoly. Such stiffer penalties would include forcing Microsoft to end its Windows XP and Office XP activation system, which requires people to pay an upgrade cost for the operating system every 6 hardware charges. This licensing scheme means people will be forced to be online to continue to be able to use their Windows XP system and provide personal information each time they want to reactivate their machines after a hardware change. And for people upgrading from their old operating system with more than one computer they have to purchase an individual license for each computer they own. Apple Macintosh doesn't force you to do this. Microsoft is making the cost of computing go up astronomically by its activation scheme. Microsoft should no longer have an integrated web browser of their own on the desktop of the operating system. That feature should be disabled permanently. People being able to launch Explorer straight from the desktop by

manually entering the website address from their desktop and operating system windows means Explorer is everywhere. Microsoft now limits support for MP3 music formats where before they were free. Apple doesn't do that. Microsoft should not disable technologies of third party vendors. It is acting like a monopoly. I'm not the only one sad by this turn of events, and hope you reconsider. Here are other people's opinions of your actions: [http://www.macdirectory.com/4U/comments.fm\\$FIND?title=4001515&max=40](http://www.macdirectory.com/4U/comments.fm$FIND?title=4001515&max=40)  
Please reconsider.  
Sincerely,  
anonymous  
<http://www.index-site.com/>

**MTC-00002164**

From: Arthur Young  
To: Microsoft ATR  
Date: 11/24/01 9:06pm  
Subject: Microsoft Antitrust Settlement

To the US Attorney General's Office,  
I don't think the current settlement in the Microsoft antitrust case is fair. The current settlement will not prevent Microsoft from continuing its predatory practices, its anti-competitive behavior, or its harsh treatment of consumers. I wish the Attorney General would reconsider especially since the courts found that Microsoft had acted in an anticompetitive manner and that finding was upheld under appeal.

Thank you for your time.  
Sincerely,  
Arthur Young

**MTC-00002165**

From: steves@fortemusic.net@inetgw  
To: Microsoft ATR  
Date: 11/24/01 10:49pm  
Subject: Settlement Proposal

Microsoft has announced a settlement proposal to try to resolve a series of antitrust lawsuits initiated by state Attorneys General:  
>Under a settlement proposal in a series of private antitrust >lawsuits announced Tuesday, Microsoft agreed to donate approximately >\$500 million to help bring technology to some of the nation's most >disadvantaged schools. The deal will also allow these schools to >obtain a virtually unlimited supply of Microsoft software for the >next five years. [www.ZDNet.com]

This proposed settlement is an absurd and insulting solution which does absolutely nothing to mitigate Microsoft's anticompetitive behavior, and in fact does exactly the opposite by further dissemination of its products at the expense of other software vendors. Apple Computer in particular stands to lose its critical education market if faced with a flood of free Microsoft products in schools.

With a market share of more than 90%, Microsoft has a profound advantage over companies such as Netscape, Real Networks, and Apple, who are fighting a perpetual uphill battle to maintain a presence in the market. Any application software that Microsoft chooses to package with its Windows operating system is guaranteed to push all other competitors out of the market. Netscape's browser software used to be the most widely used internet software. Once

Microsoft started bundling Explorer with Windows, Netscape's market share dropped to almost nothing. Real Networks faces a similar fate with their RealAudio products, which is steadily being pushed out of the market by Windows Media software bundled with every Intel PC. Action must be taken to restore a balanced and competitive software market, in which the success of a software application is based on its quality, performance, and utility, not the fact that it's bundled for free with an operating system that runs on the majority of the world's personal computers. I ask you to seek an outright and immediate rejection of Microsoft's ludicrous settlement offer, and continue to pursue the breakup of Microsoft into two separate companies for operating systems (Windows) and applications (Word, Excel, Explorer, etc.). This solution will help maintain a healthy and innovative American software industry for years to come.

Steve Salani  
Los Angeles

**MTC-00002166**

From: BayNephron@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/24/01 10:10pm  
Subject: Microsoft antitrust settlement

I am really disappointed with the settlement with microsoft is so light and will only benefit microsoft in the long run. In particular the one billion dollar settlement to give software and hardware to disadvantaged schools only sustains microsoft's monopoly. The settlement is clearly political. You should know that microsoft is not innovative but copies mac operating code and tried to copy quicktime code several years ago. Yet the US Attorney's office did nothing. Think about it. Chappy Liu

**MTC-00002167**

From: Edward C. Williams  
To: Microsoft ATR  
Date: 11/24/01 9:54pm  
Subject: Microsoft settlements

For over one and a half decades I have watched Microsoft grow their power and dominance in the computer industry. They have not grown because they had the best products, but because they were masters at marketing, and once they got large enough to buy out or intimidate almost any competition they have had an extremely deleterious impact on the market.

They had a monopoly of the operating platform for PCs, as proven in the antitrust case, and then with their muscle moved into other fields quickly eliminating the competition that once dominated the given field. Two examples are Netscape in the browser field, and Novell in the network area. When the government slapped their hands in their attempt to buy Intuit so they could extend their domination into the financial field they just set about the same process and have also made considerable headway there. Now they are trying to beat out Palm with their more limited Windows interface and are going head to head with Nintendo and Sony in the games area. It is quite apparent that their goal is to dominate the whole computer realm.

If they always made the best product and refined it to eliminate most of the problems

and everyone flocked to their products for that reason I would object less, but they don't. People use many of their products because they come free on their computer, or because they come as a package with a program that they really want, like Excel, and since they have it they might as well use it rather than buy a competing product. I must admit that Bill has gotten so smooth in his marketing that he can claim that he "knows what the customer wants" and they will buy it. When ever there is a new version out he is so convincing that "everyone wants it" that they have to have it too or they will get lost in the dust.

A couple of years ago I had a coworker with a Masters degree tell me that they went with a Windows machine because that was what "everyone had". Furthermore since they bought MS Windows they decided to get a Microsoft mouse and keyboard too. The fact that they did not choose it because it met a need, or was the most effective way to get their work done, etc. but because everyone had one shows the power of MS's advertizing campaign.

I am not pleased with the settlement direction that has been taken once Microsoft had been proven to be a monopoly that had misused and abused its position of power. I am not sure that they need to be broken up into two or more companies, although I don't see that as a bad thing, but from what I have read the alternative that you have taken does nothing concrete to insure they will not continue to do business as usual. In fact even the potential settlement of the other major suit, involving the state of California and others against Microsoft, will be an enhancement of their market by forcing the schools into using their software and the hardware that runs it. Instead they should be given the money and be allowed to purchase the hardware and software they want to use.

Please reconsider the consequences and insure that something significant comes out of this landmark case. Something that will help the consumer like me by opening up the competitiveness of the computer industry.

**MTC-00002168**

From: Shafqat Manzur  
To: Microsoft ATR  
Date: 11/25/01 12:25am  
Subject: Comment on agreement between DOJ and Microsoft Corp.

Sir/Madam,  
Following is an opinion on the recent settlement reached between DOJ and Microsoft Corporation in the landmark antitrust case. I am not in any way affiliated with the state or federal government or Microsoft Corp. and am providing this brief as a consumer.

With all due respect to the involved employees at the DOJ, I strongly disagree with their notion that this agreement will benefit consumers and foster competition in the information technology arena. I don't know if there was any political pressure to promptly conclude the case but it is too obvious that the DOJ staff went out of their way to reach a settlement with Microsoft. The previous administration demanded tough concessions from Microsoft and rightfully so. The current administration

gradually softened it's stance on the case and finally agreed to terms which fall far shorter to even what Microsoft had agreed to during previous settlement talks.

The terms of this settlement definitely do not go far enough to ensure benefit to consumers. There is no indication of any punishment to Microsoft for violating it's monopoly power not only in the operating systems but also the office application suite market. They have repeatedly flouted consumers and the state and federal governments over the years and yet they are simply about to walk away with no punitive damages. This is clear proof that their strategy of an enormous investment in hiring popular law firms to hold the government at bay while they bring in billions in profits over the years from their illegal business model has been a success. There is no question that they have won. With regards to the remedy for future wrongdoing, I guarantee you that competitors will not stand a chance to compete with Microsoft in the future any more then they have in the past. There has never been a competitive market and there is no reason to predict that there will be one. Microsoft has in the past crushed it's competitors and will absolutely do the same again. You have left the Microsoft culture intact and since they don't agree that they have broken any rules, they will not change the 'Microsoft way'.

I thank you for your time,  
Shafqat Manzur

**MTC-00002169**

From: John Berg  
To: Microsoft ATR  
Date: 11/25/01 12:11am  
Subject: Antitrust Settlement

I am amazed that Microsoft Corporation is being allowed to flagrantly violate the antitrust laws because the judge deciding the case has been somewhat indiscreet. In the long run, I think that Microsoft is more of a danger to our society than some hairy bastard living in a cave in Afghanistan. I am pretty sure that our military is capable of killing Bin Laden, but it's starting to look like the DOJ is unwilling to do anything about Bill Gates. 100 million Americans have been harmed by Microsoft's arrogant lawlessness. I think the break-up of the company was the most effective solution possible. Not only would it give competitors a fairer chance, but I think that we would also get better software out of the baby Microsofts. If the Bush DOJ continues on its present path, I can guarantee that I will never vote for George W. Bush again.

Signed,  
John L. Berg  
Thermal Engineer  
6207 Westwick Drive  
Houston, TX, 77072-1039

**MTC-00002170**

From: Dennis Hussey  
To: Microsoft ATR  
Date: 11/25/01 2:29am  
Subject: Microsoft anti-trust case proposed settlement

Your honor,  
I personally feel that Microsoft is getting off way too easy for their predatorial

monopoly behavior and it is affecting competition as well as the general consumers and businesses. I am in the computer networking field for the last 10+ years and here are some of the major issues I have with Microsoft and how they have affected the industry and consumers/businesses:

1) Microsoft Office has become the defacto standard and has hurt Lotus and Corel/WordPerfect strongly. I have customers that try to maintain WordPerfect word processing with Lotus 123 spreadsheet due to ease of use, stronger security (my customers are all financial institutions) and less susceptibility to virus infections. They are being forced into MS Office because government agencies (FHA, FDIC, etc.) are sending out documents in MS Office format that are not compatible with WordPerfect and Microsoft continues to change the format of their documents so that the competition cannot read/write the documents. They have to throw the money they spent on WP and Lotus licenses and pay more to get MS Office.

2) In a similar manner, there are applications now that require Windows NT servers to run and most of my customers have Novell networks. Novell as a company has been changed from the dominant player in networks to struggling to survive. My customers are forced to buy NT server to do business.

3) Security problems—Microsoft Office, MS Outlook, Internet Explorer and Windows have major security holes that have cost businesses and consumers untold millions of dollars patching, purchasing virus software and fixing data, yet Microsoft doesn't seem to care that they have these problems. Businesses have to put up with this as there is no competition. If there was open source, these problems could be resolved quicker and more secure. If there was viable competition (Microsoft has squashed all of them on this platform), they would be forced to test more and ensure security to remain competitive.

4) Microsoft has ruined to possibility of open standards. Sun Microsystem's Java was created to produce an open standard to create software that would run on virtually any platform. Microsoft saw this as a threat to their Windows monopoly and, in a deceiving manner, supported Java and proceeded to change it to make a version that would run under Windows/Internet Explorer better. Being the most popular platform (Windows/IE), programmers were writing websites with this making the sites incompatible or running inferior on other platforms. Sun has sued on this for breach of contract.

5) Internet Explorer is built-in and it is difficult to use another web browser. Netscape was leading in the browser competition and Microsoft decided to incorporate Internet Explorer in Windows 95, killing Netscape's ability to make a profit on their product and leaving consumers without much choice. This goes the same for email programs, with Outlook Express being built-in as well.

6) Microsoft produces new versions of Windows and quickly stops support of existing versions quicker than most software companies forcing businesses to upgrade. This causes problems with major software

applications and ensuring compatibility with legacy applications. Our institution uses a bank management system that runs under Windows NT workstation and Windows 2000. There is Windows XP out now and soon we will be no longer able to purchase Windows 2000 and have to invest alot of time and money to ensure that it will work with Windows XP. Microsoft has discontinued selling Windows 98 and will stop supporting it at the end of this year, just 3 years after it came out. There are applications that still require DOS compatibility (Midanet comes to mind which is from Fannie Mae as I remember). Windows XP doesn't support DOS any longer, yet a Windows version of Midanet is still not available.

7) Microsoft has deliberately held back certain technical information about their Windows with features it had to competition so that their own applications such as Office can perform better than competitive products. This is deliberate deception and unfair practices.

I can go on with more examples, but this is some main points I wished to make. These points show that Microsoft's monopoly hasn't helped the consumer and businesses but hurt them and cost them alot of money. It has also shown that competition is being hindered and predatorial practices have been clearly proven. This constitutes a monopoly which is supposed to be illegal. We need to come down harder than the proposed measures to bring back healthy competition and consumer choice. I supported the original breakup, I support forcing Microsoft to release their source code for Windows, etc.

Please do not cave in to Microsoft and give them a light sentence that can allow them to continue doing what they have been doing and further their monopoly.

Sincerely,  
Dennis J. Hussey  
30 Marshall Street  
Chalmsford, MA 01824  
(978) 275-2812  
Network engineer  
Connecticut Online Computer Center  
135 Darling Drive  
Avon, CT 06001

**MTC-00002171**

From: Jon Roberts  
To: Microsoft ATR  
Date: 12/6/01 2:44pm  
Subject: Open Letter on Microsoft Settlements

I am an information technology professional with 8 years of extensive experience in software engineering, systems administration, data design, coding, and testing. I have a broad background, but my core competencies are in web systems. While serving as a commissioned officer in the US Air Force, I installed, administered, and developed with my first web server in 1994, at the advent of the world wide web. In my career, I have worked with a variety of operating systems, including flavors of Unix and versions of Microsoft Windows. I've also used an array of open standards, including html, css, http, ldap, cgi, xml, and java. Very recently, I moved an entire internet and intranet infrastructure for a large academic

medical center from a Unix (Sun Solaris) hosted environment to one using Microsoft based servers. Currently, I work independently as a developer and consultant. As such, I feel I have relevant insight into Microsoft's technology and business practices. I favor a best of breed approach to system development, so I also believe I represent an objective point of view. I regularly use Microsoft software at work and home, and continue to do so where I deem appropriate; I am writing this message in Microsoft Outlook, for instance. I also use other operating systems and recommend their use in circumstances where I judge there is a better alternative.

Throughout my career, my ability to provide value to my employers or customers has been adversely affected by Microsoft's technology and business practices on a regular basis. The software they deliver, particularly new software, is typically far less efficient, stable, or secure than alternative approaches. Their products are usually designed with dependencies that require you to use other Microsoft products and sabotage the concurrent use of non-Microsoft approaches. Many of their offerings do not uninstall properly, and leave a permanent presence on the hosting system. Because they write the operating system too, some of their applications make use of capabilities that are not available to non-Microsoft developers. Their licensing practices are mercenary and anti-competitive, using vehicles like sole-source relationships to build inordinate market share. Once Microsoft gains control of a market, they begin raising prices at a rate faster than the industry in general. Most importantly, Microsoft has repeatedly undermined and perverted open standards to serve their own ends, including every one I listed above.

I know that business is competitive by nature, but I agree with the Justice Department's repeated findings that Microsoft's business practices crossed the line and were illegal. Further, I believe that Microsoft created a situation for itself that is bad for the industry and the economy at large over the long term. While I will concede that many dot-coms burned capital on irresponsible business models and implementations, I attest that Microsoft has some amount of personal responsibility for the bursting of the bubble economy and the current economic woes of the information technology industry and the country. The cost of developing on the web should not be as high as it is now, but who knew in the early days of e-commerce the momentum of progress in open standards could be stymied so effectively by one player. Microsoft is in direct conflict with the cooperative culture that brought us the internet, and their long term strategies will exacerbate this problem: where Microsoft succeeds, all others will bleed. History will not be kind if we will have to address the same issues again because of an ineffectual remedy.

If the terms of the anti-trust settlement can be realized, then it may make some difference. However, I don't have faith that Microsoft will adhere to the spirit of the settlement, I have even less confidence in the Justice Department's ability to enforce the

terms of the settlement expediently (especially given how long this initial anti-trust process has dragged on), and I believe the problem is larger than middleware. In particular, I don't believe anything short of making Windows open source would prevent Microsoft from taking advantage of the ambiguous nature of a "middleware interface" to continue to constrain consumers and developers. Don't forget that in addition to the operating system and productivity application markets, Microsoft has a big stake in development tools; a hook into middleware functionality doesn't mean much to me if I have to use another Microsoft product to implement it. And I've read some of Microsoft's published information on its software in the few instances where it doesn't directly involve one of their development tools, and it still didn't enable me to communicate cleanly with the Windows operating system or their middleware (even when it's supposed to). At best, they're support staff has pleaded incompetence. I'll buy it, too; they have no history of successfully supporting cooperative development outside of Microsoft tools. Microsoft's entire oeuvre has a tendency to be black box. To achieve its aims, this settlement would have to completely reverse Microsoft's closed corporate and development culture. I'm skeptical that this settlement will lead to anything more than continued legal squabbling.

On a separate note, the recent class action settlement is too plainly a vehicle for Microsoft to broaden its market share while simultaneously getting good press. I view it less as ineffectual and more as a disgrace to our legal system.

This message is a general statement of perspective, and is not intended to be a basis for reversing any decisions. If you want more insight, specific examples, or verification of my credentials feel free to contact me.

Jon  
Jon Roberts  
jon@jonanddeb.net  
CC:Bill Mullen,redhat@schwartz-pr.com@inetgw,Brian Be...

#### MTC-00002172

From: Daniel Muniz  
To: Microsoft ATR  
Date: 11/25/01 3:09am  
Subject: Microsoft

I am disgusted by the decision to let these convicted criminals get off. What a shameful, embarrassing joke of a settlement! Not only letting them off but actually allowing them to expand their monopoly in the education market.

With the Supreme court decision to decide the presidential election, the curtain was lifted to reveal a very ugly side of our government. Even within that context, this decision is shocking. It is now unmistakably clear who is in the driver's seat of our government these days—and it is not the people.

Let us hope the Europeans have not been similarly corrupted. Perhaps they will have the guts, and honor to deal with them properly.

Daniel Muniz

#### MTC-00002173

From: Jak Crow  
To: Microsoft ATR  
Date: 11/25/01 5:49am  
Subject: Settlement  
Read and understand what dope you guys are smoking  
<http://www.osopinion.com/perl/story/14861.html>

#### MTC-00002174

From: steven st catherine  
To: Microsoft  
ATR,contactus@microsoft.one.com  
@inetgw.s...  
Date: 11/25/01 4:20am  
Subject: Microsoft and or New Informations  
Dear Sirs!

I am at a loss for words, as we will never know how these computers are constructed in full to operate, but with one eye open for the worst you see bits of the truth. Anybody with internet access can most probably tell you that on occasion you get access to the internet without the necessary procedure being completed. This is due in part to the fact that with the server provider blueyonder and internet explorer the initial home webpage can be displayed without the necessary internet access dialing procedure. Even if it seems to have come from the temp internet file it should not come up without internet access availability, and today's news or the available activities. As we know from the temp internet file you can enter the internet with only netscape, as it is windows, however dialing access procedure also apply. For the home webpage to be displayed without the initial dialing procedure then states that every computer with internet access is most probably accessible to Microsoft and bill gates. What are we to do? Even though I know Nokia, Siemens, Yahoo, and other possible interested parties have seemingly stolen from me it is small in comparison to the loss of material as you write it. Also to see a computer still running after you've switched it off is highly none competitive.

#### MTC-00002176

From: Ron Williams  
To: Microsoft ATR  
Date: 11/25/01 10:07am  
Subject: Microsoft Antitrust settlement

The settlement is a complete sell-out. It does not even address the findings of fact in the case. You have not even done your jobs. The findings alone must be addressed; they are not.

It would appear that Microsoft's money has bought them what they want, the right to continue to be a monopoly.

Regards,  
Ron Williams

#### MTC-00002177

From: William Pence  
To: Microsoft ATR  
Date: 11/25/01 9:20am  
Subject: Microsoft Settlement  
Well,

We are just short of just dropping the case, and you guys just gave away the farm. The proposed settlement, is less than a wrist slap. It appears that you simply do not want to

continue the work, and the anti-competitive practices that have served MS so well, will serve them well in the future. I find it hard to understand your strategy when the courts FOUND that MS was illegally using their monopoly power, then the United States Dept. of Justice has basically told MS "well try to stop doing this" I do not support a breakup, but there certainly MUST be some real teeth in the MS controls that MUST be in place. Exactly how many times has MS danced around the law with creative interpretations?

Now, we have MS disabling third party media delivery such as Apple Quicktime and Real Networks realplayer. Clearly, MS is done with the browser wars and moving to the content wars.

I for one, support diversity such as Mac OS and linux based machines. To have content delivery controlled by MS is not acceptable.

Thanks, and Please reach a real settlement.  
William Pence

#### MTC-00002178

From: Just AnalHQ  
To: Microsoft ATR  
Date: 11/25/01 9:16am  
Subject: Do NOT settle with MS

It is NOT in the best interests of AGAIN believing that MS will want to abide by any of the terms, which BTW are not strick enough of this proposed settlement. On top of it, letting MS give 'billion' dollars of software, which is mostly defective and part of the problem to begin with really, to schools to get the kids 'hooked' on MS products. That is ridiculous, as it is like giving a crack seller a punishment for a CRIME (that is what MS has committed, clearly) of selling crack, the OPEN DOOR to the kids and sell them all the crack they want or think they should be allowed because they don't know any better. MS should be forced to admit publically they are criminals, that they have forced mediocre and defective products to customers and charged them a premium for it. If MS was in the auto industry, they would have recalled EVERY single product that they ever produced. MS is bad, very bad for America, and the DOJ should NOT be afraid to tie this thing up more and EFFECTIVELY spend more money on burying Bill and his scammers in legal headaches for YEARS. In the end, like ATT they will likely rule again, but for 10-20 years from now at least consumers would have the ability to choose. Right now they do not, and letting them into the school system will effectively kill any chances of Apple or others to compete. You are out of your fucking minds! Just a concerned, pissed off tax paying consumer. Get your acts together, and do the RIGHT thing, not the chicken things.

#### MTC-00002179

From: Margaret Rosser Durso  
To: Microsoft ATR  
Date: 11/25/01 8:47am  
Subject: Microsoft settlement

DOJ, I believe you should exert every effort to settle this case. In my opinion it was an outrage.

Here is a wonderful company that has given the consumer the very finest in

software and enhanced the productivity of many companies. Because they were tough on the competition, these same competitors enlist the help of the government to help destroy this competition!!! In the word of Scott MacNealy.....da. Lets do the economy and the consumer a big favor and settle this case in favor of Microsoft....NOW. Thank you.

**MTC-00002180**

From: P. Rovero  
 To: Microsoft ATR, Senator Chris Dodd, Senator Joseph Li...  
 Date: 11/25/01 11:39am  
 Subject: Microsoft Settlement  
 P. J. Rovero  
 42 Damon Heights Road  
 Niantic, CT 06357  
 provero@home.com  
 25 November 2001  
 Renata B. Hesse  
 Antitrust Division  
 U.S. Department of Justice  
 601 D St. NW, Suite 1200  
 Washington, DC 20530-0001  
 Re: Proposed United States vs. Microsoft Settlement

Ms. Hesse,

I have been a computer user for more than thirty years, and have developed software for both Microsoft and non-Microsoft operating systems.

After reading the proposed settlement, I am very concerned that certain definitions, limitations, and exceptions will make the agreement ineffective in remedying the abuse of monopoly power by Microsoft.

Two very broad goals should be pursued to curb this abuse of monopoly power:

1. Developers must be able to develop applications and middleware for the Windows Operating System Products that can compete with Microsoft Applications and Middleware products.

2. Developers must be able to develop applications and middleware for non-Windows operating systems that can interoperate, as either clients or servers, in networks with computers running Windows Operating System Products.

To achieve these goals, more open access to information, and more restrictions on the behavior of Microsoft applications and operating systems are required. I suggest the agreement be modified with the following provisions.

(1) Microsoft shall publish the following information for the Windows Operating System Products and all middleware applications:

- (i) application programming interfaces (APIs)
- (ii) communications protocols
- (iii) application file formats
- (iv) documentation on (i), (ii), and (iii).

(2) The information should be freely distributable through non-Microsoft sources, including non-Microsoft web servers. No registration for Microsoft services shall be required for access to the information.

(3) Draft or proposed changes to APIs, communications protocols, applications file formats and documentations must be shared with the public as soon as ALPHA test dates are identified in software project

development plans. Software developers understand that drafts are works in progress, but software development lead times are such that waiting until final BETA does not give competitors an even playing field.

(4) No U.S. government procurement, whether by federal agency, or by grant to states, cities, local governments, or non-governmental agencies, shall mandate or specify the purchase of Microsoft Operating System Products or Middleware. Procurements may only specify the required functionality, and compatibility with the published (in (1) and (2) above) APIs, communications protocols, applications and application file formats.

(5) The Technical Committee must ensure that all Microsoft applications and middleware (including Microsoft Office) use only the published APIs, protocols, and formats. The corrective actions include forcing Microsoft to:

(a) Removing unpublished APIs, protocols, and file formats as timely mandatory corrective service packs, or

(b) Immediate publication of such APIs, protocols, and file formats, with monetary fines when such changes were not issued as draft changes in accordance with (2).

(6) Microsoft Operating System and Middleware products have often, without warning or option, overwritten non-Microsoft boot loaders and system preferences, or installed themselves as "preferred" applications in place of non-Microsoft applications. Under the settlement, Microsoft products must respect non-Microsoft boot loaders, applications, and settings, and must allow installation according to user preferences and priorities.

In conclusion, the proposed agreement does not do enough to address Microsoft's abuse of monopoly power. Please seriously consider my suggested modifications to correct the agreement.

P. J. Rovero  
 provero@home.com  
 cc: Senator Christopher Dodd  
 Senator Joseph Lieberman  
 Representative Rob Simmons  
 CT Attorney General Richard Blumenthal

**MTC-00002181**

From: John Shackelford  
 To: Microsoft ATR  
 Date: 11/25/01 11:27am  
 Subject: Microsoft Settlement

Hi,

In my opinion Microsoft has employed predatory practices that have hurt the software, computer and internet industries. They have killed off many competitors, like Netscape and others. I have heard that part of the settlement includes forcing Microsoft to purchase and install copies of their OS for schools. This is stupid. What the deal should be is this:

Microsoft should purchase and install Macintosh computers in schools. Why would you further extend and cement their monopoly? My alternative is a real penalty.

John  
 John H. Shackelford III  
 President  
 Tritera Incorporated  
 P.O. Box 83338

San Diego, CA 92138-3338  
 FAX: 619-222-1442  
 VOICE: 800-819-8819  
 EMAIL: mailto:jshack@tritera.com  
 WEB: http://www.tritera.com  
 Services for the Development of High-Performance Systems and Software.

**MTC-00002182**

From: Jack Stenner  
 To: Microsoft ATR  
 Date: 11/25/01 10:29am  
 Subject: Microsoft Anti-Trust Settlement  
 Sirs,

As a citizen who values the ideals of innovation and competition in our society, I am appalled at the apparent outcome of the Microsoft Anti-Trust case. I am an artist/architect who is presently acquiring a master's degree in computer visualization. At every turn, I witness the wasted efforts of creative programmers as Microsoft either co-opts previously open standards and integrates/perverts them into their own proprietary system, or establishes competing standards to thwart the development of software it views as "dangerous" to its hegemony. The academic institutions of this country are one of the few remaining environments where alternative operating systems, and an open view of the possibilities of computing persist. I believe the worst possible outcome of this litigation would be if Microsoft were allowed to "pay" damages by further installing their operating system and software on the nation's educational computers. This action will only serve to solidify their business model, and will damage the opportunities for competition at the very foundation. Please stand up to Microsoft!

Thank you,  
 Jack Stenner  
 4004 Oaklawn St.  
 Bryan, Texas 77801

**MTC-00002183**

From: Joe Stampleman  
 To: Microsoft ATR  
 Date: 11/25/01 1:40pm  
 Subject: Microsoft (non)settlement  
 Sir or Madam,

I would like to express the opinion that the proposed "settlement" of the Microsoft case does not sufficiently punish Microsoft for its past misdeeds and that it will cause my likelihood to suffer. I am a software engineer, and I am concerned in two ways:

1. I know many colleagues at other companies that have been forced out of business by Microsoft, and the light slap on the wrist that's been given to them does not discourage them from such behavior in the future.

2. From what I've observed, Microsoft's behavior has stifled true innovation in the industry, and for as long as they are permitted to behave as they feel they are entitled to this will continue. Anyone who dares to innovate knows that they will be suffocated by Microsoft. Now they know that the U.S. Department of Justice condones this behavior.

Please do the right thing and punish Microsoft.  
 —joe

Joe Stampleman  
1071 Sunset Drive  
San Carlos, CA 94070  
(650) 596-3758

**MTC-00002185**

From: David van Deinse  
To: Microsoft ATR  
Date: 11/25/01 12:10pm  
Subject: antitrust settlement

Dear sirs,

I am not a citizen of your country but I like to give my opinion about the settlement with microsoft.

From the moment Microsoft copied the look of the macintosh, both companies were in a legal battle. Unfortunately time was on the side of microsoft. So Apple had to settle with microsoft or go bankrupt. Microsoft could stretch the process for age's. I think this is a flaw in the american system of justice.

Now an other justiceflaw is a problem for Apple. One market were Apple had a fair part of the bussiness ( education) will now get unfair trade differences. The free software that microsoft must give to education is only making it harder for schools to choose. I am not saying that one system is beter than the other, only that the choice for schools is not free anymore. For a country that is known for freedom this is not good. Sorry for my bad spelling,

Greeting,  
David van Deinse,  
The Netherlands

**MTC-00002186**

From: Mary Jo DeMorrow  
To: Microsoft ATR  
Date: 11/25/01 12:06pm  
Subject: Microsoft Anit-Trust Deal

This is unbelievable! Why do you think that giving Microsoft even more opportunity to undermine their competitors is a good thing? You are giving Microsoft a blanket license to increase their presence in our nation's schools for years to come while at the same time shutting out their competitors. This is a sweet deal for Microsoft and a kick in the butt for Apple.

Why not give the schools the money earmarked for technology and let them decide how to best spend it?

Please reconsider this action!

Sincerely,  
Mary Jo DeMorrow

**MTC-00002187**

From: Stan Ford  
To: Microsoft ATR  
Date: 11/25/01 2:10pm  
Subject: Microsoft Injustice

Dear Attorney General

I am counting on courageous law enforcers like the hold-out states attorney generals to rectify the slap-on-the-wrist punishment that the DOJ has allowed Microsoft to fashion for themselves. Gates and Balmer must be positively giddy about the light penalties handed down. We are already seeing signs that predatory competetive practices and arrogance continue rule the day at MS. Please continue your efforts to reign in these barons of greed.

Thank you,  
Stan Ford  
4635 Wild Indigo #497

Houston, TX 77027-7070  
713?552?9434

**MTC-00002188**

From: Dean Rasmussen  
To: Microsoft ATR  
Date: 11/25/01 1:56pm  
Subject: MS Penalty = MS Profit

I can't believe what the DOJ is calling a penalty. You are rewarding an criminal monopoly by allowing them to hurt competition in this MS marketing scheme. Everyone knows MS has a low software presence in the school market and what a better way to take over this market too by being "punished" into donating free software. Boy, I bet that hurts. Added market share and lots of great PR. I can't believe you don't see the truth in this deal. It will hurt everyone, except MS.

Please PUNISH their crimes, not help them.

Dean Rasmussen

**MTC-00002189**

From: Bill Pickering  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw....

Date: 11/25/01 1:41pm  
Subject: Unacceptable MS antitrust settlement

AMERICA MUST FACE THIS  
IMPORTANT ISSUE AND RESPOND  
CORRECTLY

The proposed terms of antitrust settlement with Microsoft to distribute free operating software to education markets is totally unacceptable and should NOT be passed by individual states. The proposed action is really not a penalty—it is a benefit to Microsoft.

1. Anyone with an abacus can figure out it doesn't cost \$1billion to press, distribute CDs to schools. This is only a slap on the wrist, and certainly no where close to true community service! It's ineffective action against a known monopoly.

2. Sending free Microsoft Windows CDs to schools is only forcing education markets to accept the Windows operating system—a contrived ploy to further perpetuate the very Microsoft monopoly the justice department is trying so diligently to eliminate! Schools who use other computing platforms receive no benefit from this proposed action. The proposed settlement is pure nonsense, designed to benefit no one except Microsoft.

Please do not accept this ridiculous settlement proposal. It would be devastating to our economy in the long run, and it demoralizes America's trust in our justice system.

Hundreds of thousands of parents, teachers and students across our nation have already reviewed and rejected this proposal. These folks are now asking and watching to see if individual states are also wise enough to see the deception behind this proposal and refuse it's acceptance.

**MTC-00002190**

From: Soila Ochun  
To: Microsoft ATR  
Date: 11/25/01 4:32pm

The Federal Trade Commission and the 9 states are being deceived by Microsoft. By allowing Microsoft the choice into favoring

its products and giving Microsoft the marketing advantage it loves. The small penalties of the verdict should not be used to favor Microsoft, but penalize it. They are allowing it to mandate how it will spend the money from the settlement. Allowing Microsoft the preference of schools they provide funds to as well as equipment will be devastating. I feel that the money should be granted on the following requirements: Schools should get a Sun with Solaris or a Macintosh with OSX or an AMD with Linux that will show real competition. Software and hardware to accommodate those types of computers.

If the government allows microsoft to invest the settlement their way it will only capitalize on the existing monopoly that Microsoft has not yet cannibalize it with choice. None of the software or hardware that uses its Microsofts OS should be donated. It should be the competitions products, that is the ultimate reason for the investigation. We need to show Microsoft that it will have competition. The education market is an important market that reaches Americans. It provides knowledge to our children. It also shows parents the extra guidance in purchasing computers for their children. These choices out their can first be learned through education. This will truly mean that microsoft is sorry for abusing their power. This will also provide knowledge to Americans and awareness of alternatives. They should also not use this to accelerate their current reputation nor marketing power with a future Microsoft Cares\*—promotions and or advertisements. If this is not implemented i can imagine the worst. No Netscape, ICAB only Internet Explorer. No AOL, Earthlink, only MSN. No Corel Word Perfect, Lotus Smart Suits only Microsoft Office. No imovie or idvd but the Microsoft clones that Microsoft makes. This will only help Intel, Microsoft, Dell, and any of those that support the WINTEL environments. I can also see Microsoft using this money to pushing the Macintosh out of the school districts. Please dont make the same mistake twice in allowing them into getting away with the punishment they deserve.

\*I thought of that slogan first.

Mark Velazquez  
2921 Briggs Avenue  
Bronx New York 10458 #6A  
(718)-561-4738  
ochun@onebox.com—email

**MTC-00002191**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR,antitrust@ftc.gov  
@inetgw.Ralph@essen...

Date: 11/25/01 4:08pm  
Subject: Microsoft Hegemony' Philanthropy  
With Noose Attached CC:  
letters@latimes.com@inetgw,letters  
@sjmercury.com@1...

Re: Judge to Weigh Private Microsoft Antitrust Deal

U.S. District Judge J. Frederick Motz will have to decide whether the settlement proposed by the company is a creative solution that will put computers in the hands of poor school children or a legal ruse that will further the company's dominant position in the computer business.

Much more than the private Microsoft antitrust deal, Motz will be deciding whether the US legal system will be hijacked and used by corporations to quell dissent to their economic/technical despotism via philanthropy. We The People do not need Microsoft's philanthropy with a noose attached. Microsoft is destroying our institutions by destroying our value of the principles that underly them.

Central to the dispute is a U.S. antitrust doctrine that holds that only a "direct purchaser" can collect damages in private antitrust suits.

"You see how loophole works for large corporation? Kind of looks like economic/technical despot holds special place in heart of public servant, no? Ha ha ha ha..."

**MTC-00002192**

From: Richard W. Boman

To: Microsoft ATR

Date: 11/25/01 2:15pm

Subject: Microsoft can cripple this country

I would like you to know some simple facts about microsoft.

- 1) They are a monopoly
- 2) Their shark tactics against american soil companies have caused, bankruptcy, a loss in jobs, and poorly written software to become the accepted norm in this country.
- 3) Their software scheme has single-handedly allowed more virus and hacker vulnerabilities than any other Operating System or Server Software used in this country, which in turn would allow terrorists easier ways to exploit the US.
- 4) Think of the small companies that Microsoft has pirated and ravished, (by offering FREE poorly written copies of similar software long enough for these companies to go bankrupt) and then charged outrageous prices when no competition is available.

5) The American public is not necessarily educated enough to understand all that microsoft has done over the years. I am concerned about America, and this company is not concerned in the least about homeland security. The dollar is paramount in their eyes. Sometimes capitolism can destroy, particularly when a monopoly exists. Think about it.

Sincerely, Richard Boman

**MTC-00002193**

From: Robert Godfrey

To: Microsoft ATR

Date: 11/25/01 5:08pm

Subject: Microsoft Settlement

Microsoft's settlement offer flagrantly fuels Microsoft's monopolistic position at the expense of other computer and software platforms and manufacturers.

A more appropriate settlement would be for Microsoft to pay an appropriate amount to the stockholders of the companies that have been put out of business and/or damaged by Microsoft's illegal activities.

Robert Godfrey

PO Box 314, Moose Island

Eastport, ME 04631

godfrey@quoddyloop.com

**MTC-00002194**

From: Ron

To: Microsoft ATR

Date: 11/25/01 5:02pm

Subject: Disappointed in settlement

Dear DOJ:

I am very disappointed with Microsoft/DOJ settlement. I don't believe it will keep the MS monopoly from continuing to hinder innovation in the computer hardware or computer software industries ... as the Consent Decree signed by MS in 1994 didn't hinder their practices.

Also, I can't believe the settlement that was agreed to concerning the "overpriced" lawsuits against MS. It's a win-win situation for MS ... get rid of inventory during slow times & aggravate the current imbalance in the market place. Come on, MS has cash, have them rebate money to the schools (and others impacted by their actions) and let the schools (and others) decide which brand of technology they want to use.

Get real! You should have worked to get rid of the monopolistic consequences that have happened over the last decade. Our choices are nearly gone as far as PC technology is concerned. Breaking up MS was a much better idea, and that wouldn't have gone far enough.

How would you like to have a choice of only:

- one brand of car,
- one brand of cell phone,
- one brand of shoes,
- one brand of restaurant,
- one brand of wine,
- one brand of shaver,
- one brand of candy ...

We need product diversity in all sectors!!

Sincerely,

Ronald J. Korniski

792 Maysville Circle

Thousand Oaks, CA 91360

That's all folks!

**MTC-00002195**

From: Ted Abel

To: Microsoft ATR

Date: 11/25/01 4:50pm

Subject: U.S. Dept. of Justice vs. Microsoft

Dear Attorney General of the U.S. Dept. of Justice,

I was very disappointed and dismayed by recent information coming out in the news media regarding the U.S. Dept. of Justice vs. Microsoft case. What is this so-called 3harsh penalty when a company can give away its software (Microsoft Windows) and PC computers/peripherals w/Windows to underprivileged schools? This just adds to the monopoly and bundling Microsoft was accused of in the first place! Am I missing something here? Or am I reading this information incorrectly? Shouldn't the penalty be tied to financing the purchases ONLY and not to giving away their own company's software or hardware/software bundling? Why not Unix, Linux, Sun, Apple, etc.?

Also, if the ruling stands that they were doing something illegal, show the like-minded companies that you have the best interests of the American people in mind and not the monied interests. Do your job for the people not just business! I am ashamed of my present U.S. Government Administration, and this present U.S. Department of Justice in particular, for wasting precious time and

public money from the past Administration and squandering the past ruling with acquiescence in this matter of the future of technology, rather than concluding a ?just1 penalty. What a waste and defeat for the public trust and software companies everywhere!

Advancing a monopolistic technology that is mediocre at best (just adequately gets the job done) rather than striving for real competition with the best quality technology (superior performance) is like a slap in the face to the software/hardware companies that truly feature innovative and advanced feature sets. If we all strived for the mediocre or common denominator in the technology arena, or for that matter in any endeavor, where would we be today? Would our military be as successful in Afghanistan? Would MIT, Stanford, Yale or Harvard pump out B or C students. We certainly would not be the technology innovators we are known for today!

I hope and pray that Microsoft has a ?just1 penalty to pay and not a slap on the wrist for practicing unethical, monopolistic and predatory business practices. No company should be able to profit from such behavior. Surely, my Government should be that 3first line of defense to see that these kinds of companies do not gobble up the competition!

Sincerely,

Ted Abel

8865 Lynnett St., N.E.

Alliance, OH 44601-9770

**MTC-00002196**

From: Walter Steensby

To: Microsoft ATR

Date: 11/25/01 8:09pm

Subject: Reasons not to penalise Microsoft Greetings,

I am a private citizen. I believe that I have been driven into unemployment by the tactics and behaviour of Microsoft and its acolytes. However, I offer below six reasons why Microsoft should not suffer further disturbance from the courts.

1. Microsoft is a huge company, seemingly as close to a monopoly as is possible without actually having become the sole supplier in the marketplace of personal computer operating systems and enterprise-level IT support software systems. The marketplace has made rational, reasoned, impartial and unbiased assessment of the available options, and accordingly Microsoft is the beneficiary.

2. The installation worldwide of Microsoft operating systems and other of their software is hugely beneficial to various US government agencies, the NSA for example, making it possible for these agencies to conduct remote surveillance operations on government and corporate activities anywhere. (I would refer you to "The Puzzle Palace" by James Bamford.) This capability is very important to the security of the USA, especially after last September's outrage. Indeed, if organisations and other governments can be persuaded to use non-Microsoft operating systems, this situation might contribute to compromising the security of the US.

3. The considerable revenue streams from Microsoft's sales outside the US continue to help the rather desperate balance of

payments situation, all the more so as the recession deepens.

4. Microsoft is now at the head of an "empire of technology" enabling and facilitating the operations of, and thereby guiding, the bulk of the world's governmental, commercial and industrial functions. Individuals, organisations and governments which in IT terms are unable to control their own destinies have been and will continue to be well-served by Microsoft.

5. The court's recent decision re Microsoft is simply a reflection of the political realities of the day and of the attitude of Republican administrations to business in general. Why disturb an organisation which clearly is functioning efficiently?

6. The current administration and its advisors are evidently aware of the true nature of the situation and of its ramifications. Their decisions should stand.

Yours sincerely  
Walter Steensby  
PO Box 305  
Hawker ACT 2614  
Australia

**MTC-00002197**

From: Greg Granger  
To: Microsoft ATR  
Date: 11/25/01 7:07pm  
Subject: confused and disappointed

I've been a software developer for over twenty years and I currently work with MS technologies. In fact in the early to mid 1980's I was a big MS fan. However, their conduct over the past fifteen years has been utterly contemptible and without morals.

I'm as confused as I am disappointed by the token settlement with MS. What exactly was the point of this case?

The government found MS a monopoly then made an agreement that basically rubber stamps all of MS illegal behavior. After reading the agreement it's clear that there was no penalty for it's frequent and obvious pass anti-competitive actions. However, worst than this it's clear that there is absolutely no requirement for MS to change anything that it's currently doing. Rather than run down why the different parts are either useless or meaningless, I challenge the DOJ to document one MEANINGFUL change that has or will occur at MS that either helps the consumer or addresses MS's criminal behavior. ... If you think you have one, send it to me and I'll explain your error. In fact parts of this (like the 10/20 biggest vendors non-sense) actually help MS. Further since MS had already destroyed any meaningful competition by the mid-1990's, what difference does it make that vendors NOW have the chance to ship systems without a MS product???? This agreement makes no sense. At best it's gross incompetence, at worst corruption. I'm still utterly floored by Judge Jackson's conduct. While he was the only person to hand down an even remotely sane verdict, was he really so clueless to believe that his conduct would not disqualify his ruling .... I think not. Even if MS had been split it would have been 5-10 years before any real gains to the American consumer would have been felt.

When time allows I will be sending a paper and electronic letter to my representative and

sentators requesting that the DOJ be investigated in relation to this matter.

**MTC-00002198**

From: Eric C. Forat  
To: Microsoft ATR  
Date: 11/25/01 6:32pm  
Subject: Self Interest

Gentlemen,

If you really wish to serve the interests of the country at large, do not let Microsoft monopolize our IT. Besides putting out inferior products easily attacked, their total contempt for the larger goal of the common good versus their own narrow greed does not recommend them as the basket in which we should keep all of our eggs...

Thanking you for your time, sincerely yours

Eric C. Forat

**MTC-00002199**

From: Gordon Weast  
To: Microsoft ATR  
Date: 11/25/01 9:26pm  
Subject: Comments on Microsoft agreement  
Sirs:

After reading much that has been written about the pending agreement, I feel compelled to write.

At first look, forcing Microsoft to make \$1B available to some educational institutions looks like a punishment. Unfortunately, this just locks out other products from those same markets. While I saw reference to a Microsoft statement that those institutions could spend money on other products, they clearly won't provide customer support for such a choice.

Students who learn computers using a single provider's products will likely think that that is the only option. How does this promote competition?

An additional clause in the agreement that requires some specified fraction of the funds to be used to teach alternative products both on Windows and on other operating systems would do far more to help level the playing field. At least 50% of the funds should be used to promote the competition. This would go far to make up for the anti-competitive tricks they have used to get where they are. I don't want to see Microsoft destroyed, but it is important for the industry that open competition be encouraged.

The discussions I have read indicate that while Microsoft would be required to make the programming interfaces available, they would not be freely available to all developers. Allowing Microsoft to make the information available only under supervision at a Microsoft site would lock out smaller developers who have little or no budget for travel. These are the very developers who will most likely take chances on new technology. Many of these developers are likely working as single people with no budget for travel to a Microsoft site.

Please don't let the agreement stand as it currently exists.

This agreement is not good for the software industry.

Gordon Weast

**MTC-00002200**

From: Dave C. Hill  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw....

Date: 11/25/01 9:08pm  
Subject: Proposed Microsoft Settlement is a travesty of Justice

Talk about playing into the hands of the monopolist ! The particulars seem to do nothing to Microsoft but provide another avenue for them to market they're products ! You should be ashamed of yourself for striking this deal. Makes it look like you might be on the "Take" !!

David C. Hill

Arvada, Colorado

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty." ....John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net> :-)

**MTC-00002201**

From: Wes Rand  
To: Microsoft ATR  
Date: 11/25/01 9:03pm  
Subject: Microsoft settlement  
Dear US Justice Department,

I do not believe the remedies as reported will have the slightest effect on Microsoft's predatory marketing practices and illegal abuse of monopoly power.

And developments since the verdict in the case are disturbing. Especially with regard to the internet: Microsoft has bundled their browser for free with their operating system and drove all other browser manufacturers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access many web sites which use non-Microsoft software such as Apple QuickTime content, whereas 90% of pre-Windows XP computers could. With this current settlement, really just a cushy "hand slap" settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their monopoly into the content provider marketplace! They have broken the law once,

and while being penalized, have broken it again. And they are moving to extend it with their .NET initiative using their operating system monopoly and their new browser monopoly.

Soon consumers will be unable to access content that Microsoft has not provided or approved of. This is hardly protecting or maintaining free market capitalism and undermines a key industry. Please revisit this settlement and work for real punishments. Thank you for your attention.

Wes Rand

The great thing about democracy is that it gives every voter a chance to do something stupid.—Art Spander

**MTC-00002202**

From: Richard Lowenthal

To: Microsoft ATR

Date: 11/25/01 8:54pm

Subject: Microsoft settlement

It is the opinion of this very senior citizen that Microsoft, with all of it's "good stuff" still cost me lots of money and aggravation: Their version of various applications are put out on the market in poor form and beginners like me have to work with applications full of glitches and THEN PAY FOR AN UPGRADE THAT SHOULD BE FREE. They are an identifiable monopolist, i.e., Netscape, Java, etc. They should have extreme restrictions and be monitored for an extended period of time, 10 years!

I believe they should be allowed to compete! However, they DO NOT COMPETE. RATHER, THEY OVERWHELM AND USE UNLAWFUL METHODS TO COMPETE.

DON'T BREAK THEM UP. OPEN THEIR CODE AND MONITOR THEM FOR 10 YEARS.

Sincerely,

Richard Lowenthal  
Frankfort, MI

**MTC-00002203**

From: Kevin Ledgister

To: Microsoft ATR

Date: 11/25/01 9:53pm

Subject: Public Comment

From: Kevin Ledgister 1610 Pearson St.

Wausau, WI 54401 kledgister@mac.com

To the US Dept. of Justice  
Public Comments on Microsoft Anti-Trust Settlement

As a consumer I wish to express my view that the proposed settlement does not appear to go far enough to protect consumers from Microsoft's illegal monopoly practices.

First, since the Appeals Court unanimously declared that Microsoft had acted illegally, there does not seem to be any punitive remedy that addresses the gains that Microsoft made by acting illegally.

One of those gains has been Microsoft's ability to dictate proprietary web browser standards and technologies because of its illegally gained monopoly. As a consumer, I am harmed because I choose a competing product that adheres to the standards established by recognized bodies that govern the Internet, but I still cannot appropriately view many websites or use their services because many websites are programmed to be accessed with Microsoft's Internet Explorer instead of Netscape, which used to be the

case. Microsoft should be forced to adhere to standards established by a recognized Internet body so that competing browsers are able to freely view websites and obtain services without having to switch browsers because of the proprietary hooks that Microsoft was able to establish based on it's illegally gained monopoly.

Microsoft should not be allowed to continue to control the browser market because it was derived from illegal gains. Microsoft should be allowed to continue to "innovate" but not without incorporating established standards so that consumers have equal access to Internet content.

As a consumer, I have also been harmed by having to purchase Microsoft Windows and having to pay that price, which includes paying for additional software that is not necessary for the operating system to run and allow for the installation of other applications.

Because Microsoft is such a monopoly, any additional software that ships along with Windows, without additional charge, has the potential to create an additional monopoly. Unfortunately, it is usually too late once that monopoly is created to go back and undo the damage.

For that reason, and without stifling Microsoft's ability to innovate, Microsoft should be forced to charge for additional software that it ships along with the Windows operating system. There is a cost to develop these applications, and a formula can be derived. The exception would be for applications that competitors allow to be downloaded for free because of their distribution method, Microsoft would also be able to offer these services for a free download.

That way, consumers can pay less than current prices for the basic operating system and option up for any additional applications that they wish to purchase, e.g. I would rather pay \$99 for Windows XP and not for Microsoft's image editing and music compression software, which I can freely get elsewhere. Consumers who want to buy the whole bundled package should have that option too, if they want to pay extra for it.

Microsoft should also be forbidden from paying manufacturers to carry these additional software applications (such as Windows Media Player) without there being a corresponding revenue model for that software (such as selling a server version or development tools) to offset the cost. Otherwise, as a consumer, I will never be able to truly benefit from the free market forces, but will continue to subsidize Microsoft's ability to run competitors into the ground and support their continued efforts to dominate endless markets.

It would seem appropriate that any remedy should not only include penalties where consumers were harmed, but also be forward looking.

Thank you for your consideration.

Regards,

Kevin Ledgister

Kevin Ledgister

kledgister@mac.com

**MTC-00002204**

From: Dalex

To: Microsoft ATR

Date: 11/25/01 9:47pm

Subject: alternate proposal

To the US Department of Justice:

When I read about Microsoft's settlement offer, I thought of the old restaurant joke: "The food here is bad—and the portions are so small!" When it comes to software, you can't make up for qualitative flaws with volume. I have seen Red Hat's proposal (<http://biz.yahoo.com/bw/011120/202744-1.html>), but for all the reasons it makes sense, it would make even more sense to have Microsoft spend that billion dollars on Apple hardware.

Wouldn't it be much more appropriate to have Microsoft buy computers that can't run their operating system? If Microsoft would buy the hardware, I'm sure Apple could be persuaded to donate software and support, though Apple computers already come bundled with the operating system and many easy-to-use applications at no extra cost. Microsoft could donate copies of Office, the Mac version of which is very well liked.

My proposal would be much better for students than either Microsoft's or Red Hat's. For example, Apple's iBook laptops, along with their Airport technology, are a very inexpensive way to get a whole school connected wirelessly to the Internet; there is no equivalent in the Wintel world. Also, Linux is terrific, but it's never been anywhere near the #1 platform in the education market, as Apple is. I doubt Red Hat would expand their offer to include porting hundreds of educational apps from the Mac platform to Linux—or retraining hundreds of teachers and administrators who are already happy with Apple computers.

I believe what I am suggesting is (a) fair to all parties, (b) more appropriate than what Microsoft is offering, and (c) much more beneficial to the cause of educating American students. I hope you will agree.

Respectfully yours, —Andrew G. Lee

Sincerely,

Dave Walker

**MTC-00002205**

From: Charlie Michelson

To: Microsoft ATR

Date: 11/25/01 9:27pm

Subject: Microsoft "Settlement"—School Donations

Please do NOT agree to the proposed Microsoft settlement. If Microsoft has been overcharging, they should simply pay money to schools (or whoever) for the amount of the award. If there is to be any hardware donated, it should be Apple hardware. That is the only true competitor to Windows at the personal (non-server) level.

Remember the Irish potato famine. If too many eggs are in one basket, bad things (viruses) can happen. Strength is in diversity—in people, and in computer operating systems. That is the American way.

I am also extremely disappointed in the DOJ cave-in on the main monopoly suit. Please write if you wish to discuss further. There are many more reasons I can give for my position.

Charlie

**MTC-00002206**

From: Rick Balian

To: Microsoft ATR  
 Date: 11/26/01 1:45am  
 Subject: Proposed Microsoft settlement  
 To Whom It May Concern,

Letting Microsoft donate PCs and their own software is an outrageous settlement. Please don't let Microsoft get away with that. Microsoft is a bully. Its punishment must be more than a wink and a "don't let it happen again, son" speech.

At the very least, Microsoft must be made to donate software by other manufacturers and computers that don't run Microsoft's operating systems. Increasing a monopoly's market share is a strange way to punish a monopoly.

Rick Balian

**MTC-00002207**

From: Malcolm McCallum  
 To: Microsoft ATR  
 Date: 11/26/01 12:24am  
 Subject: Microsoft decision

Dear Sirs, I believe the decision in this case is so wrong it makes a mockery of Justice in the USA. You have given the Fox the key to the chicken run. It is just unbelievable.

Malcolm McCallum  
 Orthopaedic Surgeon

**MTC-00002208**

From: Phillip Anderson  
 To: Microsoft ATR  
 Date: 11/25/01 11:21pm  
 Subject: MS private settlement

This "private" antitrust settlement is LUDICROUS!!! MS Software costs Microsoft NOTHING—NOTHING—NOTHING—and schools would normally get it free anyway. So how come you are putting a FULL RETAIL dollar value on it to measure a "settlement" value? This is such a huge transparent FARCE, anyone can see though it. Wake UP!!!!

**MTC-00002209**

From: Bill Huggins  
 To: Microsoft ATR  
 Date: 11/25/01 9:55pm  
 Subject: Stupid lawsuit

This lawsuit is so incredibly stupid! You guys seem to want to protect the brand new user, but from what I don't know.

Microsoft has done a very limp job of protecting itself. Windows is not a monopoly; it is a standard. Let's hear it for standards.

You want to pull Internet Explorer (IE) out by its roots. Why? Every modern OS comes with a browser. Perhaps Microsoft should be reamed for not having a splash screen for the new user that would appear every time the system boots that says, "Please go to [www.opera.com](http://www.opera.com) and [www.netscape.com](http://www.netscape.com). Download the browsers from these 2 companies. Once you have installed them, you will find that you can run them side-by-side with Internet Explorer. You can make any of them your default browser. Bear in mind that the other browsers are free downloads, as is IE, but you need a browser to get to the other company's websites. We include Internet Explorer in each copy of Windows as a public service."

You accuse Microsoft of including features that make it a monopoly. This sort of attack marks you as a non-user of computers. Microsoft has traditionally offered tools like

Disk Defragmenter (a reduced feature version of Norton Utilities, etc.), notepad, a Media Player and now, with XP, a movie maker. If you were a user, you would know that these tools aren't very good. If you needed such a tool, you would seek one out and buy it.

You have made a big stink about the first screen a new user sees. Big deal. You have again tried to protect the new user. You are only a new user for a couple of months. Any home user can change his desktop with background colors, textures and pictures. It's easy.

I could go on for hours, but I'll spare you. The DOJ has done a great injustice to Microsoft and most of the millions of users of MS software. You have wasted millions of dollars and diverted energy that could have been used more creatively. You should be ashamed of yourselves.

I hope your computer turns on you.

Sincerely,  
 William M Huggins  
 9200 Red-Wood Rd NE, C-402  
 Redmond, WA 98052  
 425.861.9119

PS... I work for an Internet Service Provider. I have no financial ties to the company. I own none of their stock.

**MTC-00002210**

From: Ruth Harris  
 To: Microsoft ATR  
 Date: 11/26/01 1:56am  
 Subject: Microsoft

Don't let Microsoft off the hook. A friend of mine had his client's website hijacked by MS denying them all access to their email. This was done without their permission or without warning. It was removed from the web server of the ISP with which they were contracted and moved to Microsoft's website. They were unable to retrieve it and Microsoft wouldn't even talk to them about it. These people are crooks.

Ruth

**MTC-00002211**

From: mmikowsk@demai05.mw.  
 mediaone.net@inetgw  
 To: Microsoft ATR  
 Date: 11/26/01 2:20am  
 Subject: Microsoft Settlement

To Whom it May Concern:

I am currently an owner of an Information Systems and software development firm. Based on my firm's experience in this field, I propose the following adjustments to the Microsoft settlement:

1. PROPOSAL A  
 a. OVERVIEW

The US Government (and other governments) should embrace open standards for file formats for commodity applications such as Word Processing, Spreadsheets, Database, Graphics, and Mail.

b. PROPOSED ACTIONS

A national or international standards committee be formed to oversee commodity file formats, much like the W3C.

Formats be developed for Word processing, Spreadsheets, Database, Graphics, and Mail.

These formats should be based on open, published standards that can only be extended through the committee.

The US government adopt these standards as required for governmental correspondence.

Software producers must show their tools are compatible with these standards before government agencies employ them.

Software producers should be encouraged to publish their compliance to these standards.

c. REASONING

Microsoft's monopoly on the business desktop is not derived from its innate value of its operating systems, but by its anti-competitive use of its monopoly to control proprietary formats used in commodity applications.

Microsoft Word, Excel, Outlook, and others employ proprietary formats controlled, and changed at will, by the company. Any attempt to use other tools to access or edit this data are hamstrung Microsofts propensity to change these formats at its whim. This is the core of its anti-competitive practices.

Microsoft has shown a pattern of first embracing competing formats (such as WordPerfect, and Lotus 1-2-3) and, once market dominance has been ensured, have emphasized their own proprietary formats. This is a trend they have continued to this day. One only need to look at how their "extensions" of HTML standards are currently being used to block access from any other platform besides their own.

In the past, we wrote on paper. There are hundreds of producers of pens and paper. Today, we often write in word processors and spreadsheets. Should only one company in the world control the access to the intellectual property we create?

d. IMPLEMENTATION

The technology and software already exists to move this proposal to a reality in a very short time period. The US Government could change to open file formats with little pain by employing Star Office while saving untold millions in licensing costs. It can require all html document meet the W3C guidelines for HTML. The government would provide the impetus from moving its data, and that of the people, out from under the control of a private interest, and into open formats where we the people can access our own data without being required to purchase a Microsoft product to do so.

e. REFERENCES

Open File Formats: <http://www.computerworld.com/cwi/community/story/O,3201,NAV65-1797,STO64689,00.html> Star Office, which employs open, XML formats with excellent capabilities: [http://www.sun.com/staroffice/6.0beta/;\\$sessionidSROHKZK4E1MJORAMTA1FU3NQ](http://www.sun.com/staroffice/6.0beta/;$sessionidSROHKZK4E1MJORAMTA1FU3NQ)

The W3C group has provided standards which has allowed dozens of competing web browsers to be successfully developed: <http://www.w3.org> Anyware Office, which employs XML-like file formats in a product which works extremely well Anyware Office: <http://www.vistasource.com/products/anyware/office/>

f. DISCLAIMER

We own Microsoft Office Professional. We manage dozens of Microsoft OS's and Office products. We have tested (and are impressed)

with Star Office. We also use Anywhere Office in an office of 5 individuals. We have no other connection with the companies or software presented above.

## 2. PROPOSAL B

### a. OVERVIEW

The proposed settlement for providing Microsoft access to our children's and educators' minds is counter-productive to the good of the people and the government.

### b. PROPOSED ACTIONS

Require any software provided to US schools to be compliant with the requirements as set forth in Proposal A of this comment.

Adjust the settlement so that Microsoft is responsible for providing hardware and funding only.

Provide an independent body for determining the software and training employed by the schools.

### c. REASONING

The proposed settlement to provide Microsoft software and training only further benefits the company, while displacing other firms such as Apple and RedHat. By taking the proposed value and applying it to hardware and funding only, the public is ensured to receive the value offered by Microsoft.

### d. IMPLEMENTATION

I have no additional recommendations for implementation of this remedy at this time.

### e. REFERENCES

The RedHat Counter Offer: [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)

### f. DISCLOSURE

We own Microsoft Windows 2000 and Mandrake Linux. We use RedHat Linux as our OS for web service development.

These are fair adjustments to the proposed settlement. They will provide innovative competition the like of which the industry has never seen.

I am available for discussion of these remedies at any time.

Respectfully Submitted

26 November 2001

Michael S. Mikowski

Managing Director, Uniphied Thought LLC

Dearborn, MI 48126

Tel 313-441-2579

Mobile 313-550-8406

## MTC-00002212

From: Hilary Sochacki

To: Microsoft ATR

Date: 11/26/01 8:17am

Subject: Microsoft bribes

"Donations" of Microsoft products to schools? That's like letting bio-terrorists pay for their crimes by allowing them to distribute "vaccines". Microsoft's management has to be riotously laughing behind your back!

D. Liszewski

## MTC-00002213

From: Unger, Phil E SCC

To: 'microsoft.atr@usdoj.gov'

Date: 11/26/01 5:56am

Subject: Proposed Microsoft Settlement Too Weak

What happened? Why did the DOJ just give up and walk away? Have so many staff

changed with the new Bush administration that we now have a computer illiterate staff at DOJ?

The proposed settlement with Microsoft is baby mush and fixes nothing. Go back and try again.

Phillip E. Unger

Shell Chemical LP

One Shell Plaza, 910 Louisiana, Houston, TX 77002-4916

Tel: +1 713 241 2098 Fax: 1602Email:

phil.unger@shell.com

Internet: <http://www.shell.com/chemicals>

## MTC-00002214

From: Mr Lynn

To: Microsoft ATR

Date: 11/26/01 8:26am

Subject: Microsoft settlement

To the Department of Justice:

While I am happy to see the government pursuit of Microsoft under the Sherman Antitrust Act come to an end, the proposed 'penalty' of allowing Microsoft to expand its educational market share by placing product in schools is preposterous.

Apple's Macintosh operating system (OS) is the primary competitor to Microsoft's Windows outside of big business, but has only 5% of OS market share worldwide. Education is one of the few areas where Mac OS market share is substantial, though still by no means dominant. The proposed 'penalty' rewards Microsoft and penalizes Apple, thus further eroding competition to the Windows OS in education.

I hope you will reconsider this ill-conceived 'remedy' and focus on reining in Microsoft's anti-competitive business practices, in order to encourage a more level playing field in the OS market.

Yours sincerely,

L. E. Joiner

Primary Caring

Walking Creek Productions

PO Box 3589

Saxonville, MA 01705-3589

508/788-7770

<MrLynn@mac.com>

## MTC-00002215

From: David J. Liszewski

To: Microsoft ATR

Date: 11/26/01 8:21am

Subject: Regarding Microsoft's Proposed Settlement of Private Cases

I am astounded to learn of Microsoft's proposal to donate computers and software to some of the poorest schools in the nation as settlement for the private anti-trust lawsuits it faces. The company claims that these gifts will service seven million children. This settlement is precisely the type of activity which needs to be curtailed by government action.

Microsoft will create seven million new customers while reaping good will. Why should a criminal be allowed to benefit from their punishment? This settlement is akin to arming convicted violent criminals in lieu of jail time.

If Microsoft is so insistent upon donating a tiny fraction of its \$30 billion cash reserve, why can't it donate only cash, or Apple computers, or something else from which it will derive no benefit?

Sincerely,

David J. Liszewski

Sharon, MA

## MTC-00002216

From: DeeKay

To: Microsoft ATR

Date: 11/26/01 8:39am

Subject: Microsoft/DOJ "seattlement"..

Dear Sir or Madam, even though I am not a US citizen I'd like to use this opportunity to express my strong concern about the so-called "seattlement", a cave-in that is without a doubt previously unheard of.

The seattlement has so many holes in it that its effective uselessness is obvious to any journalist, expert and trial-interested person, yet the DoJ still thinks it's a great idea!

I also do NOT see ANY remedies in the seattlement, Microsoft has broken the law in various ways, something that even the Court of Appeals agreed to when they took back the verdict that Judge Jackson had issued! Now I wonder: Where are the remedies for the crimes Microsoft has done? They did blackmail Compaq, IBM, Apple and others, and somehow my feeling for justice tells me that even though it's a settlement, Microsoft should be punished for what it has done!

Or, as one journalist put it: Microsoft is free to enjoy the fruits of its law-violations to the full extent still, and will be even after the settlement! That is something that has not happened before, and it just seems so painfully wrong!

Besides, the DoJ also seems to have a memory leak in other ways, cause I can't remember that Microsoft's faked Evidence-Videos or lying in court, as well as making fun of the court in totally ridiculous subpoenas (Bill Gates: "I don't remember what I meant when I said 'crush Netscape'" etc!) and by releasing a crippled version of Windows just to spite the court, even though it's been proven that the Internet Explorer can be removed from Windows98 without leaving a trace have ever had any consequences!

Like said, I am not an american citizen, but for outsiders it seems like Microsoft can behave in utter disrespect to the court and still not face any consequences for that at all! This casts a rather bad light on US Judicative in my eyes! Or Does this only account for multi-billion dollar companies?

Please, I ask you in the name of countless others: the world is looking at the DoJ to put the raging Godzilla that Microsoft has become into chains to help the economy worldwide by re-enabling competition again (there is basically none at all in the areas Microsoft has a monopoly in!), just like you did with IBM and Standard Oil before! Doesn't the American idea of a free market base itself largely on a living market with lots of competitors, that will result in lower prices and better products for the consumer?

Well—how on earth can you be so sure that Windows/IE/MS Office is the "best" for consumers when there is basically no noteworthy competition (in respect to market share!) at all around? It might help considering the fact that Microsoft has had a monopoly in operating systems right from the start in 1981, and it has never ever faced \*real\* competition (meaning: it has never

had less than 80% market share, even when DR-DOS was around!) there. The other monopolies with IE and Office were only achieved through massive "leveraging" by integrating both deeply into Windows, a practice that will continue unthrottled in spite of the settlement, just look at what they already integrated into Windows XP even though the trial was still going on!

With best regards,  
Daniel Kottmair

**MTC-00002218**

From: Derrick Goodwin  
To: Microsoft ATR  
Date: 11/26/01 8:50am  
Subject: I can't believe it...

If you wish to discourage a behavior you should punish it. This does not appear clear to the DOJ. Allowing Microsoft to "donate" computers to less fortunate schools punishes the schools more than Microsoft. They have always wanted to increase their market share in schools. Make Microsoft donate "money" to the schools and let the schools decide what they want to do with it.

Derrick Goodwin

**MTC-00002220**

From: Kelly Baker  
To: Microsoft ATR  
Date: 11/26/01 10:02am  
Subject: Microsoft hand slap

I hated the "Clinton Years". But there was one thing that was being done during that time that was warranted. That was the Microsoft case. Microsoft has severely abused its monopoly power by forcing unreasonable licensing agreements (which, by the way, it is doing AGAIN right under your noses!), forcing non-compete agreements, and forcing standards changes that it had previously agreed to (example: Java). Your "remedy" for Microsoft is equivalent to charging a business man \$1 for having his competitors' legs broken! I am a supporter of President Bush, but this boneheaded move by the Justice Department is inexcusable. The currently presiding judge wanted a fair agreement. The ONLY party this agreement seems "fair" for is Microsoft!

Kelly Baker, M.S.  
Systems Engineer

**MTC-00002221**

From: Aaron Burton  
To: Microsoft ATR  
Date: 11/26/01 9:35am  
Subject: Antitrust settlement

I don't feel like the proposed settlement is strong enough. I don't see what is going to stop Microsoft from including more software in the operating system, which will hurt competition. What they are doing with XP is many times worse than what they did with Internet Explorer. As long as they are allowed to do that, fair competition does not exist.

Thank you,  
Aaron Burton  
Topeka, Kansas

**MTC-00002222**

From: ANTHONY J DURAN  
To: Microsoft ATR  
Date: 11/26/01 9:29am  
Subject: Prosecute...

...lawbreakers to the fullest.

It's that simple.

Microsoft has, will, and plans to in the future continue crossing the legal limits of acceptable behavior and activity with respect to laws controlling business and commerce.

Please add my names to the list of those who feel the USDOJ settlement is completely unsatisfactory and inadequate in relation to the crimes committed by Microsoft.

Feel free to contact me about these matters and or confirm/authenticate this e-mail.

Yours truly,  
Anthony J. Duran  
214 e dayton  
fresno,ca 93704  
P.S. Have you no\_shame?

**MTC-00002223**

From: Stephen Perry  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/26/01 11:37am  
Subject: Microsoft Judgement

I am very disappointed to learn that the Justice Department is providing Microsoft with a leg-up on its way to becoming a more deeply entrenched monopoly.

To consider Microsoft giving computers to schools a "punishment" is foolish. It merely provides the following:

1 Pushes out competition for school sales, among the most notable victims, Apple.

2 Rewards Microsoft by providing them with an assured customer base as a result of indoctrinating students into the operating system and programs of one company.

3 Encourages students to think that Microsoft is endorsed by the schools systems, as well as state and federal governments.

4 Demonstrates that the government supports, rather than condemns monopolistic practices.

A better solution would be to have Microsoft provide FUNDING to school systems, earmarked for purchase of technology and educational materials, without any encouragement towards, discouragement from, or reference to specific brands.

Make it clear that Microsoft is not giving this funding out of the goodness of its corporate heart, but rather as a punishment for illegal and immoral business practices. This must be a lesson in civics, not an example of how to work around the system to get what you want.

Steve Perry  
Llewellyn Worldwide, Ltd.  
v-651-312-8591  
f-651-291-1908

**MTC-00002224**

From: David.Tyler@lvvwd.com@inetgw  
To: Microsoft ATR  
Date: 11/26/01 11:15am  
Subject: Microsoft settlement

I think it is disgusting that Microsoft may be allowed to expand it's market monopoly by donating it's own software to schools. This only expands the monopoly that the company wants to have of the software market. We will be training our children to use the very product that we are claiming wants to dominate the market. Would we allow drug dealers to donate their product to schools as a penalty? Another problem is that when Microsoft donates \$5 worth of product

they will claim \$500 of tax deduction for losses. What a scam!

I can see Bill Gates proposing this plan, but I can't believe that anyone would accept it! He should be laughed out of town.

David Tyler

**MTC-00002225**

From: David Pakman  
To: Microsoft ATR  
Date: 11/26/01 11:12am  
Subject: Comments on proposed Final

Judgment  
Renata Hesse  
Trial Attorney  
Suite 1200  
Antitrust Division  
Department of Justice  
601 D Street, N.W.  
Washington, DC 20530

Dear Sirs:

It is with great sadness and despair that I write you to comment on your proposed settlement with the Microsoft Corporation. I write you as a concerned citizen, former technology executive, and consumer.

First, I fear that my comments and others you may receive from concerned citizens are simply part of the process and can have no bearing on your decision to move forward with any settlement or not. Will my comments really have an impact on your thinking? From all that I have read about the settlement process, you and 9 states AG's have already decided to move forward with the proposed settlement. Sad, indeed.

Next, I fear that you will not even be watching the computer industry by the time the true effects (or lack thereof) of this settlement are seen...you will be off on the next industry, the next project, unaware that your actions in the next few months will determine the fate of true competition in the IT industry—the engine of our economy for the foreseeable future. Under Joel Klein, the US DoJ successfully humbled Microsoft, the most fierce and ruthless monopoly in the history of capitalism. The arrogance and blindness of Microsoft's own actions were turned against them and put on public display for all the world to see. Finally, others were able to see what those of us in the tech industry already knew: Microsoft's dominance and likely illegal predatory tactics were driving innovation out of many new markets, artificially raising prices, and depriving the consumer of ordinary fair market benefits. Would anyone care?

Yes, it seemed. The US DoJ really cared. They were undeterred in their pursuit of justice and remedy. They would not settle for easy work-arounds...instead they wanted to see the problem solved. They knew from MS's history that MS have become experts at saying one thing and doing another. Evidence at trial even suggested that MS's had skillfully maneuvered around the 1995 Consent Decree and had all the power to do it again. A simple decree with new rules for MS to follow would never solve the problems of cultured predatory tactics.

But then something changed. Somehow your thinking turned 180 degrees. Now, suddenly, the DoJ was leading the charge towards a new consent decree through settlement. I read the proposed Final

Judgment and CIS with wide eyes. Could there really be something here? Could this decree actually change MS's behavior? What was in it that would be different this time? The truth is, nothing. There is nothing new here. MS will simply work around any new "rules" which are put in place and will become experts at delaying any of your future investigations into them. The 3-person "compliance" panel will do nothing to change 20 years of behavior instilled in every employee by its management. MS learns from its past. It has won with its tactics of the past and they will be employed again.

Most importantly, this settlement will not give the capital markets any confidence that in markets where MS competes, true competition will emerge. Said simply, just as it has been for the last 15 years, both public and private investors will not fund companies in markets where MS has announced their intention to compete...because MS advantages fueled by their OS monopoly are too great. Without investment, there will be no innovation. In short, you really had the chance to make a difference and change things in the computer industry. And as that is certainly the most important industry to the relevance of the future economy, it was an important task for you. But for some reason, you seem bent on failing by somehow going against the evidence of this very case: that MS has a history of perfectly out-maneuvering the government on decrees of this nature. They are a company who NEVER played by the rules. How then will some new rules solve the problem?

I can't help but wonder what caused your turn-around in strategy? Truly was it pressure from a very business-friendly Administration? Was it truthfully a feeling that SOME remedy had to happen soon (after 7 years of pursuing this case, there was a sudden need to see it end)?

We, the public, will never really know. But we will know the effects of your actions, one way or another. If you are right, we will feel the benefit of renewed competition in the most important world markets. If you are wrong, however, the consequences are too great to enumerate. And if you are wrong, will you be around to correct your mistakes? Will their ever be an opportunity like the one in front of you now to fundamentally alter and restore competition in these markets?

I hope, for the sake of some 300 million US consumers, that you have not yet made up your mind.

(For a more detailed analysis of the impacts of the proposed settlement, I like this article the best: <http://www.pff.org/pr/pr110201settlement.htm>)

Good luck,  
David Pakman  
david@pakman.com

#### MTC-00002226

From: LLeeBFI@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/26/01 1:07pm  
Subject: Microsoft Anti-trust proposed settlement November 26, 2001

To whom it may concern:

I am a private individual who has recently purchased the third of a series of personal

home computers since 1986. I have used them for a combination of personal and business work. I have relied on them extensively over this time period. I am a sales and marketing professional and while I am computer literate, I am not a techie.

Each of these three computers came with the Windows operating systems, the first being Windows 3.1, second Windows 95 and currently Windows XP. Basically the only option I had was between Apple and Microsoft and Apple did not have the business software and widespread acceptance of the Windows platform. Never have these programs worked smoothly, and easily. Inexplicable crashes are common across all three versions—Windows 95 being the most reliable of the three.

I have used both Wordperfect and Microsoft Office products across this same time period as well. While I was working for BFI, the company was basically forced to choose a software program that could be used to communicate across all the hundreds of operating districts. Microsoft Word was chosen since it was the program that would NOT (despite published and apparent software choices to the contrary) accept or convert Wordperfect documents into any readable form. Wordperfect on the other hand, had no problem converting the Word files into readable form and was a superior product in every way. The bundling of Excel was the final straw which was also an inferior product but easier to use than Lotus for non computer people which still relied on the crappy Microsoft DOS too extensively.

I have owned Windows XP for about a week at this point and it is a horrible, buggy, nasty program to use. I do not require exotic uses. The very first time I tried to open a Microsoft Word document (older version) with the new version, the whole Word program froze and I became locked into an endless circle of "Did I want to Notify Microsoft of the problem or not". Neither choice worked.

I called my Dell representative and the Microsoft simulation software was not the same as that supplied by Microsoft to Dell as what I was seeing. I called Microsoft. They refused to help me since I did not purchase the program "retail" but instead it was preinstalled on the computer. For \$35.00, I could possibly be helped. I have been forced to call that number before and the only thing the representatives were successful at was taking my money.

This is total market domination and bullying of the individual. Every "upgrade" is never consumer ready. Every "upgrade" crashes and burns even its own earlier versions. The late '80s version of Wordperfect was superior to Microsoft 2000 but I am stuck using the Microsoft behemoth if I want others to be able to read my work.

I agree that the consumer rarely wins in class action suits. I do not want \$10.00 off my next purchase of ever more cumbersome and useless software. Technical support at no cost to all registered purchasers of their products for three to five years after purchase would represent a genuine help. Their products also need to be transparent to me, the consumer, in that I should be able to use Wordperfect or any other basic word

processing software and it should be readable in any Microsoft product as well as vice versa. If part of the settlement is to provide software and equipment to poor schools, it should all be a competitor's product—either Apple or Windows plus Corel software. They should not be given a boost by the government in penetrating their last remaining niche.

Another gross mistake in their software that directly negatively effects the government and government contractors every day is in their Excel software. The spreadsheets have no way of turning off the estimating factor so even if you preset columns to money and multiply by whole numbers and set the estimating to 2 decimal places, the software will still come up with rounding errors so that all columns must be checked by hand and are often sent back and forth several times when a simple three dollar calculator can do such a function with no problem. Feel free to pay the \$35.00 for technical support who will tell you this cannot be corrected. This multiplied across all the government offices wastes thousands of hours annually in productivity. If you have any questions, please feel free to contact me at (703)-237-1964.

Very truly yours,  
Linda Lee

#### MTC-00002227

From: Lynn H. Poulson  
To: Microsoft ATR  
Date: 11/26/01 12:41pm  
Subject: Microsoft Settlement

With all respect, it seems strange to me that the way you deal with a monopoly is to have them "give" computers to school that runs their software so that the schools are forced to become Microsoft users and are then forced to continue to purchase the monopoly software in the future. Wow! That makes sense!

Lynn H. Poulson M.Ed.  
Home and Family Studies  
Snow College  
P. O. Box 1004  
Ephraim UT 84627  
435-283-7485  
Fax: 435-284-7492  
Lynn.Poulson@Snow.Edu

#### MTC-00002228

From: Chip Scheide  
To: Microsoft ATR  
Date: 11/26/01 12:24pm  
Subject: DOJ settlement with MS—DO NOT ACCEPT IT

To whom it may concern,

Follows is a summary of my position in regards to the proposed DOJ/MS settlement: I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Why? because the DOJ and MS came to a similar agreements in the previous anti-trust case, and here we are again. MS has shown that it can not be trusted (period). It has broken the original agreement between the DOJ and itself. MS intentionally tried to present "forged" evidence at trial, and continues to advance it's predatory practices into new and as yet uncharted areas.

For two small examples:

One, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access any site containing content created in any of the above applications. Limiting consumer choice, both in sites that function with their browser, and software used to create content.

Two, Windows Media Player and audio (MP3s): In the newest operating system (Windows XP), Microsoft has used the Active X software layer to EXPLICITLY cripple third party MP3 players/recorders. They do this by limiting the quality of MP3 recording and playback. The only software, on Windows XP, that will record the best possible sound, or play back the best possible music is Windows Media Player.

Windows Media Player is installed as part of the Windows XP operating system installation. So here we are again, Microsoft is "bundling" software with it's operating system, squeezing third party software vendors out of the market.

How can a Third party software vendor compete? Better software?—sure—but the vendor needs to pay the bills and how do they do that, when the product needs to be given away to match the price of its competition. Better Software?—sure—but how does a vendor create that when the operating system on which the software is to run INTENTIONALLY disables access to functionality?

Again the consumer is put at a severe disadvantage—the only choice of software is Microsoft. Additionally—it has recently been found that Windows Media Player—like most other Microsoft software products—has a severe security problem. There is a security hole in Windows Media Player, which can allow arbitrary, malicious code to be executed—in other words a virus.

So... now consumers are forced to choose—best possible sound and risk a software virus

destroying their software, or security and poor quality sound.

All of the above and much more, has been done right under your collective noses while the DOJ negotiated a cushy "hand slap" settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an "out of the box" computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with "states' rights" Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

Chip Scheide  
Systems Coordinator  
Children's Hospital of Pittsburgh  
Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."  
—William Pitt, 1783

#### MTC-00002229

From: Karl Brockmeyer  
To: Microsoft ATR  
Date: 11/26/01 11:59am  
Subject: Oops...Did you mean to do that?

To whom it may concern,  
I do not kid myself that I know everything about this case, the government or Microsoft. But... I believe opening the road up wider to another market for Microsoft doesn't seem like its going to help end the monopoly that they have on the government, business and consumer worlds.

Did you mean to do that? Or did you get manipulated into this settlement? Don't get me wrong I believe in helping schools. But I also believe that monopolies are wrong regardless on how much money the have and what politicians they support.

I expected more from my government.  
Thank you for a least letting me state my opinion.

Sincerely,  
Karl Brockmeyer

#### MTC-00002230

From: Kennedy, Richard T  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/26/01 2:36pm  
Subject: Antitrust Settlement Between the Department of Justice and Micros oft

I am strongly opposed to the provision of the proposed settlement whereby Microsoft would "donate" hardware and software to schools. At first this appears to be a noble gesture. However, it is nothing more than a thinly disguised effort to monopolize yet another market, the educational one. It would be far preferable and fairer to other computer system manufacturers to have Microsoft donate money to schools and allow them to select the technology to be used.

#### MTC-00002231

From: Larry Winslow  
To: Microsoft ATR  
Date: 11/26/01 2:27pm  
Subject: Microsoft settlement thoughts

I haven't read the complete settlement although I did give it careful attention. It seems to be missing 2 items.

1. What is going to be the punishment for Microsoft? It appears that they are getting off scott-free for their past monopolistic conduct.

2. Shouldn't there be some compensation for those companies and/or public who were damaged by Microsoft's conduct? I wonder how many companies have gone under or have been severely damaged. How much extra has the public had to pay for products? I read a Microsoft statement in the Caldera filings where Microsoft declared it could price things lower and still be priced competitively.

Thanks  
Larry Winslow  
4500 Whitman Ave N  
Seattle, WA 98103

#### MTC-00002233

From: cmprice  
To: Microsoft ATR  
Date: 11/26/01 5:09pm  
Subject: Microsoft Settlement  
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: cmprice@gte.net@inetgw  
From: Patrick J. Ricevuto 5129 147th PL. SE Everett, Washington 98208 425-337-7398  
November 26, 2001

To whom it may concern,  
First, thank you for taking the time to review my comments concerning the U.S vs. Microsoft Antitrust Case's Final Judgment. Included in the following are my questions, critiques, and comments on specific parts of the Final Judgment. I will start with section VI. Definitions, then will address the remaining sections; III. Prohibited Conduct through V. Termination. section VI. Definitions: 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.

My comment: ?server operating system product? has not been defined anywhere in this document.

My solution: Specifically define ?server operating system product? as:  
Server Operating Systems: Microsoft(R) Small Business Server 2000, Microsoft(R) Systems Management Server 2.0, Microsoft(R) Windows 2000(R) Advanced Server, Microsoft(R) Windows NT(R) Server 4.0, Microsoft(R) Windows NT(R) Server, Enterprise Edition, Microsoft(R) windows(R) 2000 Server, and any future releases not named specifically, but created within the penalty period.

section VI. Definitions: 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.

My comment: "Windows Operating System Product" definition should include ALL of Microsoft's Operating Systems: My solution: Define "Windows Operating System Product" as follows:

Server Operating Systems: Microsoft(R) Small Business Server 2000, Microsoft(R) Systems Management Server 2.0, Microsoft(R) Windows 2000(R) Advanced Server, Microsoft(R) Windows NT(R) Server 4.0, Microsoft(R) Windows NT(R) Server, Enterprise Edition, Microsoft(R) Windows(R) 2000 Server,

Operating Systems: Microsoft(R) Windows Services for UNIX, Microsoft(R) Windows XP Home Edition, Microsoft(R) Windows XP Professional, Microsoft(R) Interix 2.2, Microsoft(R) Small Business Server 2000, Microsoft(R) Windows Millennium Edition, Microsoft(R) Windows NT(R) Embedded 4.0, Microsoft(R) Windows NT(R) Workstation 4.0, Microsoft(R) Windows(R) 2000 Professional, Microsoft(R) Windows(R) 95 Version Upgrade, Microsoft(R) Windows(R) 98 Second Edition, Microsoft(R) Windows(R) CE, Microsoft(R) Windows(R) Smart Card Toolkit, and any future releases not named specifically, but created within the penalty period. Concern#1: By starting with Windows 2000 Professional you have left out about 90% of all the Operating Systems currently in use by the public and that Microsoft is maintaining with continuing Service Packs.

Concern#2: You have not mentioned any of the Server Operating Systems in the definition. The Consumer Operating System's code is just a subset of the Server Operating System code.

Question#1: So all of them are exempt?

III. Prohibited Conduct. B.2: the schedule may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product or any group of such products; and

Question#1: Who defines reasonable? Microsoft?

Concern#1: What if Microsoft determines that a reasonable volume discount is greater for company X than it is for company Y, to punish company Y for something Microsoft didn't like them doing?

My Solution: Specifically define a standard table of percentage discounts for numbers of actual volume of licenses, e.g. for 10,000—20,000 licenses the volume discount would be 2% (some average industry number).

III. Prohibited Conduct. B.3.b: such discounts are based on objective, verifiable criteria that shall be applied and enforced on a uniform basis for all Covered OEMs; and

Question#1: What is the ?objective, verifiable criteria??

Concern#1: That ?objective, verifiable criteria? is not specifically spelled out in this document.

My Solution: Specifically define ?objective, verifiable criteria? in this document.

Question#2: Who defines the ?objective, verifiable criteria?? Microsoft?

Concern#1: That ?objective, verifiable criteria? is defined by Microsoft.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?objective, verifiable criteria? in this document.

III. Prohibited Conduct. C.1:

Installing, and displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware or any product or service (including but not limited to IAP products or services) that distributes, uses, promotes, or supports any Non-Microsoft Middleware, on the desktop or Start menu, or icons, shortcuts, or menu entries for applications are generally displayed, except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.

Question#1: Who defines ?types of functionality?? Microsoft?

Concern#1: That ?types of functionality? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?types of functionality? in this document.

III. Prohibited Conduct. D:

Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network ("MSDN") or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

Question#1: Who defines? Timely Manner?? Microsoft?

Concern#1: That ?Timely Manner? is not specifically spelled out in this document.

My Solution: Specifically define ?Timely Manner? in this document to be the same as a new major version of Microsoft Middleware: ?shall occur no later than the last major beta test release of that Microsoft Operating System Product?.

Question#1: What is the definition of Beta test?

Concern#1: That ?Beta test? is not specifically spelled out in this document.

My Solution: Specifically define ?Beta test? in this document to be the same as the Industry understands it (the last stage of testing before the product is released for consumer purchase).

III. Prohibited Conduct. F.2:

Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, except that Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

Question#1: Who defines the ?reasonably necessary to and of reasonable scope and duration?? Microsoft?

Concern#1: That ?reasonably necessary to and of reasonable scope and duration? is defined by Microsoft.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?reasonably necessary to and of reasonable scope and duration? in this document.

III. Prohibited Conduct. G.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, or

Comment#1: Microsoft has already been proven to act in BAD faith, that's why this document was created. They should not be allowed to make that judgment themselves.

III. Prohibited Conduct. G:

Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

Question#1: What in this document is going to prevent Microsoft from entering into a bona fide joint venture, etc. and using that

?ownership? as a way of forcing the OEM, etc. to do what Microsoft wants?

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should be allowed to scrutinize all of Microsofts joint venture, etc. proposals, before they are entered into, and all through their existence.

### III. Prohibited Conduct. H.1:

Allow end users (via a mechanism readily accessible from the desktop or Start menu such as an Add/Remove icon) and OEMs (via standard preinstallation kits) to enable or remove access to each Microsoft Middleware Product or Non-Microsoft Middleware Product by (a) displaying or removing icons, shortcuts, or menu entries on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed, except that Microsoft may restrict the display of icons, shortcuts, or 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; and (b) enabling or disabling automatic invocations pursuant to Section III.C.3 of this Final Judgment that are used to launch Non-Microsoft Middleware Products or Microsoft Middleware Products. The mechanism shall offer the end user a separate and unbiased choice with respect to enabling or removing access (as described in this subsection III.H.1) and altering default invocations (as described in the following subsection III.H.2) with regard to each such Microsoft Middleware Product or Non-Microsoft Middleware Product and may offer the end-user a separate and unbiased choice of enabling or removing access and altering default configurations as to all Microsoft Middleware Products as a group or all Non-Microsoft Middleware Products as a group.

Question#1: Who defines ?types of functionality?? Microsoft?

Concern#1: That ?types of functionality? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?types of functionality? in this document.

III. Prohibited Conduct. H.2 (the second 2): that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.

Question#1: Who defines ?reasonable technical requirement?? Microsoft?

Concern#1: That ?reasonable technical requirement? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-

Microsoft) should specifically define ?reasonable technical requirement? in this document.

Comment#1: This is exactly how Microsoft gains control of the market for a piece of software. They require the developer to use Microsoft's proprietary code for a specific function to work.

### III. Prohibited Conduct. J and J.1:

No provision of this Final Judgment shall: Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

Question#1: Who determines if it would ?compromise the security of a particular installation...?? Microsoft?

Concern#1: That Microsoft can add ?security code? to any piece of code in any product, which would in effect, make this whole document null and void.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?compromise the security of a particular installation...? in this document.

### IV. Compliance and Enforcement Procedures. A.2.a & b:

Access during normal office hours to inspect any and all source code, books, ledgers, accounts, correspondence, memoranda and other documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment. Subject to the reasonable convenience of Microsoft and without restraint or interference from it, to interview, informally or on the record, officers, employees, or agents of Microsoft, who may have counsel present, regarding any matters contained in this Final Judgment.

Question#1: Can counsel advise Microsoft not to make its code available to the Plaintiffs? Or is counsel in a passive role?

### IV. Compliance and Enforcement Procedures. A.4:

The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment, provided, however, that the Plaintiffs shall afford Microsoft a reasonable opportunity to cure alleged violations of Sections III.C, III.D, III.E and III.H, provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect to any knowing, willful or systematic violations.

Question#1: Why is Microsoft given ?reasonable opportunity to cure alleged violations??

My Solution#1: Microsoft should NOT be allowed to ?cure alleged violations?. They should be punished immediately. That is why this document was written.

Question#2: Why are only Sections III.C, III.D, III.E and III.H mentioned?

My Solution#1: Any violation of any section in this document should be punishable immediately. That is why this document was written.

### IV. Compliance and Enforcement Procedures. B.2.a & b & c:

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.

Question#1: Why shouldn't the TC members have a conflict of interest?

My Solution#1: All the TC members should be either neutral or biased AGAINST Microsoft to ensure the toughest possible scrutiny. They don't necessarily have to act on every violation they find, but they should find ALL of them.

### IV. Compliance and Enforcement Procedures. 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. The selection and approval process shall proceed as follows.

Question#1: Why should Microsoft have any representation on the TC?

My Solution#1: All the TC members should be either neutral or biased AGAINST Microsoft to ensure the toughest possible scrutiny. Microsoft should not have in any way, the means to delay, prevent, etc. any ability to scrutinize, find, disclose, etc. any violations. That's what this document is all about.

Comment#1: The way it is set up now, you would get the following TC members: 1 possibly biased against Microsoft (the Plaintiffs choice. Note: if this includes the U.S. Justice Department then this is probably biased for Microsoft). 1 completely biased for Microsoft (the Microsoft choice). 1 probably biased for Microsoft (since the world in 90% Microsoft OS's) So that's 2 pro Microsoft TC members who are supposed to be watching for Microsoft violations.

### IV. Compliance and Enforcement Procedures. B.5:

If the United States determines that a member of the TC has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the TC resigns, or for any other reason ceases to serve in his or her capacity as a member of the TC, the person or persons that originally selected the TC member shall select a

replacement member in the same manner as provided for in Section IV.B.3.

Question#1: Why should the U.S. determine that a member of the TC failed to act...?

My Solution#1: It should be the Plaintiffs, excluding the U.S. Justice Department, that determines that a member of the TC failed to act...

IV. Compliance and Enforcement Procedures. C.1:

Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.

Question#1: Why should Microsoft designate an internal Compliance Officer who shall be an employee of Microsoft...?

My Solution#1: It should be the Plaintiffs, excluding the U.S. Justice Department, that designate an internal Compliance Officer, who is NOT an employee of Microsoft...

IV. Compliance and Enforcement Procedures. C.3.g:

Receiving complaints from third parties, the TC and the Plaintiffs concerning Microsoft's compliance with this Final Judgment and following the appropriate procedures set forth in Section IV.D below; and

Question#1: How does this prevent the Microsoft employee (Compliance Officer) from filtering the complaints?

My Solution#1: It should be the Plaintiffs, excluding the U.S. Justice Department, that designate an internal Compliance Officer, who is NOT an employee of Microsoft...

V. Termination. A:

Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court.

Question#1: Why, and How, was 5 years chosen?

Comment#1: This is NOT long enough. Microsoft has been violating antitrust laws for years.

My Solution: At a minimum, they should be punished for the same amount of years that they have been violating the antitrust laws, so their competitors can make up the lost ground.

V. Termination. B:

In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

Question#1: Why, and How, was just a one-time extension of this Final Judgment of up to two years chosen?

My Solution: Both should be changed as follows: 'one-time extension' should be at least a three time extension, and 'two years' should at least be 5 years. Other Questions:

Question#1: What are the current penalties for all of the years of violating the antitrust laws? Nothing?

My Solution: They should be penalized 80% of their cash holdings as of today. The

monies should be made available as Hi Tech Venture Capital. This will accomplish a couple of things:

1) Will punish Microsoft, but not destroy them, by taking away their ability to control the markets with their huge cash reserves.

2) Will deplete their reserve monies that were gotten illegally.

3) Will provide money to create new markets, via Venture capital, that will compete with Microsoft.

Question#2: Where, in this document, are the penalties for future violations of the antitrust laws? Go back to Court for another 4 years?

My Solution: Define in this document a monetary fine for each type of violation in addition to going to court for more punishment.

Other Comments:

This is about justice, not economics!

The attempt to make this an economic argument is disingenuous.

Punishing Microsoft will NOT hurt the economy. It will help the economy.

There will be hundreds of new companies, with new products, that will not be afraid that Microsoft will either steal, intimidate them out of, or buy their ideas. That's what we lost all of those years that Microsoft was allowed to violate antitrust laws. The market place will continue to prosper, as long as the entrepreneurs are not afraid of losing their original ideas.

Sincerely,

Pat Ricevuto email: cmprice@gte.net 11-26-01.

**MTC-00002234**

From: Edward Rapka

To: Microsoft ATR

Date: 11/26/01 2:40pm

Subject: Comment on AntiTrust settlement [Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Gentlemen:

It's my understanding that you are accepting comments regarding the Microsoft Antitrust Settlement. Please allow me to express my thoughts on the matter. I have been both a personal and professional user of a variety of computer systems for over twenty years now, and have tried to remain informed on the various issues in both a technical and an economic sense. I now find that there may be a political element involved here, as well. It has been a cause of growing concern for me over the past few years that the almost overwhelming coopting of especially the desktop market by Microsoft is has been so uncritically accepted as a fact of life. I'm concerned because such dominance of such a vitally important area by a single corporate entity cannot possibly be considered beneficial, and could easily lead to abuses. I'm reminded of the situation regarding Standard Oil that originally led to the institution of the antitrust statutes: a single organization that could impose its corporate will into the marketplace. A comparable situation would be a single manufacturer of automobiles being able to dominate the transportation field. Even where other modes of transport still existed such as busses and trains (compare the niche operating systems

in the computer world such as gnu/linux and OS/2), such an all-powerful entity could in short order specify that only a single brand of gasoline could be used in its engines, and that its cars could only be driven on approved highways. Such restrictive control on the major means of transportation would effectively place an iron lock control on virtually every avenue of commerce involving the moving of people and goods. One corporation would exert more effective power than the Congress of the U.S. and the President combined!

This is hardly an exaggerated example. Just such a situation is being foreshadowed by the dominance of the Microsoft-owned Windows OS in many areas, such as internet commerce, communications and the replacement of broadcast entertainment channels with restricted computer-centric avenues. Just as we need a competitive environment among automobile manufacturers, we need a competitive situation in the i-commerce world we are fast moving into. Otherwise a single entity will become the gateway through which all commerce passes. Not only will they be able to impose whatever fees they wish, but they would also be able to subtly (or not so subtly) restrict access by any persons or companies deemed, perhaps, unsuitable. How can an unrestricted Redmond monolith impose its will in this brave new world? Well, consider just for a single example Microsoft's recent election to abandon support of third-party plug-ins in their Internet Explorer browser, which has an overwhelming dominance in the market. In a single sweeping move, they have effectively excluded dozens of what were to this moment industry-standard technologies for the presentation of content such as sound, movies, animation and 3-D. These are technologies developed by non-Microsoft companies, which are in many ways far superior to the mechanisms Redmond is offering, including such media as Apple Quicktime movies, Real Audio and Video, Macromedia Flash, and even Adobe Portable Document Format. All these technologies will no longer function the moment IE is upgraded with the latest servicepack from Microsoft, which simply breaks them (and for no good reason other than it's a handy way to gently move people toward MS's own versions). Suppose in future years Microsoft elects to stop supporting standard networking protocols in favor of its own proprietary versions, which it might easily advertise as "more secure." The existing infrastructure of the computer world would be upset in an instant and a huge percentage of existing systems would instantly become obsolete and unuseable. By unilaterally dismissing a well-established technology as "no longer suitable" for use with its operating systems, Microsoft would cause millions of consumers to be immediately disenfranchised until they were prepared (both intellectually and financially) to accommodate the edict of the month. The impact on the already faltering economy of the country would be devastating (not to mention the devastation caused by the sudden spike in solid waste disposal of obsolete equipment!). By allowing Microsoft to continue its monopoly position

unchecked, the DoJ is making such a scenario an unavoidable economic disaster.

In addition, in now re-coding existing and proven technologies so they will continue to work in their upgraded versions, a proprietary protocol known as "Active-X" must be used. This protocol is dangerously unsecure in that it can easily conceal viruses and other dangerous code that will allow a variety of unpleasant or even destructive things to be secretly encoded into innocent-looking movies, sound files and animations by vandals, crackers and even terrorists bent on destroying computer systems. In the IT field, it is a well-established fact that Microsoft software is excessively vulnerable to this kind of secret tampering (both due to its inherent weaknesses and to the fact that it is so prevalent in the marketplace). It also means that these third-party plug-ins will now have to work through yet another layer of code, which will slow them down and make them appear to be less efficient than their Microsoft counterparts, even in those cases where they are inherently faster and superior (again, Quicktime is a perfect example, being a faster and superior mechanism for displaying motion pictures on a computer screen than MS's own Real Media Player).

This will also mean that both new and existing computers that get upgraded will no longer be able to access many existing internet websites that rely on these tried-and-true technologies, such as JavaScript, the Java language, Quicktime and a host of other languages and protocols which have been adopted over the past ten years. This will instantly exclude a large percentage of the commercial marketplace and the average citizen from participation in the burgeoning i-commerce area, without extensive (and expensive) retooling of their websites and i-commerce engines. Microsoft is effectively using its market domination to impose special controls and requirements on any entities that wish to use the internet, requirements that can very easily be withheld, withdrawn, or excessively charged for in the very near future.

Imagine a commercial marketplace wherein no vendor could market his wares without the sanction of the Redmond giant, who could easily decide that a particular product or service was, for whatever reason, not in the best interests of the economy, the country, or perhaps Microsoft's own monopoly position. It would be akin to saying that only approved people could use American currency for their commercial transactions; all others would need to use the barter system.

With no consideration of such consequences in the recently approved settlement, you are allowing Microsoft not only to successfully extend their operating system monopoly into internet commerce, but also into the realm of the content provider. Not only have they effectively gotten away with breaking the law, in not being called on their moves the Justice Department is setting up the game for them to easily break it again.

Quite simply, it is not an unreasonable projection that within a few years, the average consumer (the kind of person

without the smarts to understand how an operating system works and tinker with it) will simply be unable to view any content that Microsoft has not either provided or at least sanctioned with their corporate blessing!

Is this the kind of situation we wish to set up? We are currently raising enormous security consciousness so we will not once again be blindsided by foreign nationals intent on bringing down our American economic system. Do we really wish to lay the groundwork for this great system to be subverted from within our own shores by a corporate giant with a single goal in mind: to wrest total control over all economic transactions being made using any form of computer, whether on a desktop, in a corporate environment, or using internet connectivity? In my opinion, we should not. The correct remedies should be to impose reasonable limitations on Microsoft's ability to impose mandates on operating systems, internet communication protocols, and interactivity involving commerce, entertainment and personal productivity softwares. If it is considered not feasible to break up the giant in the same way Standard Oil and AT&T were, there should at least be legally enforceable mandates that Microsoft open up a portion of its operating system coding to third-party developers, legally enforceable mandates that they accommodate what is known as "open source" development wherein many people contribute to the improvement of software products for the benefit of all users, and legally enforceable mandates that future upgrades of the Windows operating system continue to accommodate universal standard protocols such as TCP/IP, JavaScript, HTML and XHTML, and others currently being considered by internet oversight organizations and future-looking innovators.

The idea that Microsoft and Microsoft alone should be the sole purveyor of "innovation" is, in the vernacular, bullshit. True innovation has given us the internet as we know it. The kind of innovation that Redmond proposes will just as surely take it away from us and impose the kind of strictures and limitations that lead to stagnation and attrition, while denying the citizens of America (and the rest of the world) the enormous potential benefits of the computer/internet revolution.

As a concerned citizen who has thought long and hard about this matter, I strongly urge the Department of Justice to impose as stringent a set of controls and restrictions upon the Microsoft Corporation as allowed by the law, for the benefit of my fellow citizens of this great country, its own economic security and the continued prosperity of both the United States and the planet Earth.

Edward A. Rapka 14110 Valerio St. Van Nuys, California

**MTC-00002235**

From: Jon Callas  
To: Microsoft ATR  
Date: 11/26/01 7:16pm  
Subject: Comments on Microsoft School Donation Plan

I am shocked and appalled that this would happen. One of the few places where there

is still some semblance of competition for computers is in schools, where it is common to see non-Microsoft systems. Having Microsoft give schools computers and software for free helps them, it does not punish them.

It helps them two ways: (1) It puts more Microsoft systems in place, thus furthering their monopoly. (2) The marginal cost of software is close to zero. Once you have created the software, the cost of a copy is close to zero. Thus they get to appear to be "fined" when in fact they are giving something that costs nothing to produce.

**MTC-00002238**

From: DrewCorm@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/26/01 8:02pm  
Subject: AntiTrust settlement

Dear sirs,

As a professional in the high-tech arena for a decade, I am very disappointed with your recent decision to cave in on the Microsoft anti-trust suit. You have proven that they have improperly used their monopoly to inhibit competition, and that they are not above lying and introducing false evidence into a court of law. Furthermore, they have a history of renegeing on previously negotiated settlements—and there are no real teeth in this agreement to force them to obey the law. I strongly disapprove of this settlement and would rather see fundamental changes at Microsoft that would allow free competition.

Sincerely,  
Drew McCormick  
Product Marketing Consultant

**MTC-00002239**

From: Mary Paul Stewart@berlex.com@inetgw  
To: Microsoft ATR  
Date: 11/26/01 7:35pm  
Subject: I object to the proposed terms

To Whom it concerns,

Thank you for providing the opportunity for consumers to email opinions regarding the Department of Justice's proposed settlement with Microsoft. While I think the most of the proposed settlement is rather anti-climatic, I am extremely disturbed by one particular aspect of the proposed terms: WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said.

This is, quite simply, shocking! How is Microsoft's monopoly position weakened if they are "forced" to distribute more product, thus enlarging a monopoly position?! I suppose Microsoft will also be permitted to write this off as a "donation" from their taxes? This is hardly a punishment for an unbelievably cash-rich company that has been labeled by our courts to be a monopoly!

The correct penalty is for Microsoft to purchase a billion dollars in software,

operating systems and hardware FROM THEIR COMPETITORS to place in these poorest schools! The competitors are the ones who have been hurt by the illegal practices of Microsoft and therefore deserve to receive some benefit! This trial was about Microsoft's illegal competitive practices against the Netscape browser, not to mention the many examples of Microsoft's unfair practices that were demonstrated during the trial. Netscape was nearly destroyed by Microsoft, having lost at least 60% of their browser share over the past 3 years. For this reason, the Department of Justice must not allow Microsoft to place the Internet Explorer browser in schools. And since Microsoft has "commingled" the Internet Explorer browser code into the coding of the many flavors of Windows operating systems (XP, ME, 98, etc.) it is clearly inappropriate to permit any Windows operating system to be "donated."

Please, don't let Microsoft walk away once again from their blatant unlawful behavior with another slap on the wrist. I just know they are sitting in their ivory towers laughing right now.

Sincerely yours,  
Mary L. Paul Steward

#### MTC-00002240

From: Christopher Gebhardt  
To: Microsoft ATR  
Date: 11/26/01 9:55pm  
Subject: Comments on the Microsoft settlement

To whom it may concern,

As a student of computer engineering who has followed the progress of the Microsoft anti-trust case from the beginning, I would like to voice my disappointment with a couple aspects of the proposed settlement. Although I believe that Microsoft's unethical business tactics should be punished monetarily and with regulations on OEM pricing and licensing, these are not solutions to the root of Microsoft's monopolist power. The real issue is a more technical one.

Microsoft's ability to twist the arm of the market into buying its software comes primarily from its proprietary file formats—most prominently, those used by Microsoft Office. The MS Office file formats, such as for word processing (.doc) or spreadsheets (.xls), are merely a "map" for storing the data generated by their respective programs. Proprietary file formats do not give Microsoft products any technological advantage in the software market. Instead, they are merely a means to keep competing software from being able to properly load and modify documents created by Microsoft Office.

As a result of proprietary file formats used in Microsoft programs, customers who already use MS Office (or who must communicate documents with people who do) are unable to switch to competing products. Most of this competing software is just as capable, if not superior, to Microsoft's own, but is unusable to many people simply because it cannot properly import data from Microsoft's programs. Because Microsoft has kept its file format "roadmaps" secret, competitors and free software projects are unable to provide the compatibility necessary to win customers.

I believe that the solution to this issue is very clear and should be added to the anti-

trust settlement. I propose that Microsoft be forced to publish, on its public web site, the full specifications and details of all current, previous, and future file formats used by Microsoft Office software. This remedy need not include any Microsoft source code, rather only plain-English technical documentation. Such information would allow competitors to extend their software to be fully compatible with Microsoft Office file formats—although this information should also be made freely available to the public so that charitable free software projects may benefit from MS Office compatibility. Please thoughtfully consider what I have proposed and feel free to respond via e-mail with any questions or comments.

Thank you. And may God bless America!  
Christopher Gebhardt  
linuxman@psu.edu

#### MTC-00002241

From: Ed  
To: Microsoft ATR  
Date: 11/26/01 8:38pm  
Subject: Microsoft Anti-Trust Settlement

I have read of the implications of the settlement of the Anti-Trust case against Microsoft. I understand this email address requests comments on the outcome of that case.

I have been working with computers in education for about 23 years. I've taught with systems from dialup mainframes with time sharing to today's Pentium systems. I understand that the market votes with their purchases of software and operating systems. However, I am very concerned about any action that would actually encourage additional marketshare for any one company.

If one of the terms of the settlement is to let the company "donate" computers and software to schools, I fail to see how this "makes up" for any alleged wrongdoing. It appears to actually enhance the problem that the lawsuit seemed to address. Schools with donated Microsoft software may be less likely to use alternate operating systems or applications, and this simply adds to the "repeat business" that will add to the market share and create an even larger base of Microsoft customers. There are already many problems that arise due to Microsoft dominance, and any remedy should encourage a broader base of platforms and software options, rather than narrowing the options available to users. A better solution would be a donation of equivalent funds to schools, and let the schools "vote" for what is right for their school. Reduced funding for schools choosing products other than those from Microsoft forces the schools into a one-way decision process.

I have found that by using systems outside the "mainstream," we have avoided many of the problems that other users experience. Several of the issues we have avoided are the viruses so prevalent in the Windows world, the security issues often mentioned with servers and networking devices, and overall quality issues. I am concerned about a world where the Passport system becomes "required" defacto to do business on the Internet and where one day we become so dependent on one company to provide all the software we need. If the "mainstream" becomes the "only stream," we may have

fewer choices, quality may be lowered, and consumer options become limited.

Ed Palmer  
4210 McGregor  
Dripping Springs, TX 78620

#### MTC-00002243

From: Glenn Gardiner  
To: Microsoft ATR  
Date: 11/27/01 1:24am  
Subject: Microsoft Sellout

To Whom It May Concern:

The so called settlement is an embarrassment. Nobody has been able to control Microsoft during its entire existence. What makes you think I believe a couple of "overseers" sitting in an office will have any effect upon Microsofts behavior and actions. The now spin less Justice Department did nothing to delay restrict or stop the release of Microsoft Office XP. This settlement is basically what was decreed in an earlier acton brought against Microsoft and Microsoft ignored it. This is a completely usless settlement. How stupid are the people running the Justice Department under President Bush? I have read that the governments position that breaking up Microsoft would do greivous harm to the economy. Why doesn't the government care what Microsoft has has done to dozens, possible hundreds of other companies. Apparenty, it is not enough to be declared a monopoly. Apparenty, the lesson to be learned is that you must make yourself so big that it no longer matters how many companies you destroy on your way to the top. Nice lesson for all those "Young Republicans"

Respectfully,  
Glenn Gardiner

#### MTC-00002244

From: Richard T. Kennedy  
To: Microsoft ATR  
Date: 11/26/01 11:42pm  
Subject: Antitrust Settlement Between the

Department of Justice and Microsoft

I am strongly opposed to the provision of the proposed settlement whereby Microsoft would "donate" hardware and software to schools. At first this appears to be a noble gesture. However, it is nothing more than a thinly disguised effort to monopolize yet another market, the educational one. It would be far preferable and fairer to other computer system manufacturers to have Microsoft donate money to schools and allow them to select the technology to be used.

Richard Kennedy  
18825 6th Avenue Southwest  
Normandy Park, WA 98166-3978

#### MTC-00002245

From: kbiz  
To: Microsoft ATR  
Date: 11/26/01 10:33pm  
Subject: Microsoft Litigation  
US Dept. of Justice-Microsoft Anti-trust comments:

I consider myself an average American. My father, my brother and I all received Honorable Discharges from full enlistments in either the US Marine Corps or the US Navy. And, having almost 40 years of technical and management experience in Computers and Telecommunications

technologies with several of our largest corporations, I feel an urgency to speak in the face of threatening censorship and secret political employee profiling.

America is sick and despondent with the loss of its freedom and impending doom to her dream. At a time when ad agencies dictate to the US Congress and representative government have generally sold the American Dream down the river, it is indeed a stretch to ask for your compliance to uphold the law, placing your family and career at risk. But, Microsoft and company have brought tyranny to the American consciousness in ways that Bin Laden and our would be destroyers only dream about—the end of freedom—the end of the American Dream is in sight. Read the Global media—Microsoft is E V I L.

Microsoft's family of crime should not only be splintered beyond recognition, but these criminal perpetrators should receive the just rewards of any terrorist hoodlums. They have accomplished through conspiracy and larceny what no outside terrorist can or will do to America, by destroying the freedom and spirit of the American workplace from within. Microsoft has left a trail of tears and broken laws, dismembered hearts and withered creativity; an infection, a collection of rotten, tainted, stolen technologies—the ghost in the machine beckons and cries out for justice.

Now, we all work for the crime family regardless of our beliefs. The Quality principles of America's National Treasure, Dr. W. Edwards Deming, which brought us unrivaled teamwork and prosperity have been co-opted, distorted and twisted to serve a demonic ideology. A continuous stream of disasters is ample evidence of Quality draining from the American infrastructure.

Without real choice, we are just slaves. Without choice, there is only propaganda. Without this basic choice, American consciousness will be divided in digital warfare for the century to come, unless of course, she succumbs to grim tyranny altogether.

Please, in this 11th hour of our freedom, try to preserve the dream that so many in our families have fought and died for. Thank you for your time and consideration,

Kenneth Brauchler  
2295 Redwood Ave.  
Lafayette, Co. 80026

**MTC-00002246**

From: r(u)hodg Hodgson  
To: Microsoft ATR  
Date: 11/27/01 3:39am  
Subject: Microsoft Settlement

I have just red Microsoft's offer and I personally feel that it is a very good offer. I will be greatly disapointed if it is turned down. These are just my thoughts. Thank you for your time and indulgence.

Yours respectfully, Robert K. Hodgson;

**MTC-00002247**

From: Florian Dejako  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/27/01 2:48am  
Subject: Microsoft Settlement

This case should not be settled under these conditions for reasons already stated enough

on various web sites, news articles, and countless other emails you received from many other people.

Florian Dejako

**MTC-00002248**

From: Robert Bogar  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/27/01 2:18am  
Subject:  
Subject: Microsoft Settlement

I am a voting resident of the county of El Dorado in the State of California, United States of America. I am a working computing professional. I've just read the news on the proposed one billion dollar settlement. I am against this settlement with Microsoft.

As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Robert Bogar  
CC to:  
California: microsoftcomments@doj.ca.gov  
Connecticut:  
attorney.general@po.state.ct.us  
Florida: ag@oag.state.fl.us  
Iowa: webteam@ag.state.ia.us  
Kansas: GENERAL@ksag.org  
Massachusetts: GENERAL@ksag.org  
Minnesota: attorney.general@state.mn.us  
Utah: uag@att.state.ut.us  
West Virginia: consumer@mail.wvnet.edu  
CC:microsoftcomments@doj.ca.gov  
@inetgw.attorney.gener...

**MTC-00002249**

From: George Verkler  
To: Microsoft ATR  
Date: 11/27/01 8:24am  
Subject: Microsoft settlement

I will start this out by saying that I am an Apple user/supporter. So to this end I am biased as I feel they make the better OS/ Equipment. However, when it comes down to the merits of this settlement I feel you are encourageing Microsoft to continue their already legally detemined illegal monopolistic practices. In the long term what will happen is;

Schools so chosen will require upgrades to both equipment and software. They will of

course go straight to Microsoft as that is what they have already and will be less expensive than purchasing all new equipment and software.

Students will have the Microsoft logo in front of them all the time, at a time in their life where they are the most susceptible to influences. When they have an opportunity to purchase their own system they will probably, not necessecarilly, go with a Windows OS machine.

This settlement pushes the monopoly further. They will gain market share now and make money from it in the future. Not trying to toot Apples horn on this, but this forces Apple OUT of the market in these areas that you are planning on having Microsoft pay thier penalty to. As I said, this encourages a more and bigger monopoly.

I feel that if you penalize them, it should be a penalty and not a money making proposition. Make them purchase competeing systems. Hands down Apple is overall better. More cost effective to own, easier to maintain, easier to network, more creative tools. But if you think that isn't fair, at least let the school systems decide what they want to put in their schools. And make sure there is no pressure applied either way. Let the schools research to determine what would be in their best interest. Here is a page to help in that thought.

([http://homepage.mac.com/mac\\_vs\\_pc/Intro.html](http://homepage.mac.com/mac_vs_pc/Intro.html))

My whole premis is that if you are judged guilty of a crime you should be punished. I don't think this settlement punishes. It instead pushes the monopoly that you fought to prove, further into our lives.

Thank you  
George Verkler

**MTC-00002250**

From: Chris O'Rourke  
To: Microsoft ATR  
Date: 11/27/01 7:17am  
Subject: settlement?

This settlement can only benefit Microsoft and likely to further entrench its monopoly.

Microsoft stands to increase its presence in schools, and decrease Apple's share in the market. The end result will only serve to increase Microsoft's share and influence in the education market. Unless of course they allow schools to choose the software that they use. Even more American workers—not to mention those in Australia—will receive greater exposure to Microsoft products which will benefit Microsoft for many years to come.

In my opinion this settlement will likely have no impact on Microsoft's anti-competitive practices.

And it does nothing to bridge the digital divide outside the US.

Chris O'Rourke  
Bathurst NSW Australia.

**MTC-00002251**

From: Joseph Holmes  
To: Microsoft ATR  
Date: 11/27/01 8:55am  
Subject: Microsoft Settlement Comments

I write to oppose the settlement with Microsoft. The deal favors Microsoft so strongly that I find I'm actually shocked. The

arrangement will clearly not only fail to correct Microsoft's illegal activity, it will actually serve to benefit Microsoft. Microsoft was found to be practicing illegal, monopolistic behavior for tactics that served to increase their market share, for bundling free products to gain market share, and for illegally blocking other's products to gain market share.

And yet, the proposed settlement will have the ironic result of increasing Microsoft's market share of both the OS and bundled products. As just one obvious example, Microsoft has long struggled to gain a serious foothold in the education market, one of the few markets it does not yet overwhelmingly control. Incredibly, the proposed settlement would result in an increase in Microsoft's share of that market.

The settlement should be rejected.  
Joseph Holmes  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

#### MTC-00002252

From: Dave Koziol  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/27/01 8:52am  
Subject: Microsoft Settlement

I'm writing to complain that a significant piece of the proposed Microsoft settlement does nothing but further the Microsoft Monopoly. As I understand it, one piece of the settlement is that microsoft will donate a bunch of software to schools. Schools have long been one of the strongest domains of Microsofts only commercial competitor Apple Computer. This donation would only serve to increase Microsoft's Monopoly, and further jeopardize consumers feadom of choice.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Dave Koziol koziol@arbormoon.com  
Arbor Moon Software

#### MTC-00002253

From: Bob LeVitus  
To: Microsoft ATR  
Date: 11/27/01 8:28am  
Subject: Microsoft anti-trust comments

Dear Department of Justice,  
I've just read the news on the proposed one billion dollar settlement with Microsoft.

As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and

now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. It does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Please don't let them get away with it.  
Regards,  
Bob  
Bob LeVitus \* Writer and raconteur  
boblevitus@boblevitus.com \* http://www.boblevitus.com

CC:  
microsoftcomments@doj.ca.gov  
attorney.general@po.state.ct.us  
ag@oag.state.fl.us  
webteam@ag.state.ia.us  
GENERAL@ksag.org  
tom.reilly@ago.state.ma.us  
attorney.general@state.mn.us  
uag@att.state.ut.us  
consumer@mail.wvnet.edu  
CC:microsoftcomments@doj.ca.gov  
@inetgw,attorney.gener...

#### MTC-00002254

From: Bion Schulken  
To: 'microsoft.atr(ajusdoj.gov'  
Date: 11/27/01 10:35am  
Subject: Microsoft Settlement

This responds to USDOJ's request for public comments regarding the antitrust settlement with Microsoft Corporation.

As a user of Microsoft products as both a consumer and information technology manager for a unit of a Fortune 500 company, I believe the remedies cited in the Proposed Final Judgement are insufficient to either correct the damage caused by Microsoft's past practices or to sufficiently preclude Microsoft from engaging in similar consumer-damaging anti-competitive behavior in the future. My comments below address specific sections of the Proposed Final Judgement.

In general, the relief provided by the judgement is neither prompt, certain nor effective. The relief is not sufficient to prevent recurrence, and the focus on middleware and the OEM distribution channel is too narrow to provide effective relief or deterrents against repeated anti-competitive activities.

Re: "Ensuring that computer manufacturers have contractual and economic freedom ...by broadly prohibiting retaliation against a computer manufacturer that supports or distributes alternative middleware or operating systems." and "requiring that Microsoft provide uniform licensing terms to the 20 largest ...computer manufacturers."

This provision does absolutely nothing to protect developers from direct retaliation. Worse, it does nothing to protect consumers (private or business/corporate) who purchase software products and upgrades either directly from Microsoft or through third party vendors. The cost and implementation time involved in changing software platforms dictates that most Microsoft users will continue to upgrade to newer versions of Microsoft products, and the judgement does nothing to protect such consumers from anti-competitive pricing and licensing tactics.

The focus on the OEM distribution channel is far too narrow to significantly inhibit anti-

competitive behavior in the broad market. It leaves open other opportunities for anti-competitive behavior which will directly impact consumers and end users availability of choice and cost of ownership for several years beyond the initial purchase of computer hardware.

Re: "Ensuring that computer manufacturers have the freedom to offer, and consumers the freedom to use, non-Microsoft middleware, by requiring Microsoft to provide the ability for computer manufacturers and consumers to customize, without interference or reversal, their personal computers as to the middleware they install, use and feature ..."

This provision does not address ease of use of customization as a barrier to such activity. Microsoft can continue to create barriers to consumer choice through continuing to create arcane interfaces which are, at best, confusing to ordinary consumers and difficult for technical staff to work around. This provision will all but ensure that ordinary, non-technical consumers will continue to be directed toward Microsoft products and services and away from competitive products and services which offer better value and ease of use.

Re: "Ensuring that Microsoft cannot thwart the purposes of the remedies ..." This provision does nothing to penalize Microsoft for demonstrated anti-competitive behavior and does not preclude the company's continuing such behavior. The language in the provision only requires them to offer licenses, but nothing in the agreement requires them to provide reasonable licensing requirements which do not create competitive barriers.

Re: "Depriving Microsoft of the means with which to retaliate against, or induce the hindering of the development of, competing products by prohibiting Microsoft from entering into agreements that require parties to exclusively, or in a fixed percentage, promote Microsoft middleware or operating system products."

Like earlier provisions, this provision focuses too narrowly on the OEM distribution channel and does nothing to prevent Microsoft from creating barriers through unreasonable licensing agreements with end users and/or developers.

Re: "The requirements and prohibitions in the Proposed Final Judgment are supported by strong enforcement provisions, including the power to seek criminal and civil contempt sanctions and other relief in the event of a violation, and the imposition of three full-time, on-site, independent enforcement monitors..."

Regarding the claim of "strong enforcement provisions", DOJ has just sought sanctions and other relief for violations which has reached an ineffective end with this judgement. This provision just allows you to repeat this ineffective proceeding.

Further, three persons to monitor the technology development and commercial practices of a company this size is totally inadequate to provide meaningful oversight. At best it will result in a checkoff by the monitors that Microsoft, on its honor, has not violated any law or provisions of this agreement. Microsoft has demonstrated through past behavior that the company will

engage in anti-competitive practices which harm consumers, and the imposition of monitors is not a sufficient deterrent to prevent the repetition of such practices.

The judgement further fails by providing no meaningful penalty against the company nor relief to consumers for Microsoft's past practices.

Regards,  
Bion Schulken  
bion@coastalnet.com  
252.355.6684

**MTC-00002255**

From: Eric Roccasacca  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 11/27/01 10:06am  
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Eric Roccasacca

**MTC-00002256**

From: Stephen McCrocklin  
To: microsoft.atr(a)usdoj.gov,ag  
(a)oag.state.fl.us,att...

Date: 11/27/01 9:37am  
Subject: Microsoft Settlement

I've just read the news on the proposed one billion dollar settlement.

As I understand it, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market

share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Stephen McCrocklin, Director  
The Langsford Center  
1810 Sils Ave  
Lou, Ky 40205  
(502) 473-7000 voice  
(502) 459-8522 fax

**MTC-00002257**

From: Brian Armstrong  
To: Microsoft ATR  
Date: 12/6/01 2:46pm  
Subject: Microsoft settlement  
Sirs,

I think that the antitrust settlement misses the point that Microsoft is a monopoly, has exercised its monopoly power and has harmed the consumer.

It is this last point which is missed. Not in the sense of exacting damages from past harms. The proposed settlement invites harms in the future.

Brian Armstrong  
CEO, MetriCam, Inc.

**MTC-00002258**

From: Cam Causey  
To: Microsoft ATR  
Date: 11/27/01 11:15am  
Subject: Microsoft Settlement  
Hello.

I'd like to add my voice to those expressing misgivings about the proposed settlement of private lawsuits, in which Microsoft would work off it's penalty by giving large amounts of its technology to poor schools. I have to agree with those who point out that this would merely serve to add to Microsoft's competitive advantage, in one of the few markets where there is real competition to the Windows juggernaut.

In fact, given Microsoft's immense resources in ruthless marketing practices, it will take a severe penalty, indeed, to have any real and lasting effect. The breakup of the large corporation into separate operating system and applications entities is one of the few solutions I see that might actually improve competition without stifling innovation. And for the record, it is my opinion that Microsoft has never innovated a single technology, choosing instead to take new ideas developed by others, implement them poorly, and then weave them inextricably into their operating system to force them upon the public. It is in this way that Microsoft can successfully thumb its nose at any attempts to implement standards in the software industry, especially the internet/web sector.

I urge you to re-think this settlement and consider something that will actually promote competition, not defeat it. Thank you.

Cameron Causey  
Database Coordinator  
Marin Conservation Corps

http://www.marincc.org  
415-454-4554 x 14

**MTC-00002259**

From: Tom Ward  
To: Microsoft ATR  
Date: 11/27/01 11:02am  
Subject: Microsoft settlement

I believe the "one billion school funding" settlement negotiated by Microsoft and the other class-action attorneys is a ploy designed to entrench the Windows monopoly while allowing the company to pay back only a tiny fraction of what it actually owes consumers.

I find the proposed conduct remedy to be inappropriate and wholly inadequate for a company which has demonstrated nothing but contempt for previous conduct remedies.

A settlement that required the proposed school funds to be spent on non Microsoft/Wintell products would act as punishment, and give the company an incentive to change their criminal behavior.

Thank you,

Tom

Tom Ward tward@iWaveStudio.com  
President 1072 St. Paul St. Denver,  
Colorado  
iWaveStudio www.iWaveStudio.com

**MTC-00002260**

From: David Godshall  
To: Microsoft ATR  
Date: 11/27/01 11:24am  
Subject: Microsoft Settlement

As a home computer user, computer professional, and computer enthusiast, and with no financial interest in any of the companies associated with the case, and with only a personal desire to see a proper competitive atmosphere within the computer industry as a whole and a fair deal for the general public, I wish to affirm the antitrust proceedings undertaken in the case of USA v. Microsoft Corporation, Civil Action No. 98-1232 (CKK), wherein Microsoft was found to be a monopoly and having violated portions of the Sherman antitrust law. I have read the November 2001 settlement proposed by the US Department of Justice and nine of the plaintiff states and do not believe the proposed settlement is in the public interest. I am no lawyer, but in spite of that I can see and will highlight a number of the more serious problems I perceive with the current settlement.

1. Within the settlement document (Section III, A-B) is the terminology "Covered OEM", which the Definitions section reveals to be the 20 largest Original Equipment Manufacturers. Are not the smaller companies as least as deserving of protection from predatory practices and pricing discrimination as the larger companies, if not more so?

2. Section III, A, 2, prohibits Microsoft from retaliating against an OEM that ships a Personal Computer with a Windows Operating System in addition to competing operating systems, but says nothing about an OEM shipping a computer with a single non-Windows operating system. As such, OEMs which sell some computers with Windows and some computers with a single competing operating system are open targets for

retaliation. Microsoft should have no say in what operating system or systems an OEM includes with any of their computers except in that they get proper payment for each copy of their own operating system actually sold.

3. Section III, C, 1, while initially seeming to disallow such activity, in reality specifically allows Microsoft to dictate in certain circumstances what icons an OEM may or may not place on the desktop or start menu. I contend that the OEM must have the right in all circumstances to include or exclude whatever icons (or for that matter, whatever programs) their customers request, thus allowing healthy competition and differentiation between OEMs, with the general public benefiting by being able to select the OEM that best accommodates their needs and desires.

4. The Technical Committee, as described in Section IV, B, is supposed to be comprised of three technical persons not affiliated with Microsoft. Allowing Microsoft to select one of those people, and furthermore allowing them to influence the selection of the third person, seems to me to be giving Microsoft too much influence over the selection of this committee and too much possibility of bias in favor of Microsoft. Furthermore, the stipulation in Section IV, D, 4, that nothing the TC does is admissible in court makes enforcement of the entire settlement appear very problematic.

5. Microsoft has full discretion in deciding what constitutes a "Windows Operating System Product" (Section VI, U) and what code goes into it. This is totally unacceptable as it leaves Microsoft free to simply define that a non-operating system component is part of the "Windows Operating System Product" and such code is completely unaffected by this settlement, regardless of how many competing or future non-Microsoft products such an action destroys. The moment Microsoft learns or believes a company is in development on a new product, they would have the complete freedom to write code, regardless of quality, functionality, or user interest, define it as part of the "Windows Operating System Product", and thereby destroy the competition before it has a change to even begin. I believe an independent entity needs to define what is essential in an "Operating System Product" and everything else must be made user/OEM optional and completely removable. In addition to the specific shortcomings listed above, I believe it to be entirely too lax on Microsoft. Microsoft was found in a court of law and on appeal to be a monopoly, and furthermore to have abused their monopoly position. This settlement contains no punitive measures for those past offenses, but worse yet it contains little to effectively curb current predatory behavior. What is intended to contain such behavior is full of "except for" terminology that dilutes the effects of the statements, and when Microsoft is found to have violated sections of the settlement, it appears difficult to enforce such violations. Microsoft has a history of violating court orders and a more effective way to prevent that must be found.

Finally, it does not appear to me that the settlement effectively addresses Microsoft's growing practices of tying products into their

operating system in such a way that the user no longer has an option to keep or remove such product, and in fact appears to specifically legalize it (Section VI, U). The most visible example, and one that figured prominently in the proceedings, was integrating Internet Explorer into Windows 98 such that the user can not remove it short of using third-party software (for example, 98lite) or difficult manual changes. Internet Explorer used to be a separate Middleware product in Windows 95, and Microsoft was ordered in court to stop requiring OEMs to bundle it. Rather than respecting the intent and spirit of the court order, however, they attempted legal trickery by integrating it into the operating system such that it was no longer be considered bundling. By doing so, in addition to continuing to use their monopoly position to gain a monopoly in a different area (which they have by now largely succeeded in doing), they have stripped users of their choice of installing or removing Microsoft's web browser. With Windows XP Microsoft has continued and expanded this practice, making a lot of other formerly optional components into non-removable parts of the operating system, thus further reducing the general public's choices, and the OEM's ability to give the general public those choices, and effectively destroying the ability for competitors to compete on an even playing field. The end user, and the OEMs on their behalf, must be allowed and given the tools to do more than simply disable or hide all Microsoft Middleware Products, they must also be allowed and given the tools to completely remove (uninstall) them, allowing them to free up the disk space and other resources that the Microsoft Middleware Products might otherwise be consuming.

While this settlement is a good start, after all the work that has gone into this lawsuit the computer industry and the general public deserve better protection from Microsoft's predatory actions than this settlement provides, and I ask that the court to either reject the settlement in its current form and require that the parties come up with a settlement that better fits the offenses and which can be genuinely expected to prevent them from reoccurring, or rework the current settlement to remove existing loopholes and give the user and OEMs complete control over the choice to install or not install all Microsoft products that are not essential to operating system functions.

Thank you.

David Godshall, Network Manager  
dg@hesston.net  
CC:dg@hesston.net@inetgw

#### MTC-00002261

From: Nathaniel Irons  
To: Microsoft ATR  
Date: 11/27/01 11:17am  
Subject: Microsoft Settlement

I think the settlement is a abdication of the government's obligation to prosecute a convicted monopolist. The provisions for noncompliance are nonexistent. The "compensation" paid to schools amounts to a market share giveaway in one of the few markets where Microsoft is not already completely dominant. The only teeth in this settlement are in the loopholes.

I have never been as proud of my government as when David Boies was demonstrating on a daily basis how capricious and harmful Microsoft is to the US technology industry. His successors in the Justice Department should be ashamed of themselves.

—nat

#### MTC-00002263

From: T Gregory Knox  
To: Microsoft ATR  
Date: 11/27/01 11:59am  
Subject: Penalty' Greater Marketshare

To stop a problem, you must begin at the source of the problem and allowing Microsoft (MS) the ability to send in PC's running THEIR software isn't exactly going to punish MS in the way that they were to be tried. The purpose of the court cases...too much marketshare and a monopolistic company. The possible "punishment"...give more people THEIR software. Not only to people that already use PC's and Microsoft's software, but to children. Children that when they grow older, are familiar with the MS operating systems and continue to use them. Hardly affecting MS's monopoly or their funds. To give a verdict, you must look at the consequences... Punish MS by having MS give schools their software isn't holding them back in anyway from gaining more marketshare and making billions of more dollars. Yes, more money as well because in the proposed verdict, MS will be able to charge the schools a licensing fee for the software that they gave them. MS wins all around.

What needs to be carried out is a verdict that will drop MS's exposure and allow other operating systems and software companies to emerge. The market is so saturated with PC's and MS's software that many people do not even know of alternatives like Mac OS X or even Linux. By constricting MS's exposure, this will allow these other companies to step forward and present themselves in a respectable manner. Money obviously is no object to MS. So that will not solve the problem. Marketshare certainly isn't an issue with MS, either. They have 95% of the market and loosing a few percentage points certainly will not hurt their income, but will help these other companies trying to make a name for themselves. If I was one of MS's lawyers, I would be extremely happy right now. (As well as very wealthy.) Microsoft is looking at this verdict not as a punishment, but as an investment.

Thank you for reading my comments.

T Gregory Knox

#### MTC-00002264

From: Ivan Drucker  
To: Microsoft ATR  
Date: 11/27/01 11:58am  
Subject: Microsoft Settlement

To Whom it May Concern:

I am hardly the activist type, and this might actually be the first time I have written to a government office.

I am concerned about the proposed remedy for Microsoft's anti-competitive behavior. While I am entirely in favor of bringing technology to the needy, it seems to me that this solution is to Microsoft's competitive

advantage, which seemingly defeats the purpose of the action at all. Microsoft has entrenched themselves very heavily into nearly all personal computing markets. Once an organization is on the Microsoft platform (or any platform), there is a very strong gravitational pull to staying with that platform for many years, as it requires significant investment in both products and training to change. This creates a cycle of dependency on upgrades, upon which much of Microsoft's business model is based. Education is one of the very few personal computing markets left where Microsoft has a real competitor in operating systems, Apple Computer. It seems reasonable to assume that, were this plan to go through, that the beneficiaries would not be purchasing computers from Apple for many years. Furthermore, there would likely be a ripple effect, as there would be a certain tidal force in so many schools adopting a single platform from such a powerful player. What this means is that long after the contributions are made, schools (and not only the recipients) will be paying for Microsoft products and support, at the expense of their competitor.

In sum, this plan could hand to Microsoft one of the few markets they have been unable to dominate yet, yielding no real consequences for the anti-competitive behavior which they have been found guilty of. I am all in favor of bring better technology to schools! But that is a separate issue from the appropriate remedy for Microsoft's behavior. I am hardly a legal or business expert and I submit these comments with humility. I am sure you have received many similar comments already, but I feel obliged to speak my peace regarding this matter. Thank you for your kind attention.

Respectfully,  
Ivan Drucker  
43 E 10th St Apt 4E  
New York, NY 10003  
CC:microsoftcomments  
@doj.ca.gov@inetgw.attorney.gener...

**MTC-00002265**

From: Joanne Kalogeras  
To: Microsoft ATR  
Date: 11/27/01 12:40pm  
Subject: MS settlement  
Justices,

Why on earth do you want to add to Microsoft's monopoly by allowing them to seed their inferior software in schools, which is not even traditionally an MS market? Macs are much easier to use, and Apple has held that market for years. You're doing—nothing— but furthering their marketshare by letting them "give" their software to schools, thus locking up a new market for years to come.

This is not at all an equitable settlement. It does nothing to Microsoft financially, except open up a new market for them. Do you want to punish MS for their monopolistic practices, or help them to achieve their own goals?

Sincerely,  
Joanne Kalogeras

**MTC-00002266**

From: Peter

To: Microsoft ATR  
Date: 11/27/01 12:36pm  
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft  
anti-trust comments:  
microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

In addition, it gives Microsoft an "in" to a market that is currently one of the last strongholds of their only operating system competitor: Apple. How can this be fair to either company?

Please reconsider.

Thank you,  
Peter Linde  
The Linde Group, Inc.  
Berkeley, California  
peter@lindegroup.com  
The Linde Group, Inc.  
2612 8th St., Suite B  
Berkeley, CA 94710  
510-705-8910 x33

**MTC-00002267**

From: Julie Noll  
To: Microsoft ATR  
Date: 11/27/01 12:20pm  
Subject: Microsoft Case

This whole issue is getting out of hand. It has become apparent that this is not about justice, simply Microsoft's competitors trying to destroy them. If this were about justice then this case would have been settled.

If Sun Microsystems, Oracle and Netscape would simply build better products, improve their internal business structure and stop spending so much energy on whining about Microsoft they too could be successful.

As an American, I am sick of this whole thing. It has wasted time, money and energy. The U.S. Government has allowed this whole case to escalate by allowing the competitors to go beyond the request of an investigation. It has allowed this to be handled as a revenge case rather than a case about fairness or protecting consumers.

**MTC-00002268**

From: Williamy Shipley

To: Microsoft ATR  
Date: 11/27/01 1:08pm  
Subject: The Microsoft settlement

It stinks. It isn't punishment at all, it's a chance for Microsoft to establish a monopoly in the last area (education) in which it doesn't have a clear one yet.

This is just like the last slap in the hand that Microsoft got for pushing everyone around and holding the industry back, and will be just as effective—not at all. Microsoft will ignore the new rules it's under because they will know, having had it happen twice, that they can break the law as much as they want, and all they have to do is go to court every ten years and get slapped with a tiny settlement. Stand up and fight them. They have held back my industry long enough. They are the driving force behind making software worse for everyone. We are all affected, we're depending on you to stop it.

Yours,

—Wil Shipley  
President, The Omni Group

**MTC-00002269**

From: L Palmer  
To: Microsoft ATR  
Date: 11/27/01 12:41pm  
Subject: Oppose Microsoft private suit  
settlement

Dear Department of Justice,

I would like to express my opposition to Microsoft's proposal to settle lawsuits for abusing monopoly power, by providing computers, software and other resources to poor schools.

This is a breathtakingly self-serving proposal on Microsoft's part. It will further Microsoft's competitive advantage in schools—one arena where its main competitor in the consumer market, Apple, has considerable business. Many teachers prefer Apple products, for their ease of use, longer life-span, and much lower long-term support costs; and I understand that they have expressed grave doubts about this proposal.

It seems peculiar, to say the least, to allow a company to settle complaints of monopoly power, by giving it a golden opportunity to extend its monopoly.

Sincerely,  
Linda Palmer

**MTC-00002270**

From: Riwags2@aol.com@inetgw  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/27/01 12:41pm  
Subject: Microsoft Settlement

US Department of Justice-Microsoft antitrust comments: I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

How could providing their software and training to schools (or anyone) free of charge not increase their market share? Wouldn't that be adding to the issue at hand? I think it's obvious that Microsoft should be not rewarded with an increase in consumer

usage. Perhaps disseminating their software bundles and a truly steep fine (cash only!) would be sufficient. Donate the cash fine to the schools—NOT as a donation from Microsoft but as an increase in the annual school budgets or a blind influx of books and supplies. Surely you can see that, while donating to schools is a noble endeavor, doing it with a specific company's product who is already the dominant force (the reason for this judgment makes that case) is only helping Microsoft, not punishing them.

Robin Waggoner  
Creative Marketing Strategies  
P: 408.287.7283  
F: 703.935.7183

**MTC-00002271**

From: Duane Murphy  
To: Microsoft ATR  
Date: 11/27/01 2:06pm  
Subject: Microsoft Settlement

In reading recent news events, I am quite disturbed by the proposed Microsoft Settlement. I was under the impression that the judicial system was put in place to punish wrong doers. It appears that Microsoft is being further rewarded for their monopolistic practices. By "forcing" Microsoft to give money, computers, and software to schools, Microsoft's monopoly will only be further empowered. This punishment is nothing of the sort; Microsoft regularly donates much more than this punishment even implies. Its called Market Share. If you capture the education, market you capture the future market. Please reconsider supporting this settlement. It will do nothing but make Microsoft that much more powerful. Please go back to the discussions and determine a proper punishment for a company that continues to abuse the people of America as well as the Free World!

..Duane Murphy  
1024 Topaz Court  
Vacaville, CA  
95687-7870  
CC:California Department of  
Justice,Connecticut Attor...

**MTC-00002272**

From: klai@curly.bitmotel.com@inetgw  
To: Microsoft ATR  
Date: 11/27/01 1:56pm  
Subject: Reponse to Microsoft private suit settlement

The settlement will further allow Microsoft unfairly make inroads into education. The school should get the funing and have the 100% freedom for purchasing HW and SW to meet their needs. In addition, the 5 year time limit Microsoft SW license is certainly a bad deal compared to Red Hat's proposal with no time limit.

Koklioong  
<http://tacpa.org>

**MTC-00002273**

From: Hopper (a) Megalink  
To: Microsoft ATR  
Date: 11/27/01 1:48pm  
Subject: You guys are making Janet Reno look better all the time  
You guys are making Janet Reno look better all the time

**MTC-00002274**

From: Les Vogel  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/27/01 2:15pm  
Subject: Microsoft anti-trust settlement  
Microsoft is a monopoly.

The question is, under what rules should Microsoft be allowed to continue operations, and what is a just punishment for past abuses. 1. The various proposals that I've seen do not address one of the techniques that Microsoft has used to gain dominance in the marketplace. Often when a company that Microsoft views as a threat announces a product or technology, Microsoft will within a week announce a competing technology or product. Unfortunately, many of those "announcements" are just the start of Microsoft's development, and consumers will not see anything for years if at all. This has the effect of drying up both sales and capitol for the competing company.

Microsoft needs to be prevented from pre-announcing any technology, product, or service more than 90 days before it's actual availability to consumers.

2. Microsoft's offer to provide schools with equipment and software will just help Microsoft gain control of one of the few markets where it doesn't dominate. There are two basic problems with Microsoft's providing software. 1. It improves adds to Microsoft's monopoly. 2. Microsoft's incremental cost of goods for software is under \$1. (The cost of reproducing a CD). A much better settlement would be for Microsoft to provide the schools with cash, and allow the schools to spend it where they see fit. This would actually affect the their bottom line.

These modest proposals will not go far enough to punish Microsoft for it's abuses. The only real solution is to break Microsoft up into many parts: 1. The Windows OS Company, 2. Media Company (MSNBC/MSN),

3. The Office Company (Desktop Applications), 4. The Back-Office Company (Back-Office/SQL Server), 5. The PDA Company, 6. The Game Company (x-box/Flight Simulator, et. al.). There should be NO cross ownership or licensing for at least 7 years.

Thank you,  
Les Vogel  
lesv@angeltech.com  
300 Beale St. #605  
San Francisco, CA 94105  
415-543-1011

**MTC-00002275**

From: Dumser, Louis  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/27/01 2:10pm  
Subject: Microsoft Settlement

Very bad idea ladies and gentleman!

Giving Microsoft this type of access to schools will only increase the scope of their monopoly. Is not like school funding is so lush that the targeted schools will be able to walk away from these deals! Make Microsoft give the CASH equivalent of the settlement to the school and let them decide. ... you know the old market economy thing.

Thanks.

Louis Dumser

**MTC-00002277**

From: John Wallace  
To: Microsoft ATR  
Date: 11/27/01 2:40pm  
Subject: Microsoft Settlement  
To Whom It May Concern:

Having Microsoft put \$1B of its competitors products into the schools would be a real punishment. The current deal is a fraud. Rather than creating a deal that levels the field and furthers the interests of consumers, Microsoft is making a marketing investment into markets where they are currently losing. Historically, Microsoft has had a competitive disadvantage over other platforms (Apple, Linux, etc.) into the schools. By taking the proposed tack, Microsoft can gain further competitive advantage and simultaneously gain legal protection for their growing power. It is incompressible that we are "punishing" a monopoly by granting them a monopolistic position in the schools.

As Brier Rabbit would say: "Oh no, Justice Department! Please don't throw me in that briar patch!"

Let's not be gullible. Let's take the opportunity to really benefit the schools, consumers, and American business. Microsoft should pay \$1B in CASH and allow the schools to use those funds to buy the products of their choice.

If I can be of assistance, please contact me.

Sincerely,  
John L. Wallace  
President and CEO  
Power On Software, Inc.—An Inc 500  
Company  
Phone: 614-413-4000 x3010  
Fax: 614-413-4100  
Email: [john@poweronsoftware.com](mailto:john@poweronsoftware.com)  
Web: <http://www.poweronsoftware.com>

**MTC-00002278**

From: Tim Cowan  
To: Microsoft ATR  
Date: 11/27/01 2:28pm  
Subject: MicroSoft

The only TRUE way to have choice for consumers is to break Microsoft into two parts one the operating system (windows) the other all applications (i.e. non operating system programs).

Microsoft became number #1 by using if not illegal at least not ethical business practices

1. Microsoft DOS vs Dr. DOS
2. Microsoft EXCEL vs Lotus 123
3. Microsoft Internet Explorer vs Netscape Explorer

If AT&T can be broken apart, so can Microsoft !!!

Let's have a victory of the little consumer and break Microsoft into two parts

**MTC-00002279**

From: William Perez  
To: Microsoft ATR  
Date: 11/27/01 2:17pm  
Subject: justice for Microsoft  
US Dept of Justice:

I am writing to ask you to reconsider the proposed Microsoft antitrust settlements. This is a travesty of justice which does not address their previous behavior which is

what resulted in their market dominance. Nor does it justify the horrendous damage they have already done to the computer industry. When a criminal repeatedly breaks the law, the guilty party should be punished. Isn't that how our justice system supposedly works? A gentle slap on the wrist and ensuring they "never do it again" is not enough.

The "Be" operating system which ran on PCs and Macintosh computers is now dead. Palm, Inc. who acquired the company have no intention of trying to compete with Microsoft's unfair advantage again. It's too late to save Netscape which AOL/TimeWarner acquired after they could not compete with Microsoft's Internet Explorer web browser. IBM has documented that they lost millions because Microsoft would not give them an equal and timely license for Windows 95 due to IBM's "Lotus" products which tried to compete with Microsoft Office. Real Networks and Apple's QuickTime have also suffered unfairly due to Microsoft's advantage of tight product integration, which you can be sure they will continue to tighten and make more difficult for competitors in the future. Where is the justice for all this?

Microsoft is the world's largest software company and the company's founders are some of the richest people on this planet. 95% of all computers run their proprietary Windows operating system. Their Internet Explorer web browser remains the number one choice for PCs and even Macintosh computers. Microsoft Office is a \$500 product that also dominates its competition on both Windows and Macintosh platforms. It's clear to me that they are an illegal monopoly which has repeatedly violated the law and yet the proposed settlement is riddled with loopholes, leaving Microsoft in a position of power where they will continue to harm the industry and consumers. The class action settlement proposed (to provide schools with free copies of Microsoft software and PCs) will only further entrench Microsoft's monopoly. Children will grow up accustomed to using Microsoft's tools and will prefer to buy their solutions in the future, which only benefits Microsoft in the long run! You should make Microsoft provide \*competing\* software and systems not their own. It's no big loss for them to duplicate copies of software they've already written.

I ask that Microsoft be properly punished, not helped, for their past crimes before more companies with great talent and merit end up bankrupt. They should feel remorseful of their illegal actions in the past and looking at their latest offerings, namely Windows XP and Xbox, I don't see that as being the case. Other technical companies that have been investigated for being a monopoly (AT&T, IBM) have not gotten off so easy. It's not fair or just in my opinion so I hope you reconsider a much harsher sentence.

William Perez  
New York, NY

**MTC-00002280**

From: Julia Tortolani  
To: Microsoft ATR  
Date: 11/27/01 2:55pm

Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments:  
microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Julia Tortolani  
CC to:  
California: microsoftcomments@doj.ca.gov  
Connecticut:  
attorney.general@po.state.ct.us  
Florida: ag@oag.state.fl.us  
Iowa: webteam@ag.state.ia.us  
Kansas: GENERAL@ksag.org  
Massachusetts: tom.reilly@ago.state.ma.us  
Minnesota: attorney.general@state.mn.us  
Utah: uag@att.state.ut.us  
West Virginia: consumer@mail.wvnet.edu  
CC: consumer@mail.wvnet.edu  
@inetgw,uag @att.state.ut.us.

**MTC-00002281**

From: Jim Kimmel  
To: Microsoft ATR  
Date: 12/6/01 3:28pm  
Subject: astonishing

I just wanted to communicate my shock, disbelief, and outrage at the resolution of the Microsoft antitrust case. It was clearly proved that Microsoft used monopolistic practices to put competitors out of business.

Let me remind you that the Judge ruled AGAINST Microsoft. Your proposed settlement will give them a stranglehold on the education market and FURTHER entrench Microsoft as a monopoly! This isn't justice or a settlement, it's a JOKE! Microsoft will be laughing all the way to the bank!

Jim Kimmel  
jmk@MissionData.com  
502-493-1050 ext 236

**MTC-00002282**

From: Angie Malone  
To: Microsoft ATR  
Date: 11/27/01 3:00pm  
Subject: microsoft settlement

Hello. I have read the following article on USA Today's website: <http://www.usatoday.com/life/cyber/tech/2001/11/27/microsoft-educators.htm>

I have to say it does sound like you are rewarding Microsoft by letting them donate used computers.

This helps them in the following ways:

People get exposed to their software and Windows machines. So they may be more apt to buy one if they are able to purchase equipment. Microsoft does not have to spend money to throw the computers away. They will probably be allowed to take an income tax charitable deduction for the computers. This is not a punishment for creating a monopoly. It is an incentive to continue the monopoly.

Angie Malone  
Computing Manager  
email: alm4@cornell.edu  
Cornell University Press, Sage House, 512 East State Street  
Ithaca, New York 14850  
<http://www.cornellpress.cornell.edu>  
607-277-2338 ext 238 (phone)  
607-277-2374 (fax)

**MTC-00002283**

From: Beckwith, Richard  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/27/01 2:59pm  
Subject: Comment on case

Before getting into my comment, I must mention that I work for Intel. In my opinion my employment has no bearing at all on my support (or lack of support) for Microsoft's proposed settlement. I am certain that most people would believe it significant. I should also mention that the lab in which I work at Intel was started by one of the main government witnesses in the federal case against Microsoft. Again, I do not believe that this has any bearing on my judgment. As you will see, I support some aspects of the plan and do not support others.

For background, I am a developmental psychologist working at Intel. I have a PhD in developmental and educational psychology from Teachers College at Columbia University. I came to Intel from an academic position where I was doing research on technology in education (at Northwestern University's Institute for the Learning Sciences). I have been doing research on technology and education off and on for over twenty years. Therefore, I have some expertise to comment on Microsoft's settlement offer. I would like to suggest that Microsoft's proposed settlement approaches fairness. I do not believe that donations to schools should be turned down because they would give Microsoft an advantage over Apple. One of the reasons that I came to Intel is because platforms running Microsoft software are the most cost effective means to deliver computational power. I wanted to be able to influence how services might be offered to young students. The cost differential is quite significant here. We know that most schools have decided to go with the "commodity platform" running Microsoft software.

I think that the cost differential is what has driven these school districts to make this decision and there is little reason to think that low income schools could reasonably be expected to go with Apple equipment. However, I also know that Microsoft has a tendency to overvalue its cost in donating

software to schools. Before a particular plan is accepted, I would recommend that Microsoft's real costs in the donation be taken into consideration. The real costs are not insignificant since support would be included. Lost sales are a real concern but we need to consider that Microsoft would have sold this software in an OEM bundle and may have gotten less than \$20 per system. Do not let them treat this as a sale of boxed software.

Finally, I would think that Microsoft would tend to donate systems with WindowsXP. I personally have no plans to run XP on my current Intel provided computer since it is a 600 mHz Pentium II. My computer is really not good enough to run XP well. I'm better off with an older OS. My Pentium II is still useful to me though and I won't be getting a new one for a while. I wonder what the refurbished machines that Microsoft will donate will be. If these computers are older, low power computers; they may have a difficult time running some software. This is important because speed is still related to ease-of-use. You can use the power of the PC to make the task easier. This is only true if the PC is powerful enough. I hate to think that kids with the most need would get computers that are not quite up to the task of helping them out. You know that the schools won't be upgrading any time too soon. It would be best to make sure that they don't have to.

Richard Beckwith, PhD  
People and Practices Research  
Corporate Technology Group, Intel

#### MTC-00002284

From: Kevin Hall  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@inetgw,...  
Date: 11/27/01 2:58pm  
Subject: Microsoft v US

Dear State Attorney General:  
Please consider a more stringent prosecution of MicroSoft corporation, that is, in my opinion, stifling the computing industries of which I am a professional. As MicroSoft continues to get its way, we're already twenty years behind. I am a computer systems administrator with a BS degree in computer science and seen over the last ten years the same findings of fact determined against the company by the DOJ. There is very little punishment of these crimes to speak of; in fact it's almost a reward to the monopolist and sets a most disturbing precedent. After Realplayer, Java, MP3, and PC Anywhere go the way of Netscape and Apple, where shall they turn for justice? What happens to our privacy when we cannot escape spam, telemarketers, and door-to-door salespeople who buy data collected from MicroSoft Windows XP activations. Or worse yet, cannot access information on the Internet at all because each site requires .dll compatibility or is choked by viruses. If MicroSoft continues to monopolize, we'll all be paying taxes to them, obeying its rule of law, and suffering intellectual dysfunction at their hands!

Sincerely,  
Kevin D. Hall  
PS I voted for, and support our president but disagree with the effort that dismissed

the case against MicroSoft. Please continue your pursuit of justice!

#### MTC-00002285

From: Doug Brandner  
To: Microsoft ATR  
Date: 11/27/01 3:05pm  
Subject: Microsoft settlement objection  
I do most strongly object to the idea of Microsoft "atoning" for past transgressions by donating a few billion dollars of hardware and software to schools, and thereby, essentially undoing Apple's small education market niche.

What kind of punishment is that? The Apple company is already suffering by Microsoft copying Apple's system years ago with the "Windows" design that was invented and developed by Apple. But no matter about that old issue, why would you consider undermining a competitive product such as the Apple companies computing system? That would be no punishment at all, but turn out in their favor by driving Apple computers out of the schools.

Apple is trying to recover by making the much more simple and stable Mac computers available for young students, some of which may later choose to buy an Apple Mac rather than the predominant giant PC's all with Microsoft's monopoly of the various Windows operating systems. If you really wanted Microsoft to "atone" or punish them, have them buy Apple computers for the schools, or say half PC and half Apple. I suppose you cannot order them to do that, but you can have them pay the equivalent cost in cash to the schools and let the schools decide which computer (hardware or software) they wish to buy, without any duress or strings attached.

Thank you for listening,  
Doug Brandner  
10925 SE 304  
Auburn, WA 98092

#### MTC-00002286

From: Sam Martin  
To: Microsoft ATR  
Date: 11/27/01 3:16pm  
Subject: Microsoft Settlement  
I am in favor of Microsoft's proposed settlement in which they donate computers and software to the nation's poorest schools.

#### MTC-00002287

From: Milner Grimsled  
To: Microsoft ATR  
Date: 11/27/01 3:03pm  
Subject: Micorsoft's proposed settlement—a vote against

Dear Department of Justice  
This is to register my protest against the Microsoft's plan to settle its antitrust suit obligations. To allow Microsoft to extend its monopoly power under the guise of this proposed settlement is unconscionable. I do not have any quarrel with a plan to help poor schools. But I think Microsoft should contribute money to a fund that such schools can use as they see fit to fund their technology needs.

This would open up the world of choice to include even Apple Computer's superior (in my opinion) products.

Note I use Macintosh computers at home and Windows computers at work, so I have

some knowledge of each platform. I think Judge Jackson's original ruling should have been left intact— that Microsoft should have been broken up into two companies. But given that this hasn't happened, I would see it as a complete travesty if Microsoft's settlement proposal were accepted by the Department of Justice.

Thank you for your consideration.  
Milner A. Grimsled  
11 Grant St.  
Potsdam NY 13676  
CC:milner@northnet.org@inetgw

#### MTC-00002288

From: Corey R. Johnson  
To: Microsoft ATR  
Date: 11/27/01 3:23pm  
Subject: Microsoft Settlement

To Whom It May Concern,  
I believe this settlement should be declined. The settlement won't do anything to level the playing field. Placing Microsoft products into schools not only helps Microsoft in a market where it has been traditionally weak but it hurts Microsoft's competitors in the software and hardware markets.

Please decline this preposterous settlement.

Corey R. Johnson

#### MTC-00002289

From: John.Fox@USPTO.GOV@inetgw  
To: Microsoft ATR  
Date: 11/27/01 3:19pm  
Subject: the settlement is wrong

I would like to express my opinion that the microsoft settlement is wrong. Microsoft's monopoly is so extensive that I cannot buy a computer, just the hardware, in any local store without also buying Windows. They will not sell me a box unless I buy Windows even if I want to use Linux or BE. For example, when my hard drive crashed last year I decided to upgrade the hardware and load my copy of Windows 95 on it. A paid for, legal copy, completely within the terms of the contract and MS license. I could not do it. Dell, HP, Compaq, Erols, Microcenter- no one would sell me the hardware without a new copy of Windows.

What's more, they will not sell me a box with just Windows on it. I have to buy MS Works or some type of office application even though I do not want it and will never use it. This situation is just wrong, and it should not be accepted unless we are willing to accept the total domination of the desktop PC forever by MS.

Thank you,  
John Fox  
703-308-2595  
703-241-7866

#### MTC-00002290

From: Gerald Kielpinski  
To: Microsoft ATR  
Date: 11/27/01 3:27pm  
Subject: microsoft settlement

I, Gerald Kielpinski, citizen of the USA, wholeheartedly object to the proposed settlement against microsoft, believing it to be far too soft, and in some cases just plain ludicrous.

This case's magnitude can be likened to allowing one company to control the

automobile industry. Imagine the cars we would be driving if that were the case. The only reason Microsoft recently unveiled an operating system that doesn't crash is due to the miniscule competition that probably won't last long with settlements such as this...

Gerald / Grand Chief  
MANTIS DESIGN  
www.mantisdesign.com  
mantid@ptd.net  
1.800.567.3778

**MTC-00002291**

From: Rand H. Childs  
To: Microsoft ATR  
Date: 11/27/01 3:27pm  
Subject: Microsoft Settlement

From what I've seen, it appears to be a very weak response to an anti-trust case where the company was convicted of monopolistic practices. In addition it would appear that the governments are helping Microsoft become even more prevalent in the marketplace, whereby Microsoft will donate millions of dollars of software to schools, etc. What could be more monopolistic than putting in place a plan to increase Microsoft's dominance. This is what Microsoft wanted all along and they appeared to lie and delay until they basically got exactly what they (Microsoft) wanted. I do not see that this settlement in any way decreases Microsoft's monopolistic practices or helps the consumer in any way.

As to the point of donations of software, instead Microsoft should donate money and let the recipient decide how to best spend the money.

Sincerely yours,  
Rand H. Childs  
Vice President Research & Development  
Sirsi Corporation  
101 Washington Street SE  
Huntsville, AL 35801  
Phone: 256-704-7000  
Fax: 256-704-7007

**MTC-00002292**

From: Van Voris, James  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/27/01 3:46pm  
Subject: Don't let Microsoft off easy.

They were wrong and can certainly afford to Don't let Microsoft off easy. They were wrong and can certainly afford to pay. Make them pay cash to the schools and let schools decide what computers, software, new buildings, or whatever they might need to buy.

Reid VanVoris  
Producer  
Miami-Dade Community College  
School of Entertainment Technologies  
Department of Film & TV  
11380 NW 27th Avenue, Room 1377  
Miami, Florida 33167  
PH: 305.237.1696  
FAX: 305.237.1367  
E-mail: jvanvori@mdcc.edu

**MTC-00002293**

From: Gilbert  
To: Microsoft ATR  
Date: 11/27/01 3:40pm  
Subject: Comments  
US Dept. Of Justice,

I am confused about Microsoft's plan to settle its consumer class-action lawsuits by donating refurbished computers, hardware and other resources to the nation's poorest schools.

What message would this communicate to other companies? Not only will they get away with a variety of unethical and/or illegal business practices but they get the reward of unfairly making inroads into education ? one of the few markets left where they don't have monopoly power!

Please don't allow this to happen.

Jay Gilbert

**MTC-00002294**

From: Hammerle, Paul  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/27/01 3:29pm  
Subject: microsoft

perfect:  
Start early to make the kids slaves of microsoft.

paul hammerle

**MTC-00002295**

From: Lee d  
To: Microsoft ATR  
Date: 11/27/01 3:28pm  
Subject: I am thankful the the DOJ has

decided to settle the case against I am thankful the the DOJ has decided to settle the case against Microsoft. I've already seen some rebounding in my stock portfolio and in my job opportunities. It would be great if you could get the moron from Conn to join you, to bad he only sees the dollar signs he thinks he can get.

Lee Philips  
Computer Consultant

**MTC-00002296**

From: DanNelis@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/27/01 4:00pm  
Subject: (no subject)

The agreement is fine. It was a shame that the Clinton administration started this in the first place. I believe it did more harm to the country and the market then what they thought it would do. Obviously, for many groups, the only way they will feel vindicated is if Microsoft goes under. What they don't realize is with all the computers going into the worst schools will in fact be beneficial to everyone. Kids will have the opportunity to at least learn the basics and will go on from there. Be responsible and so on and so on.... It's a start in the right direction.

**MTC-00002297**

From: jdrake@gi.alaska.edu@inetgw  
To: Microsoft ATR  
Date: 11/27/01 3:49pm  
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement, and the proposal that Microsoft donate millions of dollars to help bring technology to schools. Giving Microsoft the opportunity to gain marketshare in education is not a good way to punish them for monopolistic practices.

One of Microsoft's business strategies has been the willingness to take short term losses in order to put others out of business and gain marketshare (eg. Netscape was damaged

by Microsoft giving away the Explorer browser). This has given them the opportunity to make larger profits, and has given them more power to dictate what products will be allowed to compete in the marketplace.

It is too late to repair the damage done to other companies by Microsoft. And Microsoft has shown itself to be untrustworthy in following previous restrictions imposed by DOJ.

I have a potential solution:

I would be in favor of Microsoft giving billions to education IF ALL PRODUCTS IN THE SETTLEMENT ARE FROM MICROSOFT COMPETITORS. This would be a perfect solution. Educational institutions would benefit by gaining needed access to cutting edge technology. Microsoft competitors would also benefit, which is in keeping with a sense of justice for actions where Microsoft hurt competitors by their illegal practices. Consumers would benefit, as more choices are good in a capitalistic society. As an example Microsoft could purchase millions of Apple Macintosh computers for schools, thus helping the schools without enhancing Microsoft's position.

The proposed settlement does nothing significant in the sense of punishment or retribution, and will only enhance Microsoft's monopoly power in the long run—to the detriment of the consumer.

As a user of personal computers since their inception, I am stunned and severely disappointed by the outcome of the case and the proposed remedy.

The governments case was very strong, and weakly settled.

Sincerely  
Jeff Drake  
1659 Wolverine Lane  
Fairbanks, Alaska 99709

**MTC-00002298**

From: Jim Straus  
To: Microsoft ATR  
Date: 11/27/01 3:47pm  
Subject: Microsoft Settlement

I've read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the

future, allowing them to continue to bilk the public.

A similar proposal from Red Hat (<http://www.redhat.com/about/presscenter/2001/press—usschools.html>) seems to satisfy what should be the goal of the proposal, if a settlement that benefits education is still desired.

Jim Straus  
 CC to:  
 California: microsoftcomments@doj.ca.gov  
 Connecticut:  
 attorney.general@po.state.ct.us  
 Florida: ag@oag.state.fl.us  
 Iowa: webteam@ag.state.ia.us  
 Kansas: GENERAL@ksag.org  
 Massachusetts: tom.reilly@ago.state.ma.us  
 Minnesota: attorney.general@state.mn.us  
 Utah: uag@att.state.ut.us  
 West Virginia: consumer@mail.wvnet.edu  
 CC:microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

**MTC-00002299**

From: Cal Simone  
 To: Microsoft ATR  
 Date: 11/27/01 5:24pm  
 Subject: Microsoft Settlement

Requiring that Microsoft provide copies of Microsoft Windows, Microsoft application, Windows computers, and cash to schools only serve to further propagate their monopoly. This will not really punish Microsoft.

Rather than requiring something that will end up supporting Microsoft's agenda, instead Microsoft should be required to purchase copies of the Mac OS, non-Microsoft applications for the Macintosh, Apple Macintosh computers and give them to the schools.

Respectfully submitted,  
 Cal Simone, luminary  
 Washington, DC

**MTC-00002300**

From: Stuart Cheshire  
 To: Microsoft ATR  
 Date: 11/27/01 4:49pm  
 Subject: Microsoft Settlement

I know you are busy, so I will make this brief.

The proposed so-called "punishment" for Microsoft is nothing but a billion-dollar marketing campaign to Microsoft's advantage. Microsoft executives must be rolling on the floor laughing. Putting millions of dollars-worth of Windows computers into our schools does only two things:

1. It aids Microsoft, by helping it to further cement its strangle-hold on the computer industry.

2. It hurts Apple, Microsoft's long-time competitor, by undermining Apple's position in the education market, one of the few markets where Apple still leads.

If you want to really punish Microsoft in a way that will stop the executives laughing, force Microsoft to buy a billion dollars-worth of Apple iMacs to put in our public schools.

Stuart Cheshire  
 <<http://www.stuartcheshire.org>>  
 CC:microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

**MTC-00002301**

From: MORGAN,GINNY (HP-Corvallis,ex1)

To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/27/01 4:08pm

Allowing Microsoft access to beginning users of electronic products is a direct link to future sales. I have worked for a high technology company marketing organization in the past and that strategy was discussed as part of a marketing plan. I don't think that Microsoft is unaware of the market potential of a strategy that I heard about 10 years ago.  
 G. Morgan

**MTC-00002302**

From: Ray Lowe  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/27/01 4:05pm

Subject: treat Microsoft like they did something fundamentally wrong (and continue to do it..

XP and .NET, used PCs as billboards and ... microsoft markey cap is largely based on underhand, manipulative, business practices....Microsoft should suffer a MONETARY fine that represents a large portion of it's profits during the past 10 or so years...the profits were not made fairly. If they get off with anything less than this, the world will laugh even louder at our so-called 'democracy' and justice for all sloganeering...it's pitiful to the point of being pathetic. Monetary power doesn't equal moral authority.

**MTC-00002303**

From: ksvm  
 To: Microsoft ATR  
 Date: 11/27/01 7:16pm  
 Subject: Microsoft Settlement  
 Antitrust Division  
 U.S. Department of Justice  
 RE: To be entered into the record of U.S.

v Microsoft

Dear Honorable Persons:

I am writing to ask you to reject the Final Judgment that has been proposed as the punishment for the charges which Microsoft Corporation has been found guilty. I do not believe that this proposal represents any safeguard or insurance of future protection for the consumer from Microsoft's monopolistic and predatory practices which were outlined in the Findings of Fact.

In particular, I am appalled with the proposal for a three member review board which is made up of a Department of Justice representative that is pro Microsoft; a Microsoft employee; and a third member picked by the other two. There is no one in this equation that is unbiased. The proposed solution also lacks a means for enforcement if Microsoft violates the agreement. It only returns us to a court battle and completely avoids the issue of Microsoft's abuse of it's monopoly power. Equally important, this remedy lacks opportunity for any public review. How is it that a corporation who is accused of harming the public can be reviewed by a board that appears to be heavily pro Microsoft and, is allowed to conduct business to protect the public in private. The fact that the three member board is paid by Microsoft only makes this more ludicrous.

As a consumer I have been personally harmed by Microsoft's monopoly in the software industry in the following ways:

Microsoft has changed or tweaked standards to make them work better or exclusively with Microsoft products. If I want to share information with a client or colleague that does not conform to their standards I am either hampered or prevented from doing so. My productivity is compromised because Microsoft does not feel they have to comply with the standards that have been determined by their industry. Computer companies that provided alternative products and software applications are no longer on the market. Microsoft has either absorbed them or bought them to prevent competition with their products. For the consumer, this means less choice, fewer applications and fewer 'innovative' new products that are able to be brought onto the market. Microsoft includes messages into it's software to dissuade the user from using a non Microsoft solution such as Netscape Navigator and Apple Computer's QuickTime. These messages provided by Microsoft are nothing short of fear tactics for the purpose of intimidating the user and leading the user to a Microsoft's product.

Microsoft's behavior is criminal and deserves a strong remedy. I have heard arguments that the government should not be wasting it's time and money punishing a corporation during a weak economy. This is not a matter where a weak economy should be made the scapegoat for Microsoft. A weak judgment by the court in this matter will send a very clear message to Microsoft, to other corporations and to the American people. That message being that illegal, unethical behavior by a corporation will be condoned by our government. Please prove that our justice system is just by rejecting the proposed remedy which does little to address the seriousness of their abusive behavior and to prevent or discourage future antitrust violations by Microsoft Corporation.

Respectfully,  
 Karen Mirande  
 PO Box 441  
 Dufur OR 97021

**MTC-00002304**

From: James Beckcom  
 To: Microsoft ATR  
 Date: 11/27/01 7:08pm  
 Subject: microsoft settlement  
 Dear Sirs,

The last thing we need in public schools, where I have spent the last 21 years teaching, is more donated computer equipment. Somewhere in this school district we must have a warehouse full of useless donated computer equipment. I do not believe the Microsoft settlement would be any different. Actually what we need is money to purchase NEW machines and equipment to enhance our fragile, very slow network. Right now I use a 350 mgz machine with a 6 GB hard drive. Do not let Microsoft off the hook. They have engaged in monopolistic practices, which have been technically outlawed since the 1890 Sherman Antitrust Act!

Sincerely,  
 James Kevin Beckcom

**MTC-00002305**

From: GPSass  
 To: Microsoft ATR

Date: 11/27/01 6:35pm  
 Subject: Fw: Settlement  
 — Original Message —  
 From: GPSass  
 To: microsoft.atr@usdoj.gov  
 Sent: Friday, November 16, 2001 9:42 AM  
 Subject: Settlement

Dear Sir,

I am just a lonely consumer who has been using a computer for about 15 years. I have done my best not to buy Microsoft products, which is practically impossible, because I do not believe that there should be such a monopoly as Bill Gates is building. In every interview I have seen and books I have read on Bill Gates, he comes across as this very caring person—certainly he is trying to show that through his foundation contributions. But, I certainly understand his feeling now “that this is fair and let’s just get it behind us.” Let’s slap this man on the wrist again and tell him to go forth and sin no more. Do you really believe that he and Steve B. are concerned about the consumer and not just themselves. I think this is an ego game for Gates, certainly it is not that he needs the money, but the power is more important. It is scary to see what he will be able to do by controlling access to e-mail, the network, music and games.

We are having problems in Pennsylvania now because we allowed a monopoly on electricity believing that there would be a watch dog and the utilities would play fair. Please consider what you are expecting from Microsoft and issue the strongest ruling that does not expect that “they will be play nice.”

Nothing in the past indicates that they will play nice without severe sanctions and without the be forced not to put other people out of business with their control. I look forward to reading a ruling that will do this. Thank you for reading this e-mail.

Sincerely,

Penny and Glenn Sass

**MTC-00002306**

From: JJeffery  
 To: Microsoft ATR  
 Date: 11/27/01 6:33pm  
 Subject: The DOJ has sold out

It is my understanding that the role of the DOJ is to uphold and enforce the law. The proposed settlement for the Microsoft AntiTrust case shows that the DOJ is not willing uphold or enforce the law. Microsoft has for years unlawfully used its monopoly to dominate each market it enters and to crush competitors unfairly. It has repeatedly done this. But perhaps the most unfortunate fact that has come to light in all of this is that the DOJ is unwilling to uphold and enforce the law where Microsoft is concerned. It seems that the DOJ is to timid to do more than slap the wrists of a company that consistently abuses its monopoly power.

When someone or some company violates the law, there are supposed to be punishments and penalties applied that are supposed to ensure that the behavior is not repeated. There is nothing in the proposed agreement that would even make Microsoft pause or even think twice in its course to dominate any market it enters. There is no real fiscal penalty—everything Microsoft has spent on this trial and everything proposed

in the settlement are no more than a minor business expenses which Microsoft views as a cost of doing business. There is nothing that would help restore competition to a more even keel. There is nothing to prevent a repetition of events or a similar sequence of events from happening in any market. There is nothing that would help undo the damage and harm that has been caused or prevent such from happening again.

I would hope that someone in the DOJ would wake up and realize that this proposed settlement is no more than a light slap on the wrist with a license to repeat illegal behavior—just like the '95 settlement. The worst thing that can happen for our country and for the computer industry as a whole is for a repeat of the '95 settlement to occur. Yet, that is what has been proposed. Please find it in your hearts the courage that it takes to uphold and enforce the law. Make the name of the DOJ mean that it will obtain justice when the law is violated.

Sincerely,

—Johan Jeffery

**MTC-00002307**

From: donny  
 To: Microsoft ATR  
 Date: 11/27/01 7:21pm  
 Subject: microsoft settlement

I believe the Microsoft settlement will only bring more people to use their software and further to keep the competition from gaining ground. By putting Window’s based computers in the schools the students will not be exposed to other forms of computers such as Macintosh. The Macintosh platform is much easier to use and less susceptible to the many virus attacks (I believe there are only 42 viruses that can attack a Mac platform and hundreds that can attack the Windows platform). I think a better settlement would be to have Microsoft pay damages rather than give away even more of their products.

Thank you  
 don bauman

**MTC-00002308**

From: roger(a)metadyne.com  
 To: Microsoft  
 ATR,microsoftcomments@doj.ca.gov  
 @inetgw....

Date: 11/27/01 7:53pm  
 Subject: Microsoft Settlement

Sent to:  
 microsoft.atr@usdoj.gov  
 microsoftcomments@doj.ca.gov  
 attorney.general@po.state.ct.us  
 ag@oag.state.fl.us  
 webteam@ag.state.ia.us  
 GENERAL@ksag.org  
 tom.reilly@ago.state.ma.us  
 attorney.general@state.mn.us  
 uag@att.state.ut.us  
 consumer@mail.wvnet.edu

Subject: Microsoft Settlement  
 TO: US Department of Justice-Microsoft anti-trust comments:  
 microsoft.atr@usdoj.gov

I’ve read the news on the proposed one billion dollar settlement. This seems to me to be in Microsoft’s favor. In addition to few to no changes of their behavior, a portion of the punishment is a real benefit to them. The

resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

Microsoft has been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other’s products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will continue to benefit from such a settlement. The settlement should require a change in their behavior, the settlement does nothing to address their behavior and will not change it in the future.

Roger Bauchspies

CC to:

California: microsoftcomments@doj.ca.gov  
 Connecticut:

attorney.general@po.state.ct.us

Florida: ag@oag.state.fl.us

Iowa: webteam@ag.state.ia.us

Kansas: GENERAL@ksag.org

Massachusetts: tom.reilly@ago.state.ma.us

Minnesota: attorney.general@state.mn.us

Utah: uag@att.state.ut.us

West Virginia: consumer@mail.wvnet.edu

Roger Bauchspies

Roger@MetaDyne.com 650-594-1322

CC:RFC-

822=California:microsoftcomments@doj.ca.gov @in...

**MTC-00002309**

From: Thomas C. Willett  
 To: Microsoft ATR  
 Date: 11/27/01 7:48pm  
 Subject: opposed to settlement

I am opposed to the settlement terms for the Microsoft Antitrust case. It does nothing to punish Microsoft for past misdeeds and does nothing to prevent a continuation of the behaviour which prompted the suit in the first place. The fine print in the settlement negates all of the alleged remedies. At a minimum a settlement should require Microsoft to publish the specifications for the file formats of all of their products. They have used constantly changing file formats to force users to upgrade and to prevent competitors from being able to provide viable alternatives.

—Thomas C. Willett

tcwillett@earthlink.net

**MTC-00002310**

From: Ben Grimsbo  
 To: Microsoft ATR  
 Date: 11/27/01 8:26pm  
 Subject: Too light of a settlement, not enough punishment

I think you guys went a little too easy on MS. They punishment should’ve been much harsher. I think the reason it wasn’t is because MS bribed you guys. Thus far that’s the only rumor that has any strong ground. I hope it’s wrong though, I don’t like the thought that my government can be bought during such an important case. You should’ve at least ordered them to completely

revamp their Operating system based on their own ideas, not that of other companies. And you should've forced them to stop production of their internet explorer web browser application, which caused Netscape to go out of business. Once again, I really think you guys were too lenient.

"Humans are animals too. It is just a question of which one is the real predator."

Ben Grimsbo

**MTC-00002311**

From: don jones  
To: Microsoft ATR  
Date: 11/27/01 8:07pm  
Subject: Proposed Settlement

I find it ironic that Microsoft is proposing to settle their anti-trust case by giving away software to schools—a market they currently do not completely dominate. And guess what, the lure of "free" software will make competing products untenable (because of cost) to schools, thus further solidifying Microsoft's monopoly by expanding it into yet another market! Only the government could think this a good settlement. While I am by no means a fan of anti-trust law and think that for the most part it does not achieve its intended ends, I must say that I find many of Microsoft's business practices to be highly unethical and was pleased to see the DOJ pursuing Microsoft over some of these issues. Especially after they so flagrantly violated the intent of the original consent decree they signed. Do you really think they will abide by the terms of the current settlement that is being arranged? If so, I have some waterfront property you might be interested in...

**MTC-00002312**

From: BayNephron@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/27/01 7:57pm  
Subject: Keith Leffler's comments

Dear attorneys,

Its the first time i have ever emailed the attorney general's office but to do it twice is quite unbelievable for me but I sincerely hope the attorney generals office doesn't make the mistake of settling for this one billion dollar thing with microsoft's support for disadvantaged schools with computer hardware and microsoft software. I can't understand the logic behind this. Mr. Keith Leffler's comments that "The world is moving toward PCs, away from Apple. It has nothing to do with us," demonstrates how ignorant he is about what is really at stake or what is his real reason is for recommending this? I suggest you ask him to declare how much microsoft stock he or his family or friends have hiding or how much money he is making from a undisclosed microsoft retainership. I had my reservations about the politics but I am more suspicious than ever this is a political thing and I appreciate the need to focus on terrorists but this is really going to far and over the long run detrimental to united states technology and economic infrastructure. go for the quick fix in a complicated case?? i think you guys are smarter than that. Think about it. Microsoft is cannot be the only choice in our future. Please consider my views.

Chappy Liu.

**MTC-00002313**

From: Scott Bartz  
To: Microsoft ATR  
Date: 11/27/01 10:18pm  
Subject: Antitrust comments

After following the case from the beginning I feel that Microsoft is getting off easy for predatory monopoly behavior. Even if they let computer makers change the opening screen and give access to some of the source code. The core issue remains the leveraging of the operating system into other markets such as browsers, streaming video, and office applications. For which Microsoft has obtained virtual monopoly by becoming the defacto standard. In many cases if you try to run some other sort of application other than Microsoft such as Netscape Navigator it either runs extremely slow or not at all depending upon the operating system on the machine. Thus you ending up running Microsoft software by default which ends up limiting consumer choice in the long run. In addition giving Microsoft the ability to determine what is put on the Windows opening screen gives them an advantage when it comes to determining which companies they want to deal with when it comes to vendor relationships. The other issue is that many other products that compete with Microsoft are unable because they are not compatible with the operating system which is essentially locks them out of the market for their products. Essentially Microsoft has convinced software developers to write products designed to their defacto standard which keeps many other products from reaching the marketplace. I appreciate being able to comment on such a vital issue.

Sincerely,  
Scott Bartz

**MTC-00002314**

From: Freiheit  
To: Microsoft.atr(a)usdoj.gov  
Date: 11/27/01 10:16pm  
Subject: The so-called settlement with Microsoft

Dear US Department of Justice,

We, the people of the United States of America, have been legally refused the right to not run Microsoft software. As an American I am appalled by the so-called settlement of the Microsoft anti-trust case. Two levels of the US court system (US District Court and the US Appeals Court) ruled that Microsoft holds an illegal monopoly with its Windows operating system. How could anyone reasonably allow Microsoft to then walk away without even a slap on the wrist? The proposed settlement is weaker than the 1995 Consent Decree that started this anti-trust trial. It makes absolutely no attempt to repair the damage done by Microsoft's monopolistic, bullish practices to keep competing operating systems (such as IBM's OS/2, BeOS, and Linux) from succeeding. In both written and verbal testimony during the trial, witness after witness legaly testified that Microsoft had abused its monopoly position and that PC makers (OEMs) were strong-armed into refusing to support any non-Microsoft operating system. Take for example the price fixing done by Microsoft against IBM—in sworn testimony it was declared that if IBM

installed even a single copy of its own OS/2 operating system on any PC they sold, they would be forced to pay as much as five times the going rate per license of Windows 95.

How then can this settlement NOT address the Windows monopoly in any way, shape, or form? What becomes of those millions of PC users who have made the conscious choice to not run Windows on our computers? This settlement takes absolutely no action to ensure that competing operating systems will have a fair chance to survive. Those of us who educated ourselves and chose the appropriate operating system for our needs have been bullied and ridiculed in the past, and this settlement will only allow companies to legally continue to refuse our needs and desires. We will be further coerced into running Windows when we have made the choice to not run Windows. We will continue to receive zero support from hardware manufacturers whose products we use. We will continue to be refused the opportunity to purchase OS/2 or Linux on an off-the-shelf PC system. This is not due to consumer choice, as again two levels of the US court system declared that Windows was an illegal monopoly.

And now Microsoft is being allowed to resolve several class action lawsuits by—get this—force feeding Microsoft software to America's schools. How is this ever going to allow non-Microsoft developers such as Corel, Lotus, IBM, Be, RedHat, etc, to make a profit? By legally declaring that America's schools must accept Microsoft's "donation" of Microsoft software, the US court system is going to destroy the concept of competition. I can think of no reason why a child, force fed nothing but Microsoft software from kindergarten through high school, would choose to use any non-Microsoft software later in life. These are the business decision makers of tomorrow—how is breeding them to recognize only Microsoft going to allow them to make the choice to use a superior product? I and many others strongly urge the US Department of Justice to rethink its strategy and to adhere to the court system's legal declaration that Windows is an illegal monopoly.

We, the people of the United States of America, have been legally refused the right to not run Microsoft software. Should you feel the need to confirm my existence (unlike Microsoft I do not send letters from non-existent cities) you may contact me at the address or phone number below.

Thank you.

Don Eitner  
706 N. Euclid Ave. #1  
Upland, CA 91786  
(909) 985-4927

Don "Freiheit" Eitner  
\* Developer of The 13th Floor website  
(<http://freiheit.syntheticdimension.net>)  
\*Using OS/2 because I want to, not because I "have to".

**MTC-00002315**

From: Dave C. Hill  
To: Microsoft ATR  
Date: 11/27/01 10:08pm  
Subject: Microsoft Proposed Settlement a CROCK !

Talk about playing into the hands of the monopolist !

The particulars seem to do nothing to Microsoft but provide another avenue for them to market they're products !

You should be ashamed of yourself for striking this deal.

Makes it look like you might be on the "Take" !!

David C. Hill

Arvada, Colorado "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

...John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net>:-)

**MTC-00002316**

From: FAITHBASE. ORG CENTER

To: Microsoft ATR

Date: 11/27/01 10:04pm

Subject: Tunney Act Public comment CC:

Stephen A. Schiro,43rd President George W. Bush

Dear Sir:

FaithBase. Org Center (FBOC) the "information-clearinghouse" for Faith-Based Community Programs nationwide. FBOC has tried repeatedly to obtain information for input into this case without success.

FBOC can and will support Microsoft settlement for the 12,500 Inner City At-Risk Youths Schools, with the inclusion of FaithBase. Org Center as the Ombudsman for the Faith-Based Community. This case must not become another "cash cow" for States without any efforts, or plans in "bridging this technology gap between the have and have not's of this world." FBOC further pray, that this settlement will not follow the "Phillip Morris enrichment of the States, to the detriment of the real smokers, and those who now, suffer form the second handed smoke."

How can The FaithBase. Org Center help?

UNTIL OUR LORD COMES, Remember to pray for the peace of Jer(usa)lem, & The United States of America.

Reverend Charles Linder Floyd

Signature Typed

FaithBase. Org Center

9484 Yucca Terrace Drive

Phelan, CA 92371-5508

Phone/fax 760 948-2093

email: faithbase@earthlink.net

—faithbase@earthlink.net

**MTC-00002317**

From: Tom Johnson

To: Microsoft ATR,senator\_hatch@

hatch.senate.gov@inetg...

Date: 11/27/01 10:28pm

Subject: Microsoft Settlement Questions

Will Microsoft be permitted to deduct the \$1 Billion in Antitrust settlement from its Federal IRS and State Business Tax liability ??? I hope not !

Why is Microsoft being permitted to flood the poorest schools with refurbished PCs and Microsoft software as addressed in the URL below ??? <http://maccentral.macworld.com/news/0111/27.settlement.php>

Regards,

Tom Johnson

RAVEN CONSULTANTS

**MTC-00002318**

From: Mike Ireland

To: Microsoft ATR

Date: 11/27/01 10:28pm

Subject: Microsoft Settlement

Having reviewed the decisions and documents on the DOJ web site and reading other sources extensively, I believe that the settlement which the DOJ has ascribed to is patented permission for Microsoft to continue its predatory practices. This is further affirmed by the proposal which Microsoft has made in settling the private suits. This proposal flies in the face of the finding of facts that Microsoft is a monopoly. Their proposal to "fund" up to \$1 billion to bring computers to schools using their own proprietary software and their vested interest in machines that only run their software based on Windows smacks of arrogance and further attests to the monopolistic nature of their company. This actions shows that they show no inclination to make changes.

Coupled with their introduction of Windows XP, which demands that users pay additional fees for the use of their product, this settlement locks consumers further into Microsoft's chokehold on the industry. That the Department of Justice would even consider going along with this settlement after the result of the appeal to the Federal Court of Appeals which stated unequivocally that Microsoft is a monopoly makes me wonder if the decision of the settlement is one based on law or politics or worse—convenience.

I believe strongly that the DOJ should reconsider its stand and withdraw from the proposed settlement, at the least to fend off any duplicity or potential conflicts of interest. As a consumer, I want choice. Just because 90-95% of the world uses a product is no reason to delay the possibility that there is something better that is yet to be invented. Microsoft's monopoly prevents this from happening. The settlement is grossly flawed. The only fair remedy would be to break the company into at least two separate entities in order to foster competition and prevent further predatory behavior by Microsoft.

J. Michael Ireland

**MTC-00002319**

From: Clark Warner

To: Microsoft ATR

Date: 11/27/01 10:27pm

Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov Before I begin, let me state up front that I am a former employer of Apple Computer, Inc.

The termination of my employment was voluntary and I still think highly of the company and its products. I say this to concede that there may be a possibility of bias despite my efforts to be objective. I feel it is important that I disclose that fact.

That having been said, I must strongly urge the government to reject the proposed settlement. In my view the original remedy was appropriate and I was saddened when it became clear that it would not come to pass. As long as Microsoft maintains a dominant position in operating systems, productivity applications and web applications, competition will be reduced or eliminated in each area.

Putting that aside, I find some very specific flaws in the existing settlement as I currently

understand it. As the son of a retired public school teacher I am thrilled at the notion of additional computing equipment for our public schools, especially those in poor districts. I agree, however, with the growing sentiment that Microsoft's plan is inappropriate. The punishment here seems to be to allow Microsoft to gain market share in one of the few markets where they are not currently dominant. Microsoft has demonstrated a willingness to give away products in order to eliminate competition. Indeed, this is exactly what they did to Netscape. Allowing them to use the strategy they have illegally employed as a remedy for that behavior is, quite frankly, a preposterous idea. It is akin to granting permission to an embezzler to embezzle from a subsequent firm in order to repay the initial victim. If aiding our public schools is the goal, then Microsoft should be forced to provide funding exclusively for the purchase of competing products. There are precious few such products in any market space but perhaps several billion dollars earmarked specifically for non-microsoft products would help make linux, or Mac OS more viable.

I sincerely hope that the government will reject this offer insist upon a remedy that will not benefit Microsoft.

Regards,

Clark H. Warner

Software Engineering Manager

Allston, MA

**MTC-00002320**

From: Arthur Ulrich

To: Microsoft ATR

Date: 11/28/01 7:26am

Subject: antitrust violation

I think that microsoft is violated the antitrust laws already. and if you dont break up the microsoft soon, then they will keep going in monopoly power to force drives other business go out of business. that is not good for us, but apple is good OS and perfectly risc cpu is very fast and efficient than intel. intel used cisc. I believe that cisc is slow. but I want you to break up microsoft for all of us. if broken then we are free to choose.... thank you. and P.S. I don't want apple go out of business. but windows XP is already in violation of antitrust.... they are already violated too many. (microsoft). that why microsoft should be punished.

and bill gates needs go jailed or pay a fine a tons of billions of dollars. thanks.

**MTC-00002321**

From: Randy Carver

To: Microsoft ATR

Date: 11/28/01 6:12am

Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the current terms of settlement in the Microsoft case. The current terms of settlement are self serving for Microsoft. Giving a billion dollars of software to schools, will do nothing to remedy the anti-competitive practices of Microsoft, in fact it has been a common marketing practice of a Microsoft competitor, Apple Computer, to provide bundled Apple products to Schools in order to attract customers later in their buying career.

As a Software engineer, I have seen several cases of gross injustices brought about by Microsoft on Competitors. They continually use unpublished API's to the MS OS from their application software, and this has been proved by the industry time, and time again.

They have used their OS systems to blatantly block out competitor such as DR-DOS back in the early 1990's. Again, this was investigated by the software development community and found to be in the Windows 3.1 code. (See Dr. Dobbs for more information and details).

I realize that these items are not part of the case that the DOJ brought against MS, but it shows a continuing blatant disregard for antitrust practices.

Overall I am disgusted with the non-job that the Department of Justice has done. We have gone from an antitrust settlement to BARELY a slap on the wrist.

DO NOT AGREE TO THIS SETTLEMENT!  
IT IS NOT IN MY BEST INTEREST!

Sincerely,  
Randall Paul Carver  
Senior Software Engineer  
4590 Allison Street  
Wheat Ridge, CO 80033

**MTC-00002322**

From: mailmaster@valmansa.com  
To: Microsoft ATR  
Date: 11/27/01 11:04pm  
Subject: Tarjetas de Navidad TEMAS DE VIDA CRISTIANA

Ofrecemos Tarjetas de Navidad con motivos claramente cristianos.

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**MTC-00002323**

From: Mark Buell  
To: Microsoft ATR  
Date: 11/28/01 9:56am  
Subject: Microsoft Settlement

Dear Sir or Madam;

Over the last several years, I have repeatedly been disappointed with Microsoft's callous disregard for any long-term responsibility to their end-users. They remind me of the Detroit automakers in the 60's, arrogantly denying that they were using planned obsolescence as a marketing strategy—not to mention quality (lack of).

I was absolutely shocked when Judge Jackson reached his decisions—but pleasantly! This latest legal decision is a travesty, and the compromise being offered is a victory—for Microsoft. Please do not give

up until we have a decent decision! Please do not quit on us now!

Regards;  
Mark Buell

**MTC-00002324**

From: Scarpetta, Jim (035)115  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 9:01am  
Subject: Microsoft Case

Microsoft has stabilized the computer industry and I for one believe they are getting picked on. It's a relief to see this case finally being settled. In this world economy America needs strong companies like Microsoft.

Jim Scarpetta  
Network Administrator  
City of Joliet Illinois

**MTC-00002325**

From: Roger Eaton  
To: Microsoft ATR  
Date: 11/28/01 8:45am  
Subject: Settlement

The settlement with Microsoft is long overdue....this is a bogus suit to begin with...an absolute waste of money & resources of the government....

Roger Eaton  
Purchasing Agent  
Datex Corporation  
Tel (813) 891-6464 Ext 237  
Fax (813) 891-6846

**MTC-00002326**

From: Robert Hancock  
To: Microsoft ATR  
Date: 11/28/01 10:26am

Subject: Is the current settlement stupid or just naive? my vote: IT IS NOT ENOUGH

I'm very curious why the government seems so confident that simply ordering Microsoft not to violate its anti-trust rules will be effective. Even with the "teeth" of financial penalties, Microsoft has already demonstrated a history of flaunting its violations in the face of the court. They have so much profit that even stiff financial penalties create little corporate motivation for compliance.

Microsoft can break the court's anti-trust orders intentionally, knowing they will simply pay the financial cost, take their case to court to remove the ongoing penalties while they're appealing the issue and shift their historically consistent anti-competitive practices to a different mode that isn't the current focus of the courts.

Who loses when Microsoft practices this tactic? Competitors AND consumers. The tech sector moves so rapidly that businesses can go bankrupt in the time it takes to settle a Microsoft issue in court (Netscape comes to mind). This leads to LOSS of innovation through the demise of innovating companies. Microsoft is not threatened by competitors which don't innovate. It is the innovative competitors which represent a corporate threat to them. It is very often the small startup companies that are TRULY innovating—unlike Microsoft which often simply mimics others' innovations. When small companies enter competition with existing monoliths like Microsoft, they can only thrive if they offer a significantly better alternative. The tech sector universally acknowledges that market share often

outweighs innovation in influencing the direction of technology. This makes federal protection of small innovators all the more important for our nation to truly thrive in the tech oriented global economy. These small startups are one of the most valuable American innovative forces. And THESE companies are the ones who go out of business because of Microsoft's predatory practices, or simply resign from competing with Microsoft because they don't have the financial resources to fight a court battle with Microsoft (whose financial resources for such endeavors are almost inexhaustible). This means Microsoft ends up winning the tech competition even if they receive a court judgment against them and pay a heavy fine. Have "we" learned ANYTHING from the history of previous federal injunctions against Microsoft which we were repeatedly broken? What did we learn about Microsoft from their "compliance" with judicial orders to remove Internet Explorer from the Windows operating system? They basically "fingering" the court when they intentionally crippled the operating system as a side effect of their "compliance". While judge Jackson's decision to talk to the media may have been considered an indiscretion for legal purposes which worked to Microsoft's advantage, that in no way lessens the significance of the contempt for the court that Microsoft displayed so many times during the hearings with judge Jackson. This reveals an endemic cultural attitude which can't be resolved by the imposition of court orders and fines. They only way to break that attitude is by breaking up the company.

**FINAL POINT: BREAK MICROSOFT UP!**

In my opinion, the only remedy which does justice to the federal court's conclusion identifying Microsoft as a monopoly is to break up the company. I believe this is the only way to truly prevent Microsoft from abusing its monolithic power and influence. The more Microsoft diversifies into different markets, the greater its ability to dominate a new market through the misuse of its monopolizing control in a different market segment. Unless something happens to change the current settlement, it appears we're all going to get to sit back and watch this happen.

**MTC-00002327**

From: C.R. Murphey  
To: Microsoft ATR  
Date: 11/28/01 9:59am  
Subject: To Whom It May Concern:

To Whom It May Concern:

I think it is about time the government went about making our country secure and get out of private business. If people don't like Microsoft let them buy something else.

**MTC-00002328**

From: hj  
To: Microsoft ATR  
Date: 11/28/01 10:27am  
Subject: Microsoft Suit solution  
LETS PUT THE KIDS FIRST

**MTC-00002329**

From: Robert Hancock  
To: Microsoft ATR  
Date: 11/28/01 10:32am

Subject: my vote:  
BREAK UP MICROSOFT!!! enough said.

**MTC-00002330**

From: zero  
To: Microsoft  
ATR,microsoftcomments@doj.ca.gov  
@inetgw,...

Date: 11/28/01 11:08am

Subject: Microsoft

Dear Sirs

I find myself compelled to write to you with a mixture of frustration, anger and disappointment. I am shocked to witness our judicial system and government failing to do justice on behalf of the people and companies they represent. If there ever was a monopolistic and criminal company, it would have to be Microsoft.

Not only is our government failing to punish Microsoft, the government is helping it expand its monopoly into areas such as education which they do not control at the expense of other companies. It is my hope to see this latest proposed settlement be rejected in favor of a severe and just one. Microsoft is a Monopoly and is using its vast resources to squeeze other companies out of business and penetrate new markets with unfair and criminal business practices.

Microsoft's latest business and private licensing fees reflect its arrogance and dominance in the market place. Do the right thing and punish Microsoft.

Thank you,  
Piero Favretti

**MTC-00002331**

From: Matos, Rob  
To: Microsoft ATR  
Date: 11/28/01 11:00am  
Subject: Microsoft Settlement

I am writing this letter in order to voice my opinion regarding the settlement deal which the US Department of Justice has accepted in the anti-trust case vs. Microsoft.

I am appalled that the DOJ and several of the states in the original suit are even considering this settlement. The terms as suggested in the current proposal are not only unacceptably weak as a remedy, but are actually favorable to Microsoft.

For example, the part of the settlement deal where Microsoft is offering to provide money, computer hardware, Microsoft Software and Support to public schools, may seem like a good idea but it is obvious to anyone that the schools would then be much more likely to be "locked-in" to Microsoft technology and PC compatible hardware. In addition, students of those schools would be indoctrinated in the use of Microsoft software and PC compatible hardware, and would be more likely to purchase those brands in the future. This would also provide Microsoft and its hardware partners an easy way to write off unsold stock. Not much of a penalty in my opinion... Microsoft defends all this by saying that the schools would be free to spend the money as they want and can decide to go with other software and hardware providers. However, even Microsoft acknowledges that schools which choose that route would not benefit from all the resources they are offering. How many schools systems do you think will opt for just

the money, when they can get the whole ball of wax if they go with Microsoft software? If Microsoft's intent was to benefit schools while paying a "fine" why didn't they just offer to put money in a fund that could be used by the schools in any way they want?

While this offer may be tempting considering the desperate financial situation that many of our schools are in, we cannot allow as remedy an action which will help the company further strengthen their monopoly power. I am heartened to see that several of the states including Massachusetts are not joining the DOJ in accepting this appalling settlement. I would urge the DOJ to re-examine its decision. We cannot let political expedience and our sagging economy temper our punishment of a company which has been found to be anti-competitive, has done everything to find loopholes in previous remedy decisions and is attempting to use this settlement as a vehicle to continue its practices and open new revenue streams in the process.

Robert F. Matos  
4 Burke Street  
Groveland, MA 01834  
rdmatos@gis.net

**MTC-00002332**

From: Robert Hancock  
To: Microsoft ATR  
Date: 11/28/01 10:50am  
Subject: current settlement is WEAK! Break up Microsoft!

Attempting to address Microsoft's anti-competitive business practices and monopolistic existence with the current proposed settlement is like trying to keep a freight train which is moving 90 miles an hour from hitting a car on the tracks 100 feet away by issuing the train a speeding ticket. Good luck!

The only way to "stop the train" is by breaking it up. My opinion: reject the current settlement and revert to the previous recommendation of the federal attorneys to break up Microsoft into separate entities.

Think about it! Will breaking up Microsoft REALLY hamper its ability to innovate as they claim? What flaming nonsense! One only has to look at the past two decades of technological innovation to see that small companies can innovate as well or better than big companies. Microsoft's "innovations" will in NO way be hampered by separating them into small companies. They only thing it will do is allow competition an incremental move towards a better ability to compete with Microsoft. Even such a move would only be incremental because of Microsoft's vastly superior financial resources for marketing and extended court battles and its current ability to conduct anti-competitive business practices.

It is the small innovators that need Federal protection, not the monoliths like Microsoft. Get with it.

**MTC-00002333**

From: Berve, Thomas  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 11:22am  
Subject: settlement

As a computer coordinator for a large school district I can't understand this

decision. It will help Microsoft reach into schools and further allow them to control our software and hardware choices. Microsoft has no real interest in education except has a market for their goods. We are a cross-platform district and we receive zero help from Microsoft except in the area of sales. Currently they are doing everything they can to force us to upgrade to Windows XP at a cost we can not afford. Upgrade costs for XP have almost doubled from Windows NT.

This settlement would do nothing to hurt or punish Microsoft except cost them a few dollars. If a teacher catches a student cheating on a test, they don't get to retake the test after cleaning the room with no effect on their grade. This decision would hurt the only company that truly has an educational interest in schools, Apple Computer. Apple, while not perfect, still believes in helping teachers teach, not selling equipment. They have a legion of employees that do nothing but provide expertise in technology based instruction. No other computer vendor is as committed to education.

I am not an enemy of Microsoft, I use their software daily. I'm writing this message in Outlook. However, just because they have tremendous economic strength doesn't excuse their actions. I love my students, but when they do something wrong, I hold them accountable. This decision does nothing to hold Microsoft accountable.

Tom Berve  
Social Studies Department Leader  
Computer Support  
Papillion-LaVista H.S.

**MTC-00002334**

From: Baiss Eric Magnusson  
To: Microsoft ATR  
Date: 11/28/01 11:17am  
Subject: Comment on the Microsoft settlement

Ms Renata Hesse,

I would like to comment on the proposed Microsoft settlement. As an independent software developer who has been unemployed for most of the last 14 months, I very much feel the economic recession. Although the "dot-com" bust is undoubtedly a reason for the current lack of jobs, it is the predatory monopolistic practices of Microsoft Corporation which I feel is the main reason for the situation so many of us independent software developers find ourselves in.

The FUD, (fear, uncertainty and doubt) fostered by Microsoft's actions with regards to the Java programming language has severely limited the expansion of Internet software capabilities and the attendant programmer employment. Also, the way Microsoft has positioned its ".NET" strategy, as an alternative to the current Internet experience, rather than positioning it as an embrace and extend, has stagnated the development of Internet based computer applications. As an individual who chooses to develop and deploy Internet solutions on non-Microsoft software platforms, this has locked me out of business opportunities.

The three pillars of justice: restraint, rehabilitation and retribution are not adequately addressed by this proposal. While a measure of rehabilitation needs time for accountability, the settlement provides no

relief from the monopolistic force of Microsoft's Internet browser, why is it that this is permitted? Microsoft must be forced to market their browser independent from their operating system. Also there is no retribution available to the thousands of companies and the over hundred thousand engineers who have been affected by Microsofts actions. The Microsoft education proposal is a mockery of accounting and a piece of candy for Microsoft's thrust into education. I spent five years on the Riverview School District technology committee which is in King County, Washington; and a third of that time was spent trying to prevent the takeover of the computer resources by those who mistakenly believe that a single computer supplier is beneficial to the educational system.

I have encountered the lies, sabotage and intimidation of Microsoft for fifteen years now and I'm angry about the situation. I have enclosed a link to my resume, from which you can see I have been involved in software development which includes important work I did for the Apollo Space Program.

<<http://home.earthlink.net/~cascades/resume/BaissResume.html>>

Baiss Eric Magnusson verbard;  
cascades@earthlink.net

Cascade Web Design/Software Design and Consulting,

<<http://www.cascadewebdesign.com>>  
32307 NE 193rd St. Specializing in WebObjects & Java

Duvall, WA. 98019-9745 425-788-2394

**MTC-00002335**

From: Lance Goddard

To: Microsoft ATR

Date: 11/28/01 11:08am

Subject: Microsoft "Penalty" Proposal

I am simply dumbfounded that a proposed settlement with Microsoft has them donating their products to educational institutions. This is probably the only area in their business model in which they don't have a monopoly. Amazing!

Also, I have the impression that the penalties were to be based on exorbitant retail pricing instead of actual cost. I suppose they could then use such penalties as a deduction on their corporate tax bill. Is this truly meant to be a penalty for a company which obviously engages in monopolistic activities? Please use some of my tax dollars to hire someone who has an understanding of this business.

Sincerely,

Lance Goddard

**MTC-00002336**

From: Brant Darilek

To: Microsoft ATR

Date: 11/28/01 11:49am

Subject: Ridiculous

As a computer user I feel that this offer is plain stupid. Microsoft is on trail for being a monopoly not to give them more business. I truly hope that this offer is not accepted.

Brant Darilek

San Antonio, Texas

**MTC-00002337**

From: tmw

To: Microsoft ATR

Date: 11/28/01 11:27am

Subject: MS

Please don't give the education market to Microsoft as punishment for improper behavior.

Please work harder to control the monopopoly abuse of microsoft. Our future depends on it.

Tom Witte

**MTC-00002338**

From: jgeller@scient.com@inetgw

To: Microsoft ATR

Date: 11/28/01 11:31am

Subject: break up microsoft

Please break up Microsoft into an Office group and an "other" group.

Thanks,

Josh Geller

**MTC-00002339**

From: David.Leazenby@rrd.com@inetgw

To: Microsoft ATR

Date: 11/28/01 12:10pm

Subject: Microsoft case

Forwarded by David L Leazenby/US/DNY on 11-28-2001 12:09 PM

To: microsoft.atr@usdoj.gov

cc:

Subject: Microsoft case

Your Honors,

I am a Microsoft Certified Systems Engineer and a Macintosh Systems Specialist. I work for R. R. Donnelley & Sons in Warsaw, Indiana as a Systems Analyst. I feel strongly that this settlement does nothing but further increase Microsoft's monopoly. The proposed one Billion dollar "gift" to poorer schools is a very, very bad option. It only benefits Microsoft. Older, re-furbished computers can't run today's Windows software. Re-furbished Apple Computers would be a better choice. The U.S. Government should be required to buy at least 50% or more of the computers they use from Apple. The Mac makes a far superior workstation and can be integrated with any network. Schools use Macs for one reason....they are a better. I taught my kids to use a Mac when they were 2 years old and they have been using them ever since. Even though I am an MCSE I will tell you that the Macintosh is a far superior platform. It takes less time to set up, is more efficient to use and is considered the premier choice for home or small business use. Sure, there are more Windows machines than Macs. There are more insects than people, but that doesn't make them a higher life form. Besides, if it were not for Apple, there would be no innovation, and no Windows operating system at all (It is a crude copy of the Mac operating system).

David L. Leazenby, Macintosh Systems Specialist, MCP, MCP+Internet, MCSE,  
2404 Hummel Drive  
Mishawaka, IN 46544  
(219) 256-1371 (Home)  
(219) 267-9524 (Work)

**MTC-00002340**

From: r-bednarz@tamu.edu@inetgw

To: Microsoft ATR

Date: 11/28/01 12:10pm

Subject: Microsoft settlement

I have read that MS is willing to provide poor schools with \$1 B worth of hard- and software. If \$1 B is the most MS can be asked

to "contribute" (the damages are greater, in my opinion), I suggest they make their contribution in real dollars, not in rehabilitated machines and software. Neither the machines nor the software are worth the value MS will assign to them. In fact, the marginal cost to MS of supplying their software to schools that would not have purchased said software is virtually zero.

Cheers, Bob Bednarz

**MTC-00002341**

From: David.Leazenby@rrd.com@inetgw

To: Microsoft ATR

Date: 11/28/01 12:09pm

Subject: Microsoft case

Your Honors,

I am a Microsoft Certified Systems Engineer and a Macintosh Systems Specialist. I work for R. R. Donnelley & Sons in Warsaw, Indiana as a Systems Analyst. I feel strongly that this settlement does nothing but further increase Microsoft's monopoly. The proposed one Billion dollar "gift" to poorer schools is a very, very bad option. It only benefits Microsoft. Older, re-furbished computers can't run today's Windows software. Re-furbished Apple Computers would be a better choice. The U.S. Government should be required to buy at least 50% or more of the computers they use from Apple. The Mac makes a far superior workstation and can be integrated with any network. Schools use Macs for one reason....they are a better. I taught my kids to use a Mac when they were 2 years old and they have been using them ever since. Even though I am an MCSE I will tell you that the Macintosh is a far superior platform. It takes less time to set up, is more efficient to use and is considered the premier choice for home or small business use. Sure, there are more Windows machines than Macs. There are more insects than people, but that doesn't make them a higher life form. Besides, if it were not for Apple, there would be no innovation, and no Windows operating system at all (It is a crude copy of the Mac operating system).

David L. Leazenby, Macintosh Systems Specialist, MCP, MCP+Internet, MCSE  
2404 Hummel Drive  
Mishawaka, IN 46544  
(219) 256-1371 (Home)  
(219) 267-9524 (Work)

**MTC-00002342**

From: Mark Sandrock

To: Microsoft ATR

Date: 11/28/01 12:43pm

Subject: Re: Microsoft settlement

Hello.

I was stunned to read of the proposed settlement that would allow Microsoft off the hook so cheaply. In my opinion the cost to Microsoft to settle should be much higher, and just as importantly, they should not benefit in any way from the settlement. The cost to Microsoft of donating their software is minimal—it costs them a few dollars to manufacture CD copies of their software, which they then value at many hundreds of dollars.

If they are going to help the schools, let it be a purely MONETARY fine, which the schools may then spend entirely as they see

fit—whether for computer equipment, or for other purposes. As a long time industry observer, I feel that Microsoft has illegally parlayed their Windows monopoly into a near monopoly on office software, and this has cost the consumer many billions of dollars. Note that Microsoft Office sells for \$400 to \$500, whereas comparable products, such as Apple's AppleWorks office suite, sell for less than \$100. Why? Because they can, because they've systematically eliminated any real competition on the Windows platform over decades. Please read the history of Microsoft, and realize that a leopard doesn't change its spots. They'll never change, but they need to pay for what they've done to the computer industry.

Thank you.  
Mark Sandrock  
Manager of System Administration

**MTC-00002343**

From: Dennis Dobbs  
To: Microsoft ATR  
Date: 11/28/01 12:38pm  
Subject: Settlement

The proposed settlement will have very negative consequences for Apple Computer.

If Microsoft wants to be charitable, then why don't they give a billion dollars cash to poor schools to spend on whatever they want. Why do poor schools need computers so bad? Computers are probably the least of their problems. Microsoft's proposal wont hurt them at all. They could give out a billion extra copies of Windows XP and the only thing it will cost them is the price to burn the CD's. It is in fact a good deal for Microsoft because it will give them more market share in the education market. As Steve Jobs says, this is one of the last markets that Microsoft doesn't have a monopoly in. You see, Bill Gates is being a monopolist right before your very eyes in the courtroom. Don't let this happen!

Dennis Dobbs  
Student  
Colorado School of Mines

**MTC-00002344**

From: Missionsports@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/28/01 12:30pm  
Subject: microsoft settlement

By accepting this settlement offer from Microsoft you are perpetuating the very thing you fought against, and won, in court. Allowing Microsoft to pay off their guilty verdict with their own software etc you only allow them to increase an already staggering monopoly by infiltrating the one arena they have not been able to compete—education. Should Microsoft be allowed to compete? Yes. Should that that competition be unfair? No. You people have the legal right to impose a settlement that sends a message to Redmond infroming them that unfair business practices will not be tolerated.

The consumer is hurt by this proposed settlement.

Jack Goodjohn

**MTC-00002345**

From: Garry Hanson  
To: Microsoft ATR  
Date: 11/28/01 12:11pm  
Subject: Microsoft Settlement

Microsoft's proposed plan to donate computers and software to schools as part of their lawsuit settlement is a joke! Justice would not be served by allowing Microsoft's "punishment" to be a free pass to extend their monopolistic practices into the education market. The only unbiased solution would be to have Microsoft give money to the schools and let the schools determine where they spend it.

Garry Hanson  
Grand Rapids, Michigan

**MTC-00002346**

From: vicarbecker@netscape.net@inetgw  
To: Microsoft ATR  
Date: 11/28/01 12:46pm  
Subject: self imposed penalty in Microsoft monopoly case

It seems to me that allowing a company that has been convicted of being a monopoly a chance to further expand into the only realm they do not control is inconsistent with any form of punishment. By allowing Microsoft to give computers using their software to schools you train a young group of computer users to be used to using the applications provided to them by Microsoft. Since they know and are familiar with these applications they will continue to use them in the future. This settlement actually makes good advertising sense for Microsoft. If they can corner the education market in this way they can finally truly control the entire computer industry, or at least an even larger segment of it. A billion dollars in computers to schools sounds good but is not inconsistent with a normal advertising budget at Microsoft. It is a budget very similar to the launch budget for Windows XP and just makes good business sense for them. If they are to supply a billion dollars in computers to schools as part of the remedy for monopolistic practices these computers should not have the windows operating system on them. If they do it only amounts to advertising for Microsoft. If it is your goal in prosecuting Microsoft to reward them for being a monopoly by all means allow them to set this as their "punishment." However, if you truly wish to allow a true spirit of competition and free enterprise to grow in the computer industry you must set a remedy which curtails and does not increase their ability to monopolise this market.

Andrew Becker  
Vicar, Redeemer Lutheran Church

**MTC-00002347**

From: Eric Jorgensen  
To: Microsoft ATR  
Date: 11/28/01 12:59pm  
Subject: Microsoft Settlement

To whom it may concern:

I am a professional in the information technology field—and have been for over 13 years. It was with some interest that I saw the Justice Department file suit with Microsoft the first time related to browser bundling (1994–1995). However, I believe that the terms of that agreement have been violated, and are cause for concern that any agreement that does not provide for tough regulation of Microsoft will be similarly violated.

Perhaps the most striking aspect of this case to me is Microsoft's complete denial of

doing anything wrong. They contend this, even to this day. How can a company that doesn't believe it has done anything wrong be trusted to "do the right thing" in future dealings? Microsoft has proven itself to be untrustworthy, and the current settlement is merely a slap on the wrist and will have no long-standing effect against the monopoly that is Microsoft. I do not necessarily believe that Microsoft should be split. However, I do believe the following items should be addressed in any settlement (and are not addressed in the current settlement).

—bundling: Microsoft has pursued a tactic where software is bundled in with the operating system. First browsers, now media players. This needs to stop, as vendors such as Netscape, and now Real Networks, find themselves at a competitive disadvantage when every new PC has competing software already installed by default.

—java: Microsoft's current operating system, Windows XP, is further limiting consumer choice by not supporting java. This is a direct slap in the face to the Department of Justice, and the American consumers as a whole. They call this "innovation", but it is removing functionality already present in previous versions of the operating system.

—.NET: Microsoft is at a dangerous crossroads, where they intend to move their monopoly from the desktop to the Internet. For example, I was a user of the Visio diagramming tool. It was used to generate databases in Oracle. However, Microsoft bought the company, and now Visio is part of the MS Office Suite. Functionality that used to be in the program is now in the Visual Basic Studio .NET program—and only works with Microsoft products. This is a dangerous precedent, and without strong supervision these sort of tactics will continue.

I urge everyone at the Justice Department to look closely at the current settlement and ask themselves several questions. Is this settlement the best for consumers, rather than just a simple resolution in difficult times? Will this settlement actually cause Microsoft to change its ways? Will this settlement be used by MS as a "vindication" of their practices, since they have admitted no wrongdoing? So in conclusion, I cannot caution strongly enough against the settlement as it stands in current form. It is not effective and will not prevent the kinds of abuses that have happened in the past, and even continue to this day.

Sincerely,  
Eric R. Jorgensen  
Parker, Colorado

**MTC-00002348**

From: Jeffrey Hunter  
To: Microsoft ATR  
Date: 11/28/01 12:57pm  
Subject: Proposed Settlement Benefits

Microsoft and Punishes Everyone Else  
Please reconsider the proposed settlement that you have made with Microsoft, especially the part where Microsoft will donate \$1 billion worth of Microsoft Software and Computers to under privileged schools. This settlement punishes no one and will

actually benefit Microsoft who stands to gain increased market share in the educational market. Once Microsoft has this increased market share they will use their position against the educational markets to bully them just like they have the business sector. If you want to punish Microsoft you should make them give the \$1 billion dollars divided equally to the 12,500 schools and let them spend it on whatever computer hardware and software matches their technology road maps.

Thanks for your time,  
Jeff Hunter  
9009 Corran Ferry Dr  
Austin TX 78749

**MTC-00002349**

From: Jeffrey Lovell  
To: Microsoft ATR  
Date: 11/28/01 12:53pm  
Subject: Comments on Microsoft Settlement Plans

Dear Judge Kollar-Kotelly,  
I believe the suggested remedies reported in the news are not going to have the slightest impact on Microsoft's predatory marketing practices and subsequent illegal abuse of monopoly power.

I don't need to recite more examples to you. I'm sure you've seen them all by now. You have seen what has been done by Microsoft to date as well as their indignant attitude during the whole process. You are a judge, and it is time for you to do that now. All I ask is that you don't allow the settlement process to make precedent that will allow Microsoft to continue its roughshod run over the rest of the technology industry and its customers.

Jeffrey M. Lovell  
jlovell@mac.com

**MTC-00002350**

From: Forsythe, Michael  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 1:32pm  
Subject: Don't Allow This

This settlement is tantamount to giving Microsoft even MORE monopoly power in education. Microsoft has broken the law. How does strengthening their monopoly punish them? Somebody isn't thinking. Or else they've been bought off. Microsoft is using their ill gotten riches to bribe the courts under the veil of charity.

Standish Mellon Asset Management  
Creative Services Manager  
1 Financial Center  
Boston, MA 02111-2662  
617.457.7204—Phone  
617.368.8381—Fax

**MTC-00002351**

From: BRIAN MCGOWEN  
To: Microsoft ATR  
Date: 11/28/01 1:20pm  
Subject: Microsoft

Please give Microsoft the punishment it deserves and quit letting this giant ignore laws. It is a true monopoly and we as americans should have more than one choice when it comes to computer operating systems. Wouldn't you just hate it if there were only Fords with two models to choose from and no options offered that would fit on a Ford. We have hundreds of cars and models

to choose from with an astronomical choice of options to put on these cars.

Please stop Microsoft so we can have a choice, they do not have anyone who has any imagination. They stifle the competition so they end up broke then they buy their ideas at a bankrupt price. Then use their ideas as if it were they who had the vision and skill to design such programs and have the gall to put their Microsoft name on it. Our country is in a sad state morally and economically when we always let the one with the most money win!!!!!! They copied Apple's graphical interface back in the late 80's and got away with it and now they want an open door policy to the education market because they have been a bad!!!

May anyone who condons monopolistic behavior and encourages its survival—rot in hell! Yes I'm mad—that our government has let Microsoft waste our tax paying money on its monopolistic practices and is still wasting our money trying to satisfy this giant's wishes when we should be spanking it ass for being a bad example to the rest of the business world. The government is supposed to protect the people from such practices in a free enterprise society—may you only have a FORD to drive and have only WHITE BREAD for your choice of food.

The U.S. DOJ is the only one that can protect us from Microsoft—so just Do It!!!!!!

That is why we the people elected you to your current position—WE THE PEOPLE—not Microsoft the Monopoly! We the people pay your wages and we the people need your support!!!!

Or can't you spank the hand that funds your political goals????????????

**MTC-00002352**

From: Herb Linamen  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 1:16pm  
Subject: Microsoft settlement a disgrace!

I wholeheartedly support the notion that the proposed Microsoft settlement is just another attempt by Microsoft to further encroach on the alternative operating systems available to the public.... most notably that of Apple's current position in education. If you want to punish Microsoft for their attempts at domination, make them anty up cash payments.... not just approving their dumping refurbished windows systems on the educational systems which just makes those same school systems even more dependent on Microsoft.. YOUR PROPOSAL DOES NOTHING MORE THAN AID THEIR ATTEMPT TO DOMINATE THROUGH A MONOPOLY!

Herb Linamen  
365 E. Haines Blvd  
Lake Alfred, FL 33850  
hlinamen@aol.com

**MTC-00002353**

From: Trent Harris  
To: Microsoft ATR  
Date: 11/28/01 1:37pm  
Subject: Microsoft Settlement  
To Whom It May Concern:

I have been watching the Microsoft anti-trust trial and proceedings with interest since

they started. I have been shocked by the blatant lies, twisted truths, and generally poor behavior of Microsoft and its executives. From the beginning they have acted as if they were being unfairly targeted, and that any protestation of innocence should be accepted as the truth. When they were found to be a monopoly it seemed that there was hope that we wouldn't have to live in a world with Microsoft intruding into everything. Unfortunately, the recent settlement talks appear, from the outside, to promote just that. Far from being punished, it seems that Microsoft is being promoted. The worst example is the proposal to give computers and Microsoft software to financially troubled schools. This seems akin to letting a crack dealer stay out of prison by having him give free drugs to underprivileged children. In the case of Microsoft, they get to look like a good guy, and anyone who speaks out against the proposal looks like an idiot. Who can object to giving schools new computers? Short term gains from treating Microsoft gently are being traded for long term losses. If the US truly wants business to innovate and compete, Microsoft should be punished, fined, broken up, and be forced to endure government oversight and regulation. Let them, and future monopolists, know that their business practices are unacceptable, and not in the best interests of the US consumer.

It is my hope that before any final action is taken towards Microsoft that the consequences of those actions will carefully considered for how they affect the US consumer and not how they affect the balance sheet of Microsoft.

Thank you for the opportunity to email feedback regarding this case.

Sincerely,  
Trent Harris  
tharris@pacific-star.com  
Pacific Star Computer Services  
<http://www.pacific-star.com>  
714/964-9888 Voice  
562/598-7042 Voice  
562/430-1128 Fax  
1077 E. Pacific Coast Highway #178  
Seal Beach, CA 90740

**MTC-00002354**

From: Voudouris, Christopher (OTS-EDH)  
To: 'microsoftcomments(a)doj.ca.gov',  
'attorney.general...'  
Date: 11/28/01 2:02pm  
Subject: Failure of the Microsoft Anti-Trust Settlement

Dear Attorneys General,  
The DOJ settlement with Microsoft is an ineffective half-measure that will only damage the principles and the practice of free competition. While acknowledging that Microsoft has acted to stifle competition, it does not do enough to prevent this from happening in the future, let alone address compensation for past actions. I urge each of the state Attorneys General to continue fighting for a settlement that adequately prevents monopolistic actions that threaten the U.S. economy. I also urge the DOJ to reject the settlement proposal work for one that assures free competition in the marketplace.

Sincerely,

Chris Voudouris  
3148 O St.  
Sacramento, CA 95816 CC:Microsoft.  
atr(a)usdoj.gov', 'consumer(a)mail.wvnet...

**MTC-00002355**

From: mcgraw@cejka.com@inetgw  
To: Microsoft ATR  
Date: 11/28/01 1:39pm  
Subject: YOU CAN'T BE SERIOUS

Hi,  
I teach computer topics part time, in addition to full time work doing System Administration and part-time computer consulting. I've worked with all kinds of computers and networks for the past fifteen years. You've got to be kidding if you're even considering that insulting Microsoft offer to pump lots of "refurbished" equipment into our poorest schools. I've worked with lots of "refurbished" equipment which has been "donated" to schools, and it always costs more in terms of System Administration time than it did in the capital expense. How about this. Have Microsoft fund the salaries of one or two good SysAdmins for each of the schools first. For the next ten years. Then you can talk about what kind of equipment to set 'em up with.

Respectfully,  
Patrick McGraw  
Network Analyst  
Cejka & Company  
800.678.7858  
fax 314 863 1705  
mailto:mcgraw@cejka.com  
http://www.cejka.com

**MTC-00002356**

From: Michael and Rebecka  
To: Microsoft ATR  
Date: 11/28/01 2:49pm  
Subject: Do what is right, thats all we ask.

Please don't let Microsoft trick the courts, don't let them make a fool of the United States government!

I believe that the judgment will be fair, and should be very harsh against Microsoft for there criminal practices. Whatever verdict is dealt, it should be swift and very painful for Microsoft. Splitting up the company is a sound idea for what should happen. For a company that promotes very bad ethics and business practices, we should make an example of them for future businesses to see...what not to do! It is not right that they force everything upon a computer user and make it harder for others to live in a computer monopoly. I once used a Windows PC, until someone introduced me to Apple, I will never look back and hope never to. However, if Microsoft continues to dominate and push better more intelligent products aside, some day if there is no grassroots movement (which this is) than we will have no other choice but to use windows, we are so on the edge of that now. Is that what you want? Most people know no different than windows, but they should! If you have not used a Macintosh yet, I seriously recommend finding an apple store and spend several hours using a mac and OS X. Don't be blinded by the excuses that Microsoft uses, don't be taken for a fool! Do what is right, that's all we ask.

Thank you

Michael Neuman  
P.S. If Microsoft does want do donate, let them donate all competitors products. (ie. All new Macs and Apple software to go along with it.) Everything is easier on a Mac, everyone, not just children should be using Apple hardware and software; seriously look at the differences— it's amazing what you will discover. "The mind is like a parachute, it only works when it's open!"

**MTC-00002357**

From: BRIAN MCGOWEN  
To: Microsoft ATR  
Date: 11/28/01 2:23pm  
Subject: Beware of Geeks Bearing Gifts  
Apple isn't the only one who's worried about Microsoft's proposal to settle various private lawsuits filed against the company following the US Department of Justice's antitrust allegations. BusinessWeek columnist Charles Haddad has offered his two cents' worth in his latest Byte of the Apple column entitled Beware of Geeks Bearing Gifts. Comparing Microsoft founder and chairman Bill Gates to John D. Rockefeller, Haddad said that Gates has the ability "to turn a government antitrust assault to his advantage," and this bodes ill for Apple.

Last week Microsoft offered a settlement proposal that would provide 14,000 of the nation's poorest schools with software, training, tech support services and refurbished computer hardware from Microsoft Corp. The proposal has earned the ire of various sources, including Apple, which earlier this week filed a brief in US District Court suggesting that the proposal was full of holes that Microsoft could take advantage of to dominate the educational market—a market in which Apple currently enjoys relative dominance.

"It's a spectacular offer," admits Haddad. "Gates is not just giving away computers. Ninety million dollars would go to train teachers how to use the computers, and another \$160 million to provide ongoing technical support. Microsoft would also donate one million refurbished PCs." Haddad noted that the settlement proposal doesn't address the core issue, however: "that Microsoft used its stranglehold on computers to defeat competitors large and small."

Haddad accepted that Microsoft said it's willing to make the offer platform-agnostic—schools are free to support whatever operating systems and hardware systems they choose, according to the settlement. Haddad suggested that many school administrators "have a herd mentality," and will probably be only too willing to flock towards Windows-based systems like so many of their colleagues.

Haddad said that Apple has to get itself into those very same schools that Microsoft wants to assist with its proposal. If Apple can "demonstrate the ease of using and maintaining Macs, and set up systems that run everything from attendance to grading," Haddad said that the company may have a good chance of winning a good portion of that market. More details are available from BusinessWeek Online.

**MTC-00002358**

From: c chuck lee

To: Microsoft ATR  
Date: 11/28/01 3:09pm  
Subject: MS settlement settles nothing  
Dear Sir:

I don't really have an opinion one way or the other until I loaded the XP system on my computer. Because of a problem on my PC, I have to remove the Internet Explorer—Now MS won't even allow that anymore—all they have done is remove the pointer—and nothing is removed! Do you know what I had to do?? I had to remove XP and restore Windows 98 and then remove the Internet Explorer. Don't tell me this is innovation. Your department simply doesn't really understand the technical issues that's really critical. Very very bad work for what I paid with my tax dollars.

—C. Chuck Lee

**MTC-00002359**

From: Paul Ossenbruggen  
To: Microsoft ATR  
Date: 11/28/01 2:55pm  
Subject: Proposed settlement  
DOJ,

I think this proposed settlement does nothing but further the Microsoft Monopoly, is not a severe punishment, and seriously hurts competitors such as Apple. Do not accept it, this is the actions of a monopoly trying to further its dominance while trying to seem like a nice guy.

Talk about a sweat deal! Do not be fooled. It will make the US government look foolish and will be a waste of everyone's taxpayer money, after having spent all this time an money proving that they are the monopolists they are. It is like letting a murder choose to be punished by hitting him with a soft pillow and then giving him the pillow to sleep on.

—Paul

**MTC-00002360**

From: Peter  
To: Microsoft ATR  
Date: 11/28/01 2:55pm  
Subject: Microsoft Settlement Offer

To whom it may concern,

I would like to add my weight to the side that is encouraging you NOT to accept the settlement offer from Microsoft that would provide hundreds of millions in software, training, support and hardware to schools in the country.

It seems so obvious that the settlement to saturate the eligible schools with Microsoft products is not punitive but a trophy for the company's anti competitive practices. Regardless of Microsoft's rebuttal that the settlement allows for any type of software/computer (e.g., Apple, Linux, and etc.), it is unrealistic to assume that the process will play out that way. You can assume that any settlement proposed by the accused will be in the best interests of the accused. It is disconcerting to watch Microsoft weave its way above the law. Bill Gates said about proposed DOJ settlement that it was reasonable and fair. How many criminals have you heard say that their punishment was reasonable and fair.

The problem with the settlement is that it replaces potential sales with Microsoft products or with products that support Microsoft. It reduces market size in a time of

shrinking markets and it is a major strike against a corner of competition for Microsoft. The education market is not dominated by Microsoft but this settlement will substantially help Microsoft achieve dominance. Is this not counter to the intent of justice?

Punitive action against Microsoft will not have a negative effect on the economy. On the contrary it will help the economy by showing that Microsoft is accountable for its actions. It will also demonstrate that the justice system is not broken.

Thank you for the opportunity to voice my concerns.

Peter Czarny

**MTC-00002361**

From: Brent J. B. Petit  
To: Microsoft ATR  
Date: 11/28/01 3:29pm  
Subject: Thoughts on the proposed settlement

To whom it may concern,

I am very troubled by the news of Microsoft's proposed 1 billion dollar settlement. If I understand the issue correctly, and I believe I do. I fail to see how giving Microsoft the opportunity to force their products into one of the few markets they do not hold monopoly power in benefits anyone. From what I see this is going to end up as a boon for Microsoft and a setback for those schools poor enough to qualify for this program. My first question has to do with numbers. How much of the 1 billion dollars can be used for Microsoft software? Then, how does Microsoft price this software? If we're taking retail price then there is something seriously wrong. Next how does this take into account Microsoft's monopolistic licensing fees. Please, please, please make sure you understand the full impact of Microsoft's licensing. Pushing poor school districts into the Microsoft licensing web will do more harm than good over the next few years.

Next, are you telling me that you are going to subject these poor schools to Microsoft support. Ouch!

I would like to see Microsoft invest in poor schools. But, they cannot have any part in the decision making process. There must be a unbiased voice consulting these schools on the best technology solution. If in the end the schools choose to go with Microsoft, great. At least we know that this was a sound decision, not the effect of slimy salesmanship. After all, Microsoft can offer crazy benefits to the schools who use MS software since it costs MS very little.

Additionally, I am concerned with the length that you will go to ensure that the most damaging practices in the MS playbooks are stopped. Most of the coverage I saw was regarding bundling of Internet Explorer with Windows. Although this is a big issue, I don't see it as the most important. For years Microsoft has been hiding the high performance portions of their APIs until they could release new software to utilize it. One argument many pro-Microsoft voices have made is the competitors should just make better software. First off, it's not that simple when viewed along side Microsoft's bundling practices. On top of that Microsoft can ensure

in many ways that their software outperforms the competitors.

I would like to see some sort of software review process not just for Microsoft but all software companies in order to protect the rights of consumers and competitors. After all, are many companies that are including 'Spyware' and other information stealing code in their programs. This could be a benefit on many fronts.

Thank you for your time,  
Brent J. Petit  
Taxpayer

**MTC-00002362**

From: joanpeterson  
To: Microsoft ATR  
Date: 11/28/01 3:26pm  
Subject: Microsoft Settlement  
It is in everyone's best interest to completely settle this law suit. Microsoft was unfairly singled out by the Clinton Administration. We are behind you, Microsoft!

**MTC-00002363**

From: David Norfleet  
To: Microsoft ATR  
Date: 11/28/01 3:22pm  
Subject: Proposed Microsoft Settlement  
To whom it may concern,  
I just wanted to express my opinion on the possible Microsoft settlement of furnishing schools with PC's as payment for their antitrust violations. I do not think that this will solve any part of the problem, and will in fact aid Microsoft in securing more of a monopoly in the education market.

Thank you for your time,  
—David Norfleet  
www.sealrockmusic.com

**MTC-00002364**

From: Nel Chiropractic  
To: Microsoft  
ATR,eddingsk@APPLE.COM@inetgw  
Date: 11/28/01 3:11pm  
Subject: Settlement/Education?

As a Mac and PC user (who enjoys the Microsoft office products and also would not like see them break up the company), I am also baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education or into any other field.

If any settlement is to be made in this direction, in all fairness, it should be that Microsoft pays for the other companies to provide their hardware and software. In the case of the schools it should be Apple and for other settlements it should be other software manufacturers. Just my two cents on a subject that I know has many facets to be dealt with. Good luck.

Regards,  
Ricco Nel, DC  
Nel Chiropractic  
2020 Jefferson Street  
Napa, California 94559  
Ph: 707-255-0266  
email: mailto:nel@napachiro.com  
web: http://www.napachiro.com

**MTC-00002365**

From: Murray, Banister  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 3:42pm

Subject: Schools Greetings,

I think it's great that Microsoft wants to help out financially ailing schools. However, I think that Microsoft's proposal is not a punishment by any means. The cost to Microsoft would be minimal while the "retail" tax write off would be considerable. Not to mention the potential future market domination enabled by "teaching" children using Microsoft Software. I suggest to amend their proposal and have the contributions be made in the form of cold hard cash with no strings attached. The school systems could use the money to buy any sort of necessity from any company that is in the best interest of the school. If Microsoft is sincere about their intentions of proposing self punishment that contributes positively to society, there shouldn't be a problem with my suggestion.

Banister Murray

**MTC-00002366**

From: David Doukas  
To: Microsoft ATR  
Date: 11/28/01 3:39pm  
Subject: Remedy  
To the Department of Justice.  
I share the concern that Microsoft's "remedy" may be an unfair intrusion into the education market.

Apple was correct in launching its lawsuit to block it.

However, there IS a fair remedy:

Have Microsoft install "renovated Macs"—i.e. refurbished iMacs, Airports, and iBooks in classrooms.

Yes, they can even put Microsoft Word and Internet Explorer on these computers (as long as the latter is not the "browser of choice").

This will be a "Solomon-esque" conclusion for this part of the Microsoft case, if Judge Motz accepts it.

Please feel free to circulate as necessary.

DD

David J. Doukas, M.D.  
Associate Professor of Bioethics, and  
Family Practice/Community Medicine  
University of Pennsylvania

**MTC-00002367**

From: Peter Lightburn  
To: Microsoft ATR  
Date: 11/28/01 3:33pm  
Subject: Stop the madness.

An important facet of free market enterprise is for consumers to enjoy choice in a level playing field. In the computing landscape, Microsoft has taken advantage of its high market share and corroded that facet. Please I urge you guys at the D.O.J to reconsider the Microsoft proposal and seek measures that are truly punitive and not a band aid solution that will hurt competitors like Apple who provide the only viable choice to Microsoft.

Thank You  
Peter L (average computer user)

**MTC-00002368**

From: Dan Reese  
To: Microsoft ATR  
Date: 11/28/01 3:32pm  
Subject: Microsoft Settlement

Hello,

I would like to state my opposition to the currently proposed settlement.

First, Microsoft is not being forced to repair the damage done by their illegal actions. Reparations for illegal actions should be a part of the settlement. Not only did competitors, such as Netscape, receive irreparable harm, but consumers, such as myself, have had to pay higher prices for the Windows OS and also computer hardware where an option to purchase the hardware without Windows was not available. Second, the oversight committee doesn't seem to have the needed authority to impose penalties on Microsoft for not complying with the settlement. A large dollar amount per day for non-compliance (or something similar) should be imposable by any oversight committee. Microsoft has shown in court on many occasions that they cannot be trusted.

Lastly, why is the government settling for less of a resolution than was proposed over a year ago? Since that time, not only has Microsoft been declared a monopoly, they have also been convicted of violating anti-trust law 8 times. Why are consumers getting less from this settlement than could have been had a year ago?

We learned from the AT&T break-up that diversity will increase innovation and decrease prices. This settlement only solidifies Microsoft's monopoly position. The consequences will be a continued DECREASE in innovation and INCREASE in price.

Thank you for your consideration,  
Dan Reese  
Clearstone Corporation  
Lindon, Utah

#### MTC-00002369

From: joebuck@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 11/28/01 4:04pm  
Subject: Microsoft Settlement  
Renata B. Hesse  
Antitrust Division  
U.S. Dept. of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-001  
Subject: Microsoft Settlement—Consumer's Objection to Proposed Judgment

As a consumer, I write to object to the proposed judgment because the judgment does not address in a positive manner the most important violation by Microsoft of the antitrust law. The proposed judgment, instead, expressly condones Microsoft's continued violation of the law.

The appellate court specifically held that "Microsoft's... commingling of browser and operating system code constitute(s) exclusionary conduct, in violation of Section 2." [U.S. v. Microsoft Corp., June 28, 2001, No. 00-5212, p. 40, first paragraph of part II.B.2.b.] Contrary to this explicit holding, the proposed judgment specifically provides that "(t)he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." [Revised Proposed Final Judgment, part VI.U]. Thus the proposed judgment expressly authorizes Microsoft to continue those acts that the appellate court specifically held violated Section 2 of the anti-trust law.

Microsoft continues to expand the strength and breadth of its monopoly over the PC

operating system by absorbing into the software, which Microsoft calls its "Windows Operating System", functions performed by its competitor's applications and utilities. Because Microsoft sells its "operating system" as a single product, each time that Microsoft adds to its "operating system" a function that previously was performed by the competitor's product, consumer demand for the competitor's product ceases and the competitor is destroyed. Again and again, Microsoft has used this weapon to leverage its monopoly power in the Window's operating system to wipe out its competitors and its competitor's software products while, at the same time, increasing the strength and breadth of its monopoly. The vehemence with which Microsoft objects to any limitation on its use of this weapon evidences Microsoft's recognition of the critical importance of this weapon to Microsoft's continuation and expansion of its monopoly.

Because Microsoft has monopoly power in its "Windows Operating System" I, as a consumer, am forced to purchase the Windows Operating System in order to operate my computer. Each time that Microsoft expands the breadth of its "operating system" by absorbing into it functions previously performed by other software, I lose the freedom to purchase such functionality from other sources, and whether or not I need such additional functionality, my computer is burdened by the additional software in Microsoft's "operating system" that performs these functions.

If the judgment does not prevent Microsoft from commingling its "Windows operating system" with software that is added to absorb functions previously performed by Microsoft's competitors, Microsoft will use this weapon to expand the breadth of its monopoly, to destroy its competitors, and to harm the consumers, all in the manner explicitly held by the appellate court to violate the law. If you do not revise the judgment to forbid Microsoft's absorption into the "Windows Operating System" of functions performed by competitors' software, the legal action against Microsoft will have failed.

Microsoft claims that it wants the freedom to "innovate", i.e. to introduce something new for the first time. Microsoft does not innovate, it instead imitates. Microsoft does not create new products and functionality but, instead, copies the functionality of its competitor's products into its "Windows Operation System". Because Microsoft has monopoly power, its "imitation" of competitors' products harms us all and violates the law. If Microsoft wants the freedom to "imitate", let it imitate with software that is separate from the "operating system".

I can think of no benign explanation as to why the most important provision in the proposed judgment was tucked away at the very end of a long list of Definitions. The clause that would "give away the farm" to Microsoft should, instead, be displayed in bold letters at the beginning of the proposed judgment under the caption: "GRANT TO MICROSOFT OF LICENSE TO CONTINUE TO VIOLATE THE LAW".

Sincerely,  
G. Joseph Buck  
433 Via Anita  
Redondo Beach, CA 90277  
"joebuck@worldnet.att.net"

#### MTC-00002370

From: William Deighan  
To: Microsoft ATR  
Date: 11/28/01 4:03pm  
Subject: Microsoft Settlement  
Justice Department:

I believe that Microsoft got off very lightly—they are a monopoly! Already they placing themselves in the driver seat by putting computers in hundreds of schools. This is an example of how they work the system.

#### MTC-00002371

From: Brian Warren  
To: Microsoft ATR  
Date: 11/28/01 3:51pm  
Subject: Microsoft Anti-Trust Case  
To Whom It May Concern,

Personally, I don't consider the latest settlement to be a very wise solution, as it seems to pave the way for Microsoft to have a larger market share. Education is one realm where Microsoft hasn't monopolized yet, and now they want to put Windows into more people's hands.

Though the educators have their own options of what computer to buy, Microsoft has said that the software would be free. It doesn't look like educators would have much of a choice.

Please consider enforcing a tighter and more adequate punishment. Microsoft doesn't want to admit guilt, but maybe this is time for them to do so?

Thank you,  
Brian Warren  
cadence international web  
www.cadence.org

#### MTC-00002372

From: Creedon, Ted  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:32pm  
Subject: MSFT settlement

Request you require Microsoft to place all source code in the public domain. or Donate \$10 billion to the Open Source Foundation or other non-profits dedicated to Open Source or Provide class definitions for all interfaces to Microsoft Software 6 months in advance of release and limit Microsoft to using only published interffaces for their own software

Ted Creedon, P.E.  
been coding since 1962...

#### MTC-00002373

From: W. J. Kossler  
To: Microsoft ATR  
Date: 12/6/01 3:22pm  
Subject: View of Settlement  
Sirs:

Several comments:

1. Microsoft is a monopoly. This monopoly, while having its positive side (providing a standard for hardware manufacturers, for example) has been clearly used by Microsoft to its own advantage. Word processor document formats which change and which others can only reverse

engineer to has, for example, placed most other word processors other than Word at an unfair disadvantage. This is also true for Powerpoint and the MS spreadsheet. Microsoft should, so long as it has the lion's share of the market, be forced to make public its document coding.

2. The setting up of Web sites with code which only works for MS IE should be watched very closely. Wachovia banking on line has such a site. One cannot print directly ones statement using Netscape, Mozilla, or Konqueror as alternatives. The role as standards make can be very positive, but MS does it badly.

3. Part of this settlement should be the setting up and maintaining sets of standards for Web sites, programs etc. with MS involvement, but not by any means control.

I am primarily a Red Hat Linux user, though I also use MS products when they are better.

Sincerely yours,  
W. J. Kossler  
Physics Dept.  
College of William and Mary  
Williamsburg, VA 23187-8795  
757 221 3519  
fax 3540  
home 229 8060

#### MTC-00002374

From: Christopher Smith  
To: Microsoft ATR  
Date: 11/28/01 4:16pm  
Subject: a fitting settlement

Okay Microsoft made a BIG announcement that they would provide 1 billion dollars in software and money to poor schools. Lets make Microsoft spend money on Macintosh computers for these schools and then they can install all the copies of Microsoft Office for the Mac-as well as Internet Explorer web browser that they want. Let's see if they still feel so generous-or not!

#### MTC-00002375

From: Greg Dalen  
To: Microsoft ATR, microsoftcomments@doj.ca.gov/inetgw,...  
Date: 11/28/01 4:15pm  
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov  
I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been found guilty of using illegal means to maintain their monopoly. As I understand it, one of the intents of the Anti-Trust laws is to prevent illegal monopolists from abusing their position in the future. How would the proposed settlement do that when a good portion of the settlement

specifically increases their market share of both the OS and their bundled products? The proposed settlement uses a blatant play on setementality in an effort to escape unscathed (and in fact strengthened by) their conviction as illegal monopolists.

In the past there has been strong resistance to punish illegal monopolists for fear of the effects on the economy. I am not aware of a single case where the strongest possible punishments have been imposed, that have not resulted in benefit to consumers, competitors and the economy at large.

I believe this settlement should be declined. Microsoft and not the Schools or justice will be the only beneficiary. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to further maintain their illegal monopoly.

Greg Dalen  
CC to:  
California: microsoftcomments@doj.ca.gov  
Connecticut:  
attorney.general@po.state.ct.us  
Florida: ag@oag.state.fl.us  
Iowa: webteam@ag.state.ia.us  
Kansas: GENERAL@ksag.org  
Massachusetts: tom.reilly@ago.state.ma.us  
Minnesota: attorney.general@state.mn.us  
Utah: uag@att.state.ut.us  
West Virginia: consumer@mail.wvnet.edu  
ZDNet Article on the settlement  
Judge to rule over Microsoft's motives  
Monday 26th, November 2001  
Reuters

A hearing begins Tuesday to determine if Microsoft playing Santa for needy kids with its billion-dollar settlement offer—or the Grinch looking to dominate the education market Is Microsoft a do-gooder, or up to no good? That's the question a federal judge in Baltimore will consider on Tuesday at a hearing on the company's billion-dollar antitrust settlement of private, class-action lawsuits.

US District Judge J. Frederick Motz will have to decide whether the settlement proposed by the company is a creative solution that will put computers in the hands of poor school children or a legal ruse that will further the company's dominant position in the computer business. Microsoft says the private settlement is a civic-minded way to resolve more than 100 lawsuits filed around the country on behalf of customers allegedly overcharged by the company.

Under the settlement, Microsoft would make amends by spending more than \$1bn to put software and computers into some of the poorest US schools. It would assist more than 12,500 schools serving nearly 7 million children under the settlement of the private suits. "It is a settlement that avoids long and costly litigation for the company and at the same time..., really makes a difference in the lives of millions of school children in some of the most economically disadvantaged schools in the country," Microsoft Chief Executive Steve Ballmer told reporters last week.

#### Different path

But at Tuesday's hearing, some class-action attorneys from California are expected to paint quite a different picture for Motz.

The dissenting attorneys, who have filed a case on behalf of California consumers, will ask Motz to strike down the settlement or allow their lawsuits to proceed separately in California. They portray the settlement negotiated by Microsoft and the other class-action attorneys as a ploy designed to entrench the Windows monopoly while allowing the company to pay back only a tiny fraction of what it actually owes consumers. Central to the dispute is a US antitrust doctrine that holds that only a "direct purchaser" can collect damages in private antitrust suits.

The direct purchaser restriction applies nationwide, except in the more than a dozen states like California that have passed laws repealing it, said Gene Crew, an antitrust attorney heading one of the cases against Microsoft on behalf of California consumers. In February, Motz ruled that in states that had not passed the so-called "repealer" statutes, antitrust litigants could not recover damages from the company. That's because most consumers do not get Microsoft's Windows software directly from the company, but pre loaded onto a machine they buy from a computer manufacturer.

The cases in California and a handful of other repealer states, meanwhile, have been moving forward. The California case is scheduled to go to trial next August.

California attorneys dissenting from the settlement are accusing Microsoft of singling out the attorneys in nonrepealer states—those with the weakest cases—and secretly negotiating a sweetheart deal for the company.

The dissenters fear such a settlement could neutralize cases like theirs in repealer states, which they say still hold the potential for larger damage awards against Microsoft. "It was a clever tactic..., whereby they hijack the California case and use it to lend value to meritless cases elsewhere," Crew said. However, the settling attorneys will tell Motz the settlement is a better deal for consumers than trying to divvy up money among individuals. Michael Hausfeld, one of the lawyers who negotiated the settlement, said consumers would have gotten as little as \$10 apiece if Microsoft had agreed to reimburse them directly.

"This was a very carefully thought-out plan," Hausfeld said. "There's a lot of complaining out there, and there's no relationship between the complaining and reality." Hausfeld said Crew had vastly overestimated the amount of money that can be recovered from Microsoft. And he scoffed at the idea that Microsoft had singled out the weakest plaintiffs for settlement talks.

"Nobody pays over \$1bn to the weak link," Hausfeld said. The five-year program would settle class-action claims that Microsoft abused its monopoly over personal computer operating systems and overcharged millions of people for software. Microsoft said it would take a \$550m charge before taxes against earnings in the current fiscal quarter if the pact is approved by the court. Earlier this month, the software giant agreed to settle its separate, three-year case with the Justice Department and many of the state attorneys general who had sued the company.

**The smell test**

At Tuesday's hearing, dissenters from the private antitrust settlement will run through a list of legal objections to the deal, Crew said. Crew said the private antitrust settlement is worth only a fraction of the amount Microsoft might end up owing to consumers. He estimates that in California alone, overcharges may total \$3bn to \$9bn.

"Right there it flunks the smell test," Crew said. "It makes the settlement look silly." Crew argued that the settlement deal is actually a "marketing device" that "allows them to further entrench their monopoly" by spreading free Microsoft software into primary and secondary schools.

"I think charity is great," Crew said. "But they should do it as a matter of charity, not a matter of settling a lawsuit."

Ballmer has denied the settlement is aimed at boosting the company's market share in American schools. He said money from the settlement can be used to buy software from Microsoft competitors.

Think it's all over? The antitrust case against Microsoft can still go back to the Court of Appeals, and then there's the European Commission's investigation...

**MTC-00002376**

From: Tony Palumbo  
To: Microsoft ATR  
Date: 11/28/01 5:37pm  
Subject: Proposed Settlement

To whom it may concern

I wish to state my opposition to the propose Microsoft settlement. While I applaud the benefits of helping poor school districts, I'm completely opposed to a solution that will further enhance Microsoft's dominance and encourage further monopolistic behavior.

Wasn't this entire case about Microsoft using unethical tactics dominate the market? Hasn't it been proved that these tactics damaged many businesses as Microsoft forced their own products down the throats of users there by eliminating competition? Wasn't the purpose of this entire trial about promoting CHOICE?

It appears that one again, Microsoft has determined the choice for all of us As a Macintosh user, I can't tell you how many times I visit web sites only to be told that features on the site are not available to me and only to Windows users. Did anyone address this issue?

How can there be parity when the playing field slopes in MS's direction?

Lets face it, this proposal is full of holes that Microsoft will take advantage of to dominate the educational market. If it allowed to stand as dictated by MS, there will be no alternative operating systems within 5 years.

Please consider this before siding with Mr Gates and Company

Sincerely  
Anthony J Palumbo  
80 Ridge Road  
Hackettstown, NJ 07840

**MTC-00002377**

From: Christopher Kupec  
To: Microsoft ATR  
Date: 11/28/01 5:16pm

Subject: Proposed settlement

Dear Sirs and Madams,

The more I hear about the settlement that Microsoft is proposing, the less I care for it.

Microsoft is to be punished for their unfair practices. They should not be allowed to expand their market share, i.e., monopoly, in the educational sector.

I want my voice to heard, so I am asking you all to not accept the proposed settlement. It does the consumer and the student a disfavor.

Sincerely,  
Christopher Kupec

**MTC-00002378**

From: Mason, Richard  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 4:30pm  
Subject: Microsoft Settlement Comment

It is my understanding that as part of the settlement of price gouging in their class action lawsuit, Microsoft has offered to donate computer hardware, software and support to school districts. If it is their intention to donate systems that run Windows operating systems, it sounds to me like they have found a novel way to grow their monopoly and further strengthen their share at the expense of the U.S. Judicial system and the American people. I wish to voice my strong opposition to any such agreement. The court has already found, in another related case, that Windows is an illegal monopoly and now Microsoft may be presented with the opportunity to further indoctrinate our children into dependence upon Windows products and services—in the name of justice. In my opinion this is akin to letting Colombian drug cartels settle guilty verdicts by providing free cocaine to U.S. junkies. Microsoft should not be allowed to profit from a guilty verdict.

May I suggest that any settlement that involves such a donation should stipulate that all of the hardware, software and support be entirely comprised of non-Microsoft products and/or services. To put it more plainly, if Microsoft wants to settle by donating computers, they need to donate only Apple Macintosh, Linux or other high quality non-Windows systems and all of the support should be provided by firms unaffiliated with Microsoft.

Richard Mason  
WAN Manager  
VISN16 Network Operations Center  
South Central Veterans Healthcare  
Network

Richard Mason  
WAN Manager  
VISN16 Network Operations Center  
South Central Veterans Healthcare  
Network

**MTC-00002379**

From: Eric Slosser  
To: Microsoft ATR  
Date: 11/28/01 6:38pm  
Subject: objection to Microsoft settlement  
Dear Sir:

I'm a software professional with over 20 years experience in the desktop market.

I'm writing to object to the proposed settlement in which MS would be allowed to distribute their software to schools as a

penalty for their monopolistic practices. This is a cheap "do it for the kids" tactic that will only benefit Microsoft. The fact that Microsoft likes the settlement should be reason enough to understand that it's not in the public's best interest.

Sincerely,  
Eric Slosser  
eric@slosser.net 617 244-9694  
CC:microsoftcomments@doj.  
ca.gov@inetgw.attorney.gener...

**MTC-00002380**

From: Jonas Roel  
To: Microsoft ATR,microsoftcomments@doj.  
ca.gov@inetgw,...  
Date: 11/28/01 6:07pm  
Subject: Reject the Microsoft settlement...

Please reject the Microsoft Settlement. The Microsoft corporation is a monopoly and is in violation of the law. In fact, its monopolistic activity will hinder America's capacity to develop better technologies in the future.

Sincerely,  
Jonas Roel  
Tampa, FL

**MTC-00002381**

From: Dan Brown  
To: Microsoft ATR  
Date: 11/28/01 6:06pm  
Subject: MS Settlement grossly unfair to  
Apple

Steve Jobs is right!

The education market is one place where Apple has a good presence, and Bill Gates "donating" \$1-2 Billion of rejuvenated PC's and Windows XP to schools is really cutting Apples' support. If Gates offer is so good why doesn't he donate 50% of it in rejuvenated Macintosh's , or at least the percentage of Apple Mac's in the school system, rather than all PC's—which toots his own horn at Apples' expense.

I certainly believe that this DOJ allowance is not ethical and needs to be redone right by MS giving MONEY alone and none of Microsoft products.

I really believe that the DOJ caved into MS! or there is a mole in the DOJ which likes MS!

That stinks!

Regards,  
Dan Brown  
806 Hampshire Dr.  
Grand Prairie, TX 75050

**MTC-00002383**

From: Bob Nies  
To: Microsoft ATR  
Date: 11/28/01 7:05pm  
Subject: Microsoft settlement offer

Needless to say this is a giant canard. Microsoft is a convicted monopolist. Microsoft has done more to inhibit competition in the last 10 years of any company in the world. The deal is a sweetheart gift to the attorneys (they get the cash), Microsoft gets to buy the rotting pile of unsold PC's that are stacking up at Compaq, HP and Dell, on the cheap, thus bailing out its main distributors. Oh yes, they will buy of few Macs (all obsolete with the new OS X now out) and give away software that costs little more than the cost of the CD's they are burned on. Wake up, that deal won't fly and is detrimental to the competition that

has suffered the most from Microsoft's dirty play. Without Apple innovation where would the computer industry get its ideas to produce itself out of the current slump. By everyone's score (even Bill Gates), innovation is the future of the computer industry and competition is the driving force to making it happen. Any settlement that harms Apple is grounds for another lawsuit.

Microsoft has the cash (32+ billion). Come up with a 25% on the dollar cash settlement of the properly calculated damages, and let these poor schools spend the money, i.e. pay cash for whatever computer and software that they deem best for their students. This is the proper way to help all players in the industry (man would there ever be some fantastic deals given to move inventory) and clear the decks for the next generation of hardware and software. Let the marketplace determine what's best for the students!

Bob Nies  
Sarasota, FL  
941-925-8897

**MTC-00002384**

From: bigsixty@mac.com@inetgw  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 11/28/01 8:46pm  
Subject: Thank you for your continued pursuit of Microsoft

Greetings.

My name is Tyler Lagrange of Sarasota, FL. I will try not to ramble on for too long and I beg of you to read all I have to say as it pertains to what I believe to be the most significant antitrust lawsuit I will see in my lifetime.

Thank you very much for not accepting the lenient settlement that has been proposed in the Microsoft case. I have been following the case from the beginning and have read many articles that have followed your progress. My favorite was an article in Wired magazine about a year ago that really went in to a lot of detail that even I did not know. At that point I really felt the case was going in the right direction, but that feeling has understandably changed in the recent weeks. I don't feel you need me to point out reasons why Microsoft has committed illegal monopolistic activities, however, I want to point out the ones that really hurt me as both a consumer and an internet software developer. I am a 26 year old programmer with a 4 year Computer Science degree and I've been a computer user since my first grade year at Hunt Elementary in South Florida (20 years ago).

As a consumer, my choices are severely limited by what Microsoft has done. I was really upset by what Microsoft did with the web browser wars as I preferred Netscape (along with 80% of the internet users back then). I can not really understand how they could get away with simply copying somebody else's ideas and designs, and to then force it down everybody's throats. They claim that it is best for me as a consumer and they offer it up to me for free as if that is generous. They only gave it to me for free because there was competition. What I would really want for free is Microsoft Office. Why isn't that a part of the OS? Microsoft Office is the de facto standard for sending formatted

papers and office/business documents to and from people. A majority of the people out there have it and use it for daily use—probably even more than Internet Explorer. The reason that Microsoft will never offer that to us free is not just because it costs them more to develop (that is untrue as they have already recouped their costs), but because they face no serious competition in that realm. If you ask 100 consumers if they would rather have Office or IE bundled with their OS, you know what they would say. Microsoft is not doing what the consumers want, but is illegally protecting their desktop monopoly and extending it in to any other area that they can get in to. I do not want Internet Explorer. I do not want Windows Media Player. I do not want the other stuff they seem to think I do.

As an internet software developer I have also had many problems with what Microsoft has done. My biggest problem is really undocumented and unknown by most people who do not develop internet software. By having such a huge user base, they have made it virtually impossible (undesirable really) to write software that does not support Internet Explorer. They may claim that their browser supports more "standards" but in fact they support whatever they feel they want to. One of the most severe things they have done is to have a more lenient parser (the system that reads the HTML and displays it) that will not enforce strict HTML. This allows coders to be lazy and to not adhere to the HTML standards. Once they get used to that (and for the most part they just debug their sites in IE and don't look at any other browsers), they will most likely NOT adhere to standards and as a result the web sites will only act appropriately in Internet Explorer (I have worked in 3 startups and they all have focused solely on Internet Explorer as the default platform). As consumers see these things acting correctly only in IE, they feel that IE is the only one that works. Now it may look like they are being nice and "guessing" what us web programmers mean to do, but by not enforcing the standards, we will never be able to progress beyond the inadequate capabilities we have today. I don't know for sure, but I bet at least 80% of the web sites out there would break if standards were enforced. I honestly feel that this is deliberately done to prevent other web browsers from gaining a significant share of the marketplace again (unless they are programmed to display improper HTML to maintain compatibility). This also prevents serious progress because they have to maintain this broken compatibility to display those 80% that were not written well in the first place. Web developers must write software to work well in IE or they will have problems with their customers. This just extends their monopoly.

Beyond that, it is hard for me to feel that with an idea I can be successful in the free marketplace. That is a horrible lesson the courts are trying to teach me. Even with the best ideas in my head, as soon as Microsoft has me in their sites, they could embrace it, extend it, build it in to their next OS, and push me aside. I will never be able to charge money for my software, as Microsoft can

always afford to give it away free and to throw more R&D money at it to "make it better" than me. So in order to beat them, I will probably need some capital behind me. But investors, after seeing what Microsoft is allowed to get away with, will be less likely to dump money in to my company with the risk that Microsoft will overtake us and we will lose all that we have. They have too much power and too much freedom and will continue to pursue these initiatives even harder if they are allowed to get out of it this time.

I am disgusted by the bundling that they were allowed to get away with with XP even after it was determined that Internet Explorer pushed and entire company essentially out of the market. They will now push remote administration systems, media players, digital camera software vendors, cd burning software vendors, and many others out of business. This does not help the economy. This is also not about progressing in to a "modern operating system". This is about extending a monopoly. It may seem extreme to a lot of people to break up a company, but it has been done successfully before, and it may need to be done again. I feel that Microsoft makes some good applications, and has some good operating systems. However, if their operating systems division was separate from their applications divisions, it would prevent this overlapping we see of OS services and Application services. It would also allow for more choices and more opportunities for other vendors to produce top quality software that WILL benefit consumers, and WILL boost the economy, and WILL save the future of computing.

I feel so powerless when I sit at home and read about all the bad things Microsoft has done. I watch the arrogance they display when they claim that they know more than you or I do about how the future of computing should be regulated. I beg you to not fall like the others have before you. I urge you to do your best to represent me in this monumental case. I thank you for all that you have done, and will continue to do.

If you made it this far thank you very much, Tyler LaGrange 4902 Ithaca Ln Sarasota, FL 34243  
CC:bigsixty@aol.com@inetgw

**MTC-00002385**

From: JWHAKALA@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/28/01 7:36pm  
Subject: Marketing Strategy: Donate Software

I believe that the actual present cost and the present value of future sales due to donated software should be considered in the final settlement. It's entirely possible in the long run, that this settlement costs Microsoft nothing. I certainly hope that the Financial Accounting Standards Board, FASB, weighs in on this issue. I think that an all-cash settlement would more equitable.

Jack W Hakala, Bellevue, WA

**MTC-00002386**

From: Scott  
To: Microsoft ATR  
Date: 11/28/01 8:46pm  
Subject: Damages, remedy.

I would like to see a provision that limits the extent to which retail licence fees can

exceed posted OEM licence fees. Also, an admission of guilt on the part of Microsoft would go a long way in validating any settlement in the public's eyes, and provide a firm basis for action enforcing the agreement, should Microsoft stray from it.

That aside:

The public has been damaged by Microsoft's abuse of its market share, and those damages far exceed four dollars per US citizen. Much more careful consideration must be made on the part of the state to assess the extent of the damages created by Microsoft's monopolistic practices, and seek a judgement more pursuant to that amount.

Futhermore, no anti-trust settlement should extend the power of the defendant. Microsoft derives power from its mind share, the percentage of the population that is familiar with its products. Microsoft already has programs to give away software to students for the sake of extending their mind share. Any settlement should seek to undermine the defendant's monopolistic power, not reinforce it by some of the very means by which the defendant acquired said power. For this reason, a settlement along the lines of Red Hat Software's proposal is much more fitting. (Linked to below.) A remedy needs to be reached that introduces and strengthens competition rather than effectively barring it from public schools!

Microsoft would undoubtedly claim that their software is more fitting to the needs of inner city schools than Red Hat's. I disagree. Linux has progressed to the point where, for basic desktop needs, tools have been developed that suffice for internet and office applications. Furthermore, these tools are priced such that these tools are more affordable: they're free, so poor students having the same software at home as at school is more realistic. Also, for non-basic desktop needs such as software development, most Linux distributions, including Red Hat come with full featured compilers and text editors for multiple languages whereas Microsoft's equivalent products are very costly. So Microsoft paid hardware running Red Hat software would allow for more schools to benefit, while simultaneously increase the benefit those schools could derive from each of the systems.

For all of these reasons, it is my opinion that the most ideal solution possible based on the currently proposed one would include:

1—Free, community owned software on machines going to the benefit of the community and are paid for by Microsoft.

2—Many more machines paid for by Microsoft than are provided for by the current proposal.

Finally, even if my above advice goes unheeded, the settlement should seek to reclaim for the public good compensation for the damage incurred, not temporary rights for the public to utilize the fruits of the transgression. If the state seeks rights to Microsoft's software, it should be in a form that does not become obsolete.

For reference, Red Hat's press release including their proposal is linked to below: [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)

Sincerely, Scott O'Neil  
Student, Programmer, Inventor

#### MTC-00002387

From: Mccabe, Matt X  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/28/01 10:27pm  
Subject: Please Do Not Settle

Please do not settle this case with Microsoft.

They've been thoroughly exploiting their illegal monopoly for a decade now and have all the booty to show for it—BILLIONS of ill-gotten dollars in the bank.

All the works are in place for them to continue fully exploiting their monopoly.

Given the judgement against them and the outcome of the consent decree from 1995, how can WE THE PEOPLE give up in the punishment phase of the trial? Microsoft Corp. has broken one of the biggest laws a corporation can break. Please press for one of the largest punishments in order to fit the crime.

Thanks!

#### MTC-00002388

From: Lawrence Pasciutti  
To: Microsoft ATR  
Date: 11/28/01 9:17pm  
Subject: proposed settlement for microsoft class action

Speaking as an Apple Macintosh owner and investor, let me say that the proposed settlement in both the class action suits in which Microsoft proposes to settle their case by not so subtly dangling a fat meatball in front of a starved school system and the federal antitrust suit, both appear to result in rewarding the perpetrator instead of punishing them and will result in continuing illegal, monopolistic behavior. I personally object to both and hope the respective judges will show truly judicious judgment. LR

Pasciutti

#### MTC-00002389

From: CyberMonk6@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/28/01 9:20pm  
Subject: Concerned User

Concerned Apple user here, just letting you know that Microsoft's recent settlement proposal is absolutely ridiculous. They wish to give refurbished systems to schools in need, and that's fine and dandy. The fact is, their software will be running on those computers, and the end result will be an even more monopolistic Microsoft. It's easy to see through this attempt at nullifying their own punishment, and I hope you'll see this as well. P.S. A more understandable punishment would be forcing Microsoft to buy computers for schools in need that would support something other than their own Windows (Apple Macintosh is the obvious choice).

Josh Hattersley

#### MTC-00002390

From: Kevin Hubbard  
To: Microsoft ATR  
Date: 11/29/01 2:26am  
Subject: Microsoft Settlement

I'm disappointed. Yes I live in Washington State, yes many of my friends and fellow co-workers work for Microsoft. For their sake, Washington State sake, and USA economy sake, I should be happy that Bill and Co only got a mild rist slapping, but I'm not.

Microsoft's business practices are monopolistic, which is surely wrong from a good vs. evil perspective as they put little companies out of business.

What really makes me angry about Microsoft and this ruling is that their monopolistic business practices stifles innovation in the technical arena which I am dependent on for a living. Microsoft is on the verge of taking over access to the web after shutting Netscape nearly out of business. Internet Explorer has been forced onto 90% of the PCs in the land. Now the web-site norm is to support InternetExplorer as a requirement. We're starting to see many web-sites no longer work properly with the underdogs (Netscape, Mozilla, etc.). Just like MS-Word before it, nobody loses their job making their web-site talk to InternetExplorer and not Konqueror or Mozilla or some other browser. InternetExplorer is not available for open-source OS's such as Linux. Its not even available for Sun Solaris. Thats a problem. Why is Microsoft giving away InternetExplorer for MS-Windows users but not providing InternetExplorer for alternate OS's, either in compiled binary or source code? Simple. This emerging strangle-hold on web-browsing is positioning alternate OS's out of business. Thats bad.

Regards,

Kevin Hubbard  
Senior Electronic Design Engineer.  
Issaquah, Washington.

#### MTC-00002391

From: Alan Wardroper  
To: Microsoft ATR  
Date: 11/29/01 1:47am  
Subject: MS case

Very disappointed in the clear message ehre to big business—do what you like, as long as you're rich and powerful. MS has been demonstrated to have broken the law, has been called to task for it, then rewarded by the courts with a blank slate for furthering their monopoly with a token gesture to donate PCs and SW to schools. The cost in SW to the company is not the reported \$1Billion, but actual cost is \$0. Not only that, they get to elbow their way into education, knowing that ina year or so the schools will have to upgrade.

Not good. Please reconsider.

If someone breaks the law, they should be held accountable.

#### MTC-00002392

From: Vladimir Mikle  
To: Microsoft ATR  
Date: 11/28/01 11:56pm  
Subject: Justice

So, the justice department is going to penalize Microsoft by making them give donations and free computers to needy schools?

Lets penalize Microsoft by having them spread their influence even more throughout the world. Lets show the young students of America how "wonderful" Microsoft is by giving them free software and computers. Then when those students become wage-earners, they'll "penalize" Microsoft some more, by buying more of their software, since Microsoft software is most likely the only operating system (Windows), business

package (Office), and web browser and email software (Internet Explorer & Outlook Express) that those students will become familiar with.

Isn't this what putting Microsoft on trial was supposed to avoid? Yes, there are many schools that need financial assistance, and it would be great if you could kill 2 birds with one stone, but if you REALLY want to penalize Micro\$oft, force them to subsidize those schools with Apple computers ONLY, or even PC's loaded with the Linux operating system. Both of these alternatives would provide students with a more problem-free computing experience.

Oh, and if you still want to "penalize" Microsoft, those students could get Apple computers bought by Microsoft loaded with a program called Virtual PC, that allows Apple Macintosh computers to run Windows software. Funny how Windows-based PC's can't run Macintosh software, isn't it?

Vladimir "MacFanatic" Mikle  
vmikle\_1966@telocity.com

#### MTC-00002393

From: Alan Eshelman  
To: Microsoft ATR  
Date: 11/28/01 11:34pm  
Subject: Microsoft and DOJ

When is the wedding? Come on, grow some balls and treat Microsoft like the unapologetic contemptuous bunch of greedy law breakers they are. Jesus Christ, is every part of the US Government happily sucking at Micro\$oft's teat or what? How in God's name could Microsoft be allowed to pick their own damn "punishment"? I'd laugh if the reality of the whole thing weren't killing the software company I work for, thanks for looking out for the filthy fucking rich at the expense of all others.

Alan Eshelman

#### MTC-00002394

From: Brent  
To: Microsoft ATR  
Date: 11/29/01 4:08am  
Subject: 20 Year Mac User—Objection

Hello,

I wanted to voice my opinion:

As a 20 year Mac user and a Apple investor I want you to know that I object that the settlement. Apple only has approximately 49% of school computer platforms and only 4% of total operating systems. If you were to allow Microsoft to "donate" as much as you are stating you will foster a new generation of computer users who will only use or become familiar with Microsoft's OS thus the monopoly continues. Please scale back your donation or ensure that Apple Computer is better represented in this settlement.

I would also like to add the following quote: "There are two principal issues: the proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer after Microsoft's conviction that he does not even know what a monopoly is."

owiRegards

Brent Hohlweg

#### MTC-00002395

From: ROGER HAGER  
To: Microsoft ATR  
Date: 11/29/01 4:48am  
Subject: Just go by the laws on the books!  
Just go by the laws on the books!

#### MTC-00002396

From: MZK225@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 5:54am  
Subject: Insane!

This settlement proposal is insane! I am amazed that this offer was even considered. Why would the DOJ reward Microsoft with more marketshare when they are on trial for unfairly using their monopoly to obtain the share they have now? Microsoft should be punished because they broke the law! This proposal wouldn't be punishment for them.

#### MTC-00002397

From: R S Chan  
To: Microsoft ATR  
Date: 11/29/01 7:45am  
Subject: Microsoft settlement

The only way to protect us the consumer from Microsoft's monopoly is to break up the company into 3 separate entity, Operating System, Internet business and other software. That is the only way that we the consumer will have a fair deal. Right now we have to buy an upgrade every year on the Operating System from Microsoft. The upgrade is mostly just patches to correct glitches that they discover during the year. So, in reality, we are being forced to pay for Microsoft's mistakes make in their software over and over again. As it is now we the consumer just have no chance to try other operating system.

R S Chan  
Edmonds, VA

#### MTC-00002398

From: Stephen Goertzen  
To: Microsoft ATR  
Date: 11/29/01 7:27am  
Subject: Microsoft Antitrust

The settlement with Microsoft is a travesty of justice. We have laws in the United States against most monopolies for a reason. Some of them have to do with freedom of choice. When Microsoft tells manufacturers that you can't put anything else on your computers if you want to have Windows on them, that removes freedom of choice from the manufacturers, and we have another word for that, extortion. Secondly, Microsoft openly states that Windows is an operating system. By definition, an operating system translates commands from programs for the computer, handling all the interfaces with the computer internals. If this is so, then Microsoft must publish all the methods to allow third parties to access these translations, otherwise it is not an operating system, but a vertical monopoly on a computer. Additionally, the idea of adding programs to an operating system is absurd, because this violates the definition of an operating system, once again using monopolistic advantage to restrict choice.

I'm sure you've read the Halloween memos by Microsoft concerning Linux.

This is the mentality of Microsoft. Destroy a competitor by not allowing them to be placed on computers. eg. If Compaq wants Windows on their computers, then they can't have Linux on other computers they sell. Microsoft has apologized for the problems they have caused (to a limited extent). Seems to me if a bank robber apologized for robbing a bank, we would want more than an apology and a promise not to rob banks in the future (take a look at XP, which will not allow certain third party software to be loaded!)

Please do the right thing, and pursue the Microsoft case as it should. Microsoft does put out a decent product, though it does have its flaws, but it must play by the rules in place, the same rules that everyone else must follow.

Stephen Goertzen

#### MTC-00002399

From: Warren E. Gimple  
To: Microsoft ATR  
Date: 11/29/01 7:16am  
Subject: Let's move on !!  
11/29/01

Dear Sirs:

A tentative agreement has been reached in the Microsoft Case. After all these years and expenses. We should now accept the agreed upon settlement and move on. There are so many more important things that need to be done in our country, and you guys should spend time on more important issues. Stop beating a dead horse to death again.

Get some IMPORTANT legislation passed and do the work that you were elected for. Stop wasting time on these types of issues!!!!

Warren E. Gimple  
2600 Barracks Rd. C-13  
Charlottesville Va. 22901-2198  
email: gigtaxi@cstone.net  
ph: 434-295-1890

#### MTC-00002400

From: Donald E. Knox  
To: Microsoft ATR  
Date: 11/29/01 8:48am  
Subject: Microsoft Antitrust Case

I think the government should take a look at the AOL, Apple, and Netscape practices before they make a final ruling in the anti-trust case against Microsoft.

AOL, Netscape and Time Warner have teamed up to dry the government into their corner. Microsoft may have integrated the IE browser in to the operating system, but why is that bad? People still have the choice of browser, they can use the Netscape browser if they wish. I recently bought a new computer and it had Netscape installed. Over the years I have purchased many computers for my company and most of the laptop systems came with Netscape installed.

Microsoft has "On Lines Services" in the "Add Remove Programs" for anyone to install an On Line service of their choice, yes AOL is there—so is Prodigy, CompuServe (AOL), and a few others that not quite as popular.

Microsoft has as much right to define their operating system as does Apple. Microsoft has been in the business of making computing more fun and easier. I think to a great extent that has been accomplished, just look at the number of people that have

computers today. Apple computers had a big edge in the 80's but software companies didn't right business functional programs for the Apple computer systems.

The primary reason Microsoft was able to gain so much popularity was Novell's purchase and dismantling of Word Perfect and Group Wise. Had Novell been able to maintain the market share, 80%+, then Microsoft would not have been able to move into the application as strong as it did. Novell stripped the messaging software and Unix knowledge from the Word Perfect company before it sold the rest to Corel. In my view Microsoft has done more for the software industry than most any other company I can think of. The products are not always "best of bread" but they sure do a pretty decent job of making work easier.

Don Knox, MCSE  
don.knox@linderco.com  
813-359-5253

**MTC-00002401**

From: alevin@mmm.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 8:43am  
Subject: Settlement

As an IT professional, I would recommend that Judge Colleen Kollar-Kotelly NOT accept the settlement between Microsoft and the DOJ for the following reasons:

As the courts ruled, Microsoft IS a monopoly. The agreement does nothing to stop this. The DOJ won the case, but then gave up.

There is no financial penalty.

The way Microsoft's lawyers are able to twist things around, anything in the agreement would not hold up due to interpretation and would end up back in court for years to come.

Microsoft can still bundle what ever they want into the operating system even though it has nothing to do with the basic operation of the computer.

Thank you,  
Arlen Levin

**MTC-00002402**

From: Rick Rodman  
To: Microsoft ATR  
Date: 11/29/01 8:40am  
Subject: Your settlement is horrible.

After all the things Microsoft has done—lied to the court, fabricated evidence, violated their original consent decree—THIS is the kind of settlement you come up with?

Microsoft has put thousands of people out of work, increased prices to consumers, cost the federal government billions of dollars, and held back the improvement of technology. The DOJ has proved its case (see the findings of fact).

Something must be done to remedy the situation for the American consumer and the Federal Government.

Your proposed settlement does nothing for either of these aggrieved parties.

It's completely wrong, and an embarrassment. Come up with something better.

Otherwise the American people will have to do something on their own—and you won't like it.

**MTC-00002403**

From: Bruce Bardes  
To: Microsoft ATR  
Date: 11/29/01 8:39am  
Subject: Microsoft Settlement

Hello Folks—

You have a tough problem.

Microsoft's business practices are clearly monopolistic and predatory. I think that Judge Jackson used those words. Let me throw in arrogant and contemptuous of the public. The products they foist off on the public are shoddy. Clearly, those folks deserve some kind of punishment. But what?

I'm not sure what breaking up Microsoft will accomplish, but what other choice is there? Maybe requiring open code for their products? I say "Do it!" All of it.

Bruce Bardes  
Cincinnati

**MTC-00002404**

From: Jason Boyd  
To: Microsoft ATR  
Date: 11/29/01 9:41am  
Subject: RedHat, Microsoft, and Open Source in our schools

I am sure you've received a fair amount of mail on this subject, so I'll cut to my brief opinion:

RedHat's proposal, if enacted, would be very good for our schools, very good for the Open Source movement and subsequently good for all industries which rely on computing. It would be bad for Microsoft. Very bad. And Microsoft knows this very well.

If this is \*not\* already the view of the Department of Justice, than my opinion is that the DoJ should fully explore the implications of RedHat's proposal and seriously listen to the Open Source and broader computing communities. If the DoJ already sees the positive outcome of supporting some variant of RedHat's proposal, then you should do so. Punish Microsoft in a \*real\* way that doesn't actually \*help\* them monopolize computing further, and doesn't push a bloated commercial monopoly into the infrastructure of our public education system.

Respectfully,  
Jason Boyd  
Software Developer  
Boston University  
Boston, Massachusetts

**MTC-00002405**

From: Ira J. Minor  
To: Microsoft ATR  
Date: 11/29/01 8:56am  
Subject: Microsoft settlement

The most significant settlement idea has never been mentioned. It would be to require PC manufacturers to offer PC's with NO pre-installed software. PC buyers would then buy their software of choice on CD's.

This would give all software developers a level playing field. In short, STOP PC MANUFACTURERS FROM BUNDLING SOFTWARE WITH THEIR HARDWARE!

Ira Minor, iminor@bellsouth.net

**MTC-00002406**

From: Clay Leeds  
To: Microsoft ATR

Date: 11/29/01 11:09am  
Subject: Proposed Microsoft Settlement Inadequate

To whom it may concern:

I am shocked at the Department of Justice's plan to settle the Microsoft Anti-Trust case. It appears to be more of a reward to Microsoft, than a punishment. In particular, the proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer after Microsoft's conviction that he does not even know what a monopoly is. I formally request that you reject the proposal, in favor of a real, tangible punishment, complete with punitive and civil damages.

Clay Leeds  
Web Developer/Programmer  
cleeds@medata.com

**MTC-00002407**

From: JOHN D GILBERT  
To: Microsoft ATR  
Date: 11/29/01 11:09am  
Subject: Microsoft Settlement

From a public user's perspective it doesn't appear that Microsoft has been given any significant penalty.

They still released their new operating system XP on schedule with many new features that link all of us users more tightly to their solutions. I know they say that their approach has produced a better product for all of us, but without more competition, they will continue to tie us tighter to their desired approach.

In the long run that will not produce better solutions. We need a more significant penalty that would promote more open competition in the OS, Browser and E-mail area. There is really only one solution, the Microsoft solution, available on new systems. That is the case even after the so called slap on the hand.

I use their solutions for most of my work, but mostly because they came with the new system I recently purchased from Dell. The hardware world is very competitive, but these three areas are sewed up by Microsoft.

John Gilbert  
2313 Stonehenge Dr.  
Edmond, OK 73034-6477

**MTC-00002408**

From: Chris Katscher  
To: Microsoft ATR  
Date: 11/29/01 10:19am  
Subject: Proposed Microsoft settlement: Flies in the face of the monopoly trial!

It is amazing to me that a settlement for the class-action lawsuit, proposed by Microsoft, referred to here:

Microsoft near settling private suits <http://www.msnbc.com/news/660382.asp?cp1=1> and here:

Microsoft Confirms \$1B Settlement <http://www.wired.com/news/antitrust/0,1551,48543,00.html> is even being considered by the justice department. This is like if Standard Oil proposed to give away its gasoline and used cars to people who didn't

have cars yet. Or if Bell telephone proposed to give away free telephone service and used phones to people who didn't have phones yet. Does this not fly in the face of the ongoing DOJ vs. Microsoft case and the various acts on monopoly law: The Sherman Act, 15 U.S.C. 1 (1973), and the Clayton Act, 15 U.S.C. 13 (1973)? Competitors are naturally outraged by this proposal, here:

Apple Rips Microsoft Settlement <http://www.wired.com/news/antitrust/0,1551,48660,00.html> and have proposed alternate settlements here: Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) I urge U.S. District Judge J. Frederick Motz to reject this proposed Microsoft crafted settlement, and urge both parties to come up with a settlement that doesn't let Microsoft dictate where the settlement money will go.

Thank you for your time.  
Chris Katscher

**MTC-00002409**

From: John Laurenson  
To: Microsoft ATR  
Date: 11/29/01 10:11am  
Subject: MicroSoft Settlement Proposal  
Gentlemen,

By now you have heard from thousands of unhappy avid Mac users. Mac is the only real competing operating system to MicroSoft. I'm afraid old Bill Gates has out maneuvered you again on this one. It is just like "bare rabbit pleading with bare fox not to be thrown into the briar patch". You are doing far more damage than good with a settlement proposal that simply gives Bill Gates a way of further monopolizing the market and squeezing out any competition.

John G. Laurenson, Jr.  
3223 Harbor Drive  
St. Augustine, Florida 32084

**MTC-00002410**

From: Les  
To: Microsoft ATR  
Date: 11/29/01 12:00pm  
Subject: Comment on proposed settlement  
Dear Sir or Madam:

I find it incredulous that the Justice Department is proposing to facilitate Microsoft in extending their Windows-based monopoly. I'm referring to Microsoft's offer to donate one billion dollars' worth of PC's and Microsoft software to public schools.

As for the software component of the donation, Microsoft's cost would be a miniscule fraction of the announced dollar amount. This is because once the fixed cost of developing the software is paid, the incremental cost of burning an additional CD-ROM is merely pennies. The Microsofties in Redmond must be rolling on the floor in laughter at being able to get away with this "smoke and mirrors" agreement.

If the Justice Department is truly interested in punishing Microsoft for its monopolistic behavior and discouraging the company from such behavior in the future, it should require them to purchase one billion dollars' worth of Apple computers and non-Microsoft software for public schools. Anything less is

a sham and goes squarely against the Department's intent when the suit was initially brought against Microsoft.

I respectfully request that this aspect of the proposed settlement be withdrawn by the Justice Department. If the Department cares at all about fashioning a just solution to the problem that it initially sought to correct, it will replace this remedy with one that addresses the issue of Microsoft's monopolistic behavior rather than being an accomplice in perpetuating it.

Yours truly,  
Les Fuchs  
3035 River North Pkwy.  
Atlanta, GA 30328

**MTC-00002411**

From: Kelly  
To: Microsoft ATR  
Date: 11/29/01 12:00pm  
Subject: Proposed MS settlement

Just a quick note to express how I feel about the proposed settlement in the "consumer" Microsoft case. I read where one PC pundant described the proposal as a big Rorschach test. Everybody sees what they want to see in it. I think that it's actually a big IQ test, and Microsoft is hoping we really are THAT STUPID.

The proposed settlement is too small and misdirected away from the class of people that actually were injured by Microsoft's illegal misuse of its monopoly position. As much as I think we need to increase education funding for technology, schools were never significantly injured by Microsoft's pricing shenanigans since they largely resisted Microsoft's incursion. Why allow a "punishment" that doesn't address the actual injured class without the company that broke the law having to even admit guilt. And further, this settlement would hurt the companies that obeyed the law and played by the rules by allowing MS to extent its monopoly into an area it surely wouldn't gain on its merits.

So please take this into account when you render your judgment.

Thank you,  
Kelly R Graffis

**MTC-00002412**

From: lunarius@pop.centurytel.net@inetgw  
To: Microsoft ATR  
Date: 11/29/01 11:52am  
Subject: redhat's proposed solution is excellent <resend apology: correct email address for contacting the US DOJ about this matter is: microsoft.atr@usdoj.gov>

It is completely inappropriate at this juncture to "remedy" MicroSoft's monopoly by subjecting mass populations of children to their software, thereby completely counteracting any supposed "remedy". This farcical "remedy" is akin to tobacco companies offering free low-tar cigarettes to juveniles as an "apology" to lung cancer victims. RedHat's ( <http://www.redhat.com> ) proposed solution of exchanging MicroSoft software for significantly less expensive open-source software and leveraging the cost savings to provide substantially higher quantities of computers to less privileged school districts is a noble one. I will be severely disappointed by the leadership of

our U.S. Justice System if this course of action is not pursued.

thank you for your time,  
—gabriel

CC: guardianlion@yahoo.com@inetgw,  
dunningj@athenet.net...

**MTC-00002413**

From: Bob Eliason  
To: Microsoft ATR  
Date: 11/29/01 11:42am  
Subject: Settlement Comments

The settlement is weak and ineffective. Microsoft still does not admit to wrong-doing and realizes that they will not be punished, only distracted.

This settlement will allow them to punish equipment manufacturers at whim, give away software such as their browser putting other browser companies out of business, and dominate core technologies such as JAVA or ignore them out of existence.

We, as consumers, are losing and will find no remedy in this settlement.

Break up the company.  
Bob Eliason  
eliason@cville.net  
2685 Milton Hills Drive  
Charlottesville, VA 22902

**MTC-00002414**

From: john stephen naulty  
To: Microsoft ATR  
Date: 11/29/01 12:39pm  
Subject: Re: Macs Only! News, Commentary, Reviews & Troubleshooting

I strongly object to the proposed settlement of the microsoft monopoly case-microsoft's offer to supply computers (undoubtedly using microsoft OS and software exclusively) and Microsoft software to needy schools merely serves to reward and advance their monopolistic tactics—surely you are aware that 'giving' away software that is already developed essentially costs microsoft nothing except the cost of the cd media . . . and serves only to further entrench microsoft hardware and software in an arena (perhaps the only arena) in which microsoft does not control and supply all the software already.

J. Stephen Naulty MD  
Director, Yale Center for Pain Management  
Department of Anesthesiology  
Yale University School of Medicine  
333 Cedar Street  
New Haven CT 06510

**MTC-00002415**

From: SkylnPrntg@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 12:26pm  
Subject: Microsoft settlement

I cannot fathom how this idea can be entertained. The thought of "punishing" Microsoft for terrorizing the computer industry with monopolistic tactics by "forcing" them into acquiring new market share is absurd. Please reject this blatant attempt by Microsoft to turn their "punishment" into profits.

Russell Weitz

**MTC-00002416**

From: Tony Palumbo  
To: Microsoft ATR  
Date: 11/29/01 12:53pm  
Subject: Proposed Settlement

To whom it may concern

I refer you to this article about the Microsofts proposed private settlement.

Whatever you think about Microsoft, you have to give them credit. I mean, who else could turn a billion-dollar "gift to education" into an anti-competitive business practice?

That's what Apple says Microsoft is doing—using its "generosity" to horn in on Apple's education business—and they're right.

Look at it from a distance, and the deal looks pretty good. A raft of people are suing Microsoft on various antitrust grounds. The cases have all been glommed together, and a single settlement proposal is before a federal judge in Baltimore. The judge has to decide whether it's a good deal.

THE PLAINTIFFS' LAWYERS have done a good job of finding a settlement that seems to work for everyone. In an unusual move, they have even agreed to allow the judge to decide what their fees should be. They've managed to do something the Justice Department wasn't able to in its proposed settlement: essentially, fine Microsoft a billion dollars (which is real money, even to Microsoft) for its past transgressions.

And they have tried to do it in a socially redeeming way, by having the money go to poor schools.

Now I am sure the people on both sides of the table who crafted the agreement—and see it as a big win for education—must be feeling right now that no good deed goes unpunished. But their good deed must be modified. APPLE HAS FOUGHT in the education-market trenches for many years. The company has had its ups and downs, but recently has seen some improvement. It would be terribly unfair for a court to order Microsoft to drop a cool billion into the education space. Even if it isn't money that would have been spent anyway, it would greatly enhance Microsoft's presence in education. Children who might otherwise see a Mac might now see a Windows machine.

Teachers, who've forgotten that this is a legal settlement and not a gift from the goodness of Redmond's heart, might recommend Windows machines to parents. In fact, after about a year, everyone would forget Microsoft wasn't doing this entirely voluntarily, and the company would reap a PR bonanza. That is way too close to allowing Microsoft to profit from its crimes for my taste, especially when it also has the effect of challenging Apple in one of the Macintosh's few major market segments. If Microsoft wants to do this on their own, we can't (and shouldn't) stop them, but it's just too much to consider the further nuking of Microsoft competitors as a socially redeeming activity.

I HATE TO SAY THIS—as I am also sensitive to the good an extra billion (over five years) could do for bringing technology into schools—but the money simply can't be spent that way. If we want to be fair to Apple while still having Microsoft pay penance, the money needs to go to some other public or charitable purpose.

In fact, education is about the only place it shouldn't go. Let Microsoft donate the hardware and software needed to support the fight against terrorism here at home. Most

police departments and emergency service agencies need the technology almost as much as schools—actually more so, in some cases—and that, at least, wouldn't be money taken out of Apple's pockets. Rather, Microsoft would be giving money to agencies that have probably already standardized on Windows, but just can't afford to buy very often.

I got an e-mail from a reader who has an alternative solution: let the money be used by education, but only to purchase Apple or Linux software and systems. That strikes me as perverse, but in some ways fitting. More reasonably, the money might be required to be spent in a manner that reflects current market share—so Apple gets the share it presumably would have gotten if Microsoft hadn't been the source of the cash. Like I said, you've got to give Microsoft credit—they certainly play all the angles. It's just a part of the company's corporate soul—sometimes for better and, sometimes, for worse.

**MTC-00002417**

From: lunarius@pop.centurytel.net@inetgw  
To: Microsoft ATR  
Date: 11/29/01 12:52pm  
Subject: government should boycott  
Microsoft

If the US Government is truly dedicated to a remedy in this anti-trust settlement against MicroSoft, it should begin by no longer being a MicroSoft customer. The government should not be supporting perpetrators of criminal activity, particularly a repeat offender. The current proposed settlement, which follows the philosophy that "what's good for MS is good for the U.S.", is nothing short of empty words. In addition, VAST amounts of tax-payer dollars could be saved if all government at all levels were to invest in open-source/systems software and hardware for all its technology needs. The substantial savings realized through increased data security, and decreased licensing costs could easily be passed back to the "Senatus Americanus Populusque". There are, and always have been, clear alternatives to MicroSoft technology, most of which is based on the POSIX standard; a standard which is ALREADY a requisite for U.S. government software technology acquisitions. Thank you for your time,

—gabriel  
CC: dunningj@athenet.net @inetgw,  
jacquiecrema @ hotmail.c...

**MTC-00002418**

From: Rick Rutherford  
To: Microsoft ATR  
Date: 11/29/01 12:41pm  
Subject: I am against the proposed Microsoft settlement

I would like to submit my formal opposition to the proposed settlement in the matter of the United States vs Microsoft.

In fairness I must submit that I am an Apple Computer customer and have been using Apple products since 1980. I must also point out that I am a Microsoft customer as well, having purchased each version of Office for the Mac that has been available since 1996.

After reading the proposed settlement I was left with a fear that if adopted it could

be a decisive turning point against Apple Computer in its struggle to compete with Microsoft.

Over the past weekend I wondered if Apple would let this proposed settlement be offered without objection. How fair is a settlement that proposes Microsoft's punishment for illegal monopolistic practices be the furthering of those practices by squashing a competitor in a market where MS clearly comes in second?

Luckily, Apple CEO Steve Jobs took the initial action I hoped he would and received a notable amount of coverage over his objections to the Microsoft proposal. Mr. Jobs hit the proverbial nail right on the head when he said Microsoft was going after the only market it does not have a stranglehold on—education.

The irony of this proposal is that Microsoft is undertaking the same actions that got the company in hot water in the first place. Give away free MS products to create an unfair leverage against any and all competition. It should not be overlooked that this all has huge political overtones. Microsoft chairman Bill Gates donates to President Bush's campaign...Dell Computer CEO Michael Dell is Bush's technology advisor...and the Justice Department virtually cripples the rulings against Microsoft's anti-trust activities leaving the states participating in these proceedings twisting in the wind. All of this less than a year after Bush's election. I do not have a problem with a MS settlement going to help eliminate the digital divide in American schools. They can even put Microsoft Office on the computers they give to schools...as long as it's Office X on Macs. Anything less will potentially deliver a fatal blow to Apple's education market, and maybe the company as a whole.

I find it a bit ironic that Microsoft floats this proposed settlement the same week the company releases Office X for the Mac. It's like "Hey, we're not trying to put Apple out of business. Look, we just released a fantastic version of Office for all of our Apple friends."

In the final analysis, this proposal cannot be implemented as it is currently written. As American citizens (Mac and Wintel users alike) we should not allow OUR government to aide and abate a company in putting its competition out of business. That is not capitalistic, it is fascist at it's most basic level.

Rick Rutherford  
Round Rock, Texas

**MTC-00002419**

From: Bill Hogoboom  
To: Microsoft ATR  
Date: 11/29/01 1:11pm  
Subject: Microsoft

Breaking up "Ma Bell" was supposed to make telephones cheap and reduce telephoning charges. It sure has not done that! Don't make the same mistake with Microsoft. The competition would just like to have an easier job of making profits. As it is they have to scramble to compete and the public benefits from it.

**MTC-00002420**

From: David Dixon

To: Microsoft ATR  
 Date: 11/29/01 1:11pm  
 Subject: Settle the Microsoft case.  
 Settle the Microsoft case.  
 David G. Dixon  
 24861 Adams Ave  
 Murrieta, Ca 92562  
 dixon@pe.net

**MTC-00002421**

From: Greg Byerly  
 To: Microsoft ATR  
 Date: 11/29/01 12:54pm  
 Subject: Microsoft's Slimy Offer  
 Hello.

I've been following the anti-trust cases against Microsoft for 2 years now as a private, yet concerned, citizen. Microsoft's recent offer to settle the private anti-trust cases by giving computers and software to hundreds of schools is a sham! This self-serving offer slaps at the entire US justice system—buying their way clear of illegal acts. Education is the one area where Microsoft does not hold a monopoly. It's so ridiculous to settle an anti-trust case by helping Microsoft expand their monopoly power.

Microsoft broke the law. . .  
 They stuffed inferior products down our throats . . .

They destroyed companies with better products . . .

They have been found guilty . . .  
 They should receive a punishment befitting a company their size.

Even 1 billion dollars is nothing to a company that makes triple-digit billion-dollar profits.

They should be punished so that they feel the sting, not so they can just write off the penalty to their insurance and forget about it. In the name of justice, please urge the states not to settle for anything short of a punishment for Microsoft that will curtail the company's monopolistic powers and restore innovation and competition back to the market.

Sincerely,  
 Greg Byerly.

These statements are my own opinions and does not reflect any position or policy of CUPA-HR.

**MTC-00002422**

From: David Leuckel Jr.  
 To: Microsoft ATR  
 Date: 11/29/01 1:23pm  
 Subject: When will it (Microsoft) Stop?

This partial agreement/settlement between the DoJ and M\$ will not stand! As a former M\$ employee, (before Windows 1.0 was even released), I consider myself somewhat of a well-informed, and versed user of micro-computer operating systems and software applications. Having been a user of multiple OSs for almost 20 years—Apple Lisa thru Macintosh OS 10.1, OS/2, DOS 1.0 thru and including Windows 2000—I have seen, participated in, and experienced as much of the “high-tech evolution” as Mr. Gates himself, but have NOT been a puppet in his unethical “play” of a corporate dynasty.

True, he and his cast of players have done a lot for the local and national economy, not to mention technology itself, its just unfortunate we ALL have, in some way or

another, been “brainwashed” to believe that M\$ solutions are the best. The truth of the matter is, if M\$ cannot compete with a specific technology in the marketplace, they either infringe on intellectual copyrights, change the standard, or simply buy the creator, eventually to either implement into their own bug-ridden code or phase it out completely!

In spite of numerous court decisions in M\$ favor in the past 10 years, I have been able to sleep at night knowing that I have made the right choice for my family's, and my business's computing needs, which is probably a lot more than what Mr. Gate's can say when he looks through his Windows at night staring out at the dark, cold, and deep waters of Lake Washington.

If there were no judges of men, who would be the judge but the man himself?

Mr. Gates, being the co-founder of one of the most successful monopolies in this nation's history, needs to ponder this question with the utmost of wisdom, integrity, and diligence, but most important of all, honesty!

David C. Leuckel Jr.  
 Seattle, WA

**MTC-00002423**

From: kkelly@mac.com@inetgw  
 To: Microsoft ATR  
 Date: 11/29/01 1:22pm  
 Subject: The answer to this problem is NOT by letting Microsoft gain more market

The answer to this problem is NOT by letting Microsoft gain more market share by GIVING (read—NOT competing) its software away to poor schools. Please, please, PLEASE don't let them keep doing what they've been doing what they're good at—devouring innovation and creativity and using their monopoly to squash competition. They aren't playing fairly according to the Sherman Antitrust Act, and they should be more severely punished. But most of all, letting them give away their software will only further cement their monopoly position.

Please do the right thing.  
 —Kevin Kelly  
 A VERY Concerned Citizen

**MTC-00002424**

From: Roger Scott  
 To: Microsoft ATR  
 Date: 11/29/01 1:12pm  
 Subject: Microsoft Settlement

The DOJ settlement with Microsoft is only giving Microsoft an opportunity to gain yet another monopoly—this time in the world of education. This is an outrage.

Roger Scott

**MTC-00002425**

From: David Cramer  
 To: Microsoft ATR  
 Date: 11/29/01 2:07pm  
 Subject: Cancel rewards for unethical behaviour

There is no excuse for the disastrous counterproductive character of the proposed settlement with Microsoft. As an adjudged monopolist, the last thing Microsoft should be handed as a penalty is a larger noncompetitive advantage than they had before the judgement.

Regards,

David

**MTC-00002426**

From: Timothy Allen  
 To: Microsoft ATR  
 Date: 11/29/01 1:52pm  
 Subject: Microsoft additional comment

In the last 2 days, I have attempted to access commercial internet sites and have encountered browser “fatal errors” because the site is expecting me to be using Internet Explorer, so it will work with their Microsoft servers. I don't choose to use IE, I prefer Netscape 4.7. Can you actually ignore this reality, and find it acceptable for the consumer? It's not, and it is a clear and ever-present example of how Microsoft has abused its power in the marketplace. THE CURRENT SETTLEMENT IS UNACCEPTABLE, AND DOES NOT SEND THE CORRECT, OR A STRONG ENOUGH MESSAGE TO THIS COMPANY. SUPPLY A STRONGER REMEDY.

**MTC-00002427**

From: Timothy Allen  
 To: Microsoft ATR  
 Date: 11/29/01 1:43pm  
 Subject: Microsoft settlement

This proposed settlement is like letting the fox into the hen house. The true value of the educational assistance is, for the majority of it, a no-cost solution to Microsoft that will lay the groundwork for future revenue generation and perpetuation of monopolistic practices. It's been proven that Microsoft has abused it's legal obligation, and has damaged fair competition beyond repair for the consumer, and for many companies that are now non-existent. The remedy needs to be structured so that this does not happen in the future. It appears that if this settlement is excepted, consumers and competitors will only suffer further abuse. MICROSOFT NEEDS TO UNDERSTAND IN A SIGNIFICANT WAY THAT IT'S PRACTICES ARE NOT ACCEPTABLE OR TOLERATED. All indications are that their current new products continue on the SAME COURSE of monopolistic practice. Are we willing to wait for new challenges to their practices that will take years to conclude? ACTION NEEDS TO TAKE PLACE NOW.

**MTC-00002428**

From: Manuel, David—PD  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/29/01 2:53pm

Subject: I want to express that I think it's a bad idea to allow Microsoft to

I want to express that I think it's a bad idea to allow Microsoft to distribute free software to educational institutions to partially fulfill their anti-trust settlement terms. Simply put, education is one arena where Microsoft does \*not\* hold a monopoly, and allowing them to place software there runs directly contrary to the spirit of restitution. Such placement gives them a \*greater\* market share, and would exacerbate the conditions that prompted the anti-trust suit in the first place.

Thanks for the opportunity for input.

David Manuel, EIT, AICP  
 Senior Planner  
 713-837-7807  
 City of Houston  
 Long-Range Planning Division

Planning & Development Department  
 Personal E-mail does not necessarily reflect  
 official views of the City of Houston, its  
 representatives, agencies, or officials.

**MTC-00002429**

From: Maureen Colquitt  
 To: 'Microsoft.atr(a)usdoj.gov'  
 Date: 11/29/01 2:34pm  
 Subject: How much was paid to Judge  
 Colleen Kollar-Kotelly?

I would just like to know how much  
 money was paid by Microsoft to Judge  
 Colleen Kollar-Kotelly to settle this case in  
 this manner? It appears that if you have  
 enough money justice can be bought. Just a  
 concern citizen wondering why money can  
 buy anything.

**MTC-00002430**

From: Comeaux, Carol B  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/29/01 2:22pm  
 Subject: The Microsoft Settlement Is Fair

I just read an article in USA Today Online  
 saying the Senate is going to hold hearings  
 reconsidering the Microsoft case. This does  
 not serve the public interest. I am amazed at  
 how we cannot seem to get this issue put  
 behind us and move on.

Microsoft is a terrific US company that has  
 benefited the consumer by the development  
 and marketing of its products—and I'm sure  
 it's benefited our economy by being a  
 successful US-based global company. Just as  
 Microsoft is a powerful company, so are its  
 competitors, and it seems as if they have  
 been quite successful in keeping this anti-  
 trust issue alive, not for the good of the  
 consumer, but to further the interests of their  
 own thriving, multi-billion dollar enterprises.  
 Consumers should not be deprived of the  
 benefits that Microsoft can bring by hobbling  
 it to protect enclaves for its competitors.

Thank you,  
 Carol  
 Carol B. Comeaux  
 +1 847-501-4443  
 +1 847-508-4140 (mobile)  
 comeaucb@bp.com  
 310 Woodland  
 Winnetka, IL 60093  
 Visit gdbpathfinder: <http://gdb.bpweb.bp.com>

**MTC-00002431**

From: Collison, David  
 To: 'Microsoft.atr(a)usdoj.gov'  
 Date: 11/29/01 2:08pm  
 Subject: Microsoft Proposed Settlement  
 \*Secret\*

To Whom It May Concern ...  
 I vehemently oppose the proposed  
 settlement between the US Department of  
 Justice and Microsoft. The proposed  
 settlement does little to rectify the antitrust  
 issues brought before the court, and, in fact,  
 rewards Microsoft for causing serious damage  
 to its' competitors and to those using  
 computers.

Microsoft has shown that it will disregard  
 any type of constraint placed on it by the  
 court, there is no mechanism in place to  
 oversee and enforce a change in behavior by  
 Microsoft (the three man council proposed in  
 the settlement has no power to change  
 Microsoft's business practices), the

limitations do not address the antitrust  
 behavior exhibited by Microsoft in the past.  
 The Department of Justice at one time, it was  
 reported, was ready to ask for the break up  
 of Microsoft, this settlement is a dream  
 escape for Microsoft—the DOJ should be  
 ashamed to even make this proposal to the  
 courts.

If this settlement is accepted, there will be  
 serious damage done to the American public.  
 If the DOJ was willing to bring this suit  
 before the court, it should have been  
 prepared to go the distance. IBM exhibited  
 far less antitrust activity when brought before  
 the court, yet paid far more serious penalties.  
 Microsoft should pay dearly for what they  
 have done, as an illegal monopoly tying  
 products together, manipulating hidden  
 interfaces to disable competitors products,  
 taken advantage of hidden interfaces to make  
 their own products run better. There needs  
 to be a far different settlement, or this case  
 needs to run the distance and Microsoft  
 needs to have serious constraints placed on  
 them or be broken in to multiple businesses.

David L. Collison  
 6911 Winthrop RD NE  
 Cedar Rapids, IA 52402  
 319.790.3516

**MTC-00002432**

From: Walker, Greg  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 11/29/01 3:08pm  
 Subject: anti competition

As a Sr. Software Engineer at the  
 Bell+Howell PSC division and user of both  
 Microsoft, Linux and apple operating systems  
 I would like to voice my displeasure with the  
 proposed Microsoft vs. The States anti-trust  
 settlement framework.

The reasons that I think this settlement  
 does harm to the consumer is because the  
 education area is one of the last bastions of  
 free choice when it comes to the type of  
 computer and operating system that a student  
 can choose, and it is not out of coincidence  
 that this is one of the markets that Apple  
 computer still effectively competes with  
 Microsoft. This settlement will in effect force  
 Apple Computer out of the Education market  
 and give Microsoft more of a monopoly in  
 education. If you look at the full Microsoft  
 product line how many of the products are  
 for the Windows operating system only  
 compared to the programs that will run on  
 a Apple operating system. Also of the  
 products that support both platforms  
 compare the feature set of each. In both of  
 these cases you will see that the software that  
 works with the Windows operating system  
 has a better feature set.

In closing I would just like to says that this  
 settlement is counter productive to the  
 Nation, Educational Institutions and  
 Consumers.

Greg Walker  
 Sr. Network Software Engineer  
 Bell+Howell Publishing Services "A  
 ProQuest Company"  
 20 years in the computer field.

**MTC-00002433**

From: Steven White  
 To: Microsoft ATR  
 Date: 11/29/01 3:47pm

Subject: A public comment

This is a comment from just an ordinary  
 person (although I do program computers for  
 a living) urging the STRONGEST POSSIBLE  
 measures to bring Microsoft under control. I  
 base my opinion mainly on two documents.  
 I read the findings of fact from the trial and  
 found them so clearly written they were  
 almost a pleasure to read. I wrote to the  
 Minnesota attorney general supporting  
 stronger measures and got back from him  
 another very clear document explaining why  
 the proposed settlement is not strong enough.

I can't believe you all haven't seen these,  
 so I would waste your time explaining them.  
 I did also look at the settlement documents,  
 and found them not nearly as clear. I saw, or  
 had pointed out to me, several  
 inconsistencies or loopholes that would  
 allow Microsoft to continue its documented  
 practice of essentially bullying other  
 companies in ways that prevent competing  
 products from being sold or even offered for  
 sale. Once again, I am sure that others more  
 qualified than I have pointed them out to you  
 and I shouldn't waste your time with my less  
 eloquent attempts. Explanations are all over  
 the trade press and even in the mainstream  
 newspapers.

I am worried that a company that behaves  
 in ways that I consider immoral and courts  
 consider illegal is being let off without any  
 punishment and, because of a less than  
 ironclad settlement, being given too many  
 ways to avoid changing its behavior. This is  
 a company that drove Netscape out of  
 independent existence by illegal tactics. This  
 is a company that drove DR-DOS and BE-OS  
 out of existence (of course they didn't  
 actually "do" it, but for all practical  
 purposes, they did). This is a company run  
 by people who are willing to, essentially, lie  
 in court, as they did with the doctored video  
 tape episode that the press had such fun  
 with. These are the guys who, when ordered  
 to make a version of Windows 95 without  
 Internet Explorer integrated, made a version  
 of Windows 95 that didn't work—  
 "compliance with middle finger extended"  
 as one newspaper write put it. This is  
 company run by Bill "How much can we pay  
 you to hurt Netscape" Gates and Steve "To  
 heck with Janet Reno" Ballmer. (I'm not  
 making that up, it was in the newspapers).

The government wants, I assume,  
 companies and individuals to be able to write  
 software and have a reasonable chance to sell  
 it. Microsoft wants, in my opinion and the  
 opinions of others, no software to be sold  
 unless it comes from Microsoft. They have  
 taken advantage of every way available to  
 them to get what they want, and I am sure  
 they will continue to do that. You must make  
 sure your settlement proposal is not one of  
 them.

Thank you.  
 Steven White  
 5125 Logan Ave S  
 Minneapolis MN 55419

The opinions expressed here are my own  
 and not those of my employer, whose  
 computer I used to type them.

Steven White  
 City of Bloomington  
 2215 W Old Shakopee Rd  
 Bloomington MN 55431-3096

USA  
952-563-4882 (voice)  
952-563-4672 (fax)  
swhite@ci.bloomington.mn.us

**MTC-00002434**

From: Sol Mumej  
To: Microsoft ATR  
Date: 12/6/01 3:31pm  
Subject: brer rabbit and the briar patch  
Allowing Microsoft to settle its anti-trust suit by supplying Windows computers to schools is letting the company off the hook. Granted it is a substantial settlement, but it will expand Microsoft's market and increase their monopoly power, as they effectively are boosted in one of the markets which they do not entirely dominate. This seems hardly an appropriate punishment for abuse of current monopoly power. If the settlement guaranteed that the money would be used for non-Microsoft products, the settlement might seem like a real punishment. As it is, many might mistakenly credit Microsoft with good will.

Sol Mumej  
smumej@yahoo.com -OR-  
sol@cs.ualberta.ca

**MTC-00002435**

From: Trachsels, Steven William (Steve)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:30pm  
Subject: Proposed Microsoft Anti-trust settlement

Dear Sir:

I would like to take this time to express my views on the proposed settlement. I do not believe that the settlement as proposed, in any way will improve the marketplace for software. The settlement does not impact Microsoft's current monopoly, nor offer any type of remediation to the millions of consumers who have suffered as the result of their illegal acts. The only result of the settlement is that the government will sanction Microsoft's further tightening their grip on the marketplace by allowing them to control the desktops used in schools.

I urge you to totally reject the settlement. It is not in the best interest of consumers, it does not help the businesses hurt by Microsoft's illegal actions in the marketplace, and it does not in any way punish Microsoft for having violated the law.

Thanks,  
Steve Trachsels  
7302 Timbercreek Court  
Reynoldsburg, Ohio 43068  
trachsels@lucent.com

**MTC-00002436**

From: Robert Zeff  
To: Microsoft ATR  
Date: 11/29/01 4:42pm  
Subject: Microsoft settlement

Get this settled! This battle is like a religious war, there's nothing (fair) that could placate the anti-Microsoft camp. If there is a monopoly, what is the Mac? How about Sun? Why aren't these a choice? Microsoft has always charged less than Apple. How has Microsoft hurt the consumer? This is bull.

Robert Zeff  
Nikola Engineering, Inc.  
rzeff@nikola.com  
http://nikola.com

**MTC-00002437**

From: B.L. Doern  
To: Microsoft ATR  
Date: 11/29/01 4:32pm  
Subject: Drop it already!

I think America should turn it's attention to rooting out terrorism at home and abroad. Microsoft is an innovative company with innovative products and its success is vital to the health of our economy. Enough already with the lawsuit!

BettyLou Doern  
Modesto, California

**MTC-00002438**

From: pkelly  
To: Microsoft ATR  
Date: 11/29/01 4:24pm  
Subject: MS/DOJ Settlement

Who got paid off? There has been a major betrayal of the interests of the American Public, a complete about face in the conduct of the person or persons entrusted with caring for the interests of the American public.

It will come out, it will take time, possibly a long time, but it will come out . . . Who benefits from it? Only those who took the payoff and Microsoft.

This and today's DMCA rulings demonstrate that "justice" is just a word anymore, no wonder the public has little confidence in the justice system.

We the people long for justice. Not lip service.

**MTC-00002439**

From: Rod Roark  
To: Microsoft ATR  
Date: 11/29/01 4:08pm  
Subject: Opinion from Davis, CA

I am astounded and disappointed that the DOJ is trying to forfeit the ball game when it's already been won. Microsoft has already been found guilty of breaking the law in very serious and malicious ways. They have also demonstrated disrespect for the law and for a multitude of other moral principles that may get in the way of the company's profitability.

For crying out loud, do your duty. Break up Microsoft.

Respectfully,  
Rod Roark  
Davis, CA

**MTC-00002440**

From: Rebecca Helmer  
To: Microsoft ATR  
Date: 11/29/01 5:08pm  
Subject: Microsoft

The people who think Microsoft did nothing wrong are simply average, uninformed people who did not read any of the text of the DOJ's case against Microsoft. They form their opinions without information; indeed, it is ridiculous to count the views of the uninformed as an opinion at all. That said, you should know that there are very many of us, some involved in the open source software community and some not, who know specifically many of Microsoft's unethical tactics and simply illegal business practices. It is your responsibility to rectify some of these injustices; indeed even the American legal

system, where money is everything, could not avoid a judgment against Microsoft—and now you think that we won't notice that you waffle on the sentence. The proposed "solution" does not even guarantee that We the People will be protected from similar actions in the future, let alone force Microsoft to account for previous heavy-handed tactics in maintaining their monopoly. In fact it benefits Microsoft in several ways and is not a punishment but a government-sponsored product promotion.

One letter, indeed many letters, makes no difference to those who will make the decisions; only money matters I know. But let it be said that there are some of us with an extremely profound understanding of the workings of the computers that run our world, and that these machines run your world too. We, the Intellectual People, may not have the sheer numbers of the Ignorant Masses but one of us is worth a thousand of them, and we are the ones who will be watching you.

Neil McBlain  
Canada

**MTC-00002441**

From: Y. West  
To: Microsoft ATR  
Date: 11/29/01 4:50pm  
Subject: Cure Microsoft 's case

Break Microsoft into two separate companies, is the only cure for the case.

Alfred Johnson  
2392 Barlow Ave.  
San Jose, Ca 95122

**MTC-00002442**

From: Richard Gillmann  
To: Microsoft ATR  
Date: 11/29/01 5:44pm  
Subject: Proposed settlement of the Microsoft anti-trust case

The proposed settlement is reasonable and I support it. It addresses the issues raised by the suit and provides an appropriate remedy. It's time to settle this and move on.

Richard Gillmann  
4150-187th Ave SE  
Issaquah, WA 98027 (USA)  
(425)641-5136  
http://www.nwlink.com/~rxg/  
richard@folkradio.org -or-  
rxg@nwlink.com

**MTC-00002443**

From: Christopher A. Grasso  
To: Microsoft ATR  
Date: 11/29/01 5:32pm  
Subject: Antitrust case settlement inappropriately weak

I would like to express my disappointment with weakness of the impending settlement of the Microsoft anti-trust case. Microsoft has repeated engaged in anti-competitive practices, as the judicial findings against the company confirm. Use of secret application program interface (API) calls give Microsoft applications an advantage in the Windows environment over competitors, and allow Microsoft to continue to abuse its monopoly status in order to wipe out free choice in the marketplace. The only way to force these APIs to be open is to split operating system developments and applications development into two separate companies.

Furthermore, the penalties to be imposed do not remedy the situation, and in fact amount to free advertising for Microsoft with the next generation of computer users: students. Microsoft will make duplicates of its already-existing software to distribute at a fraction of the cost of retail products, yet these distributions will count against the company as having much higher value.

Even if the company were forced to pay the settlement in cash, the amount is only about 4% of its cash reserves. This punishment cannot in any way be considered a remedy, or punitive. I urge the DOJ to reconsider the leniency it is showing a proven monopolist. The settlement the DOJ is pursuing will not remedy the monopoly practices of Microsoft, nor will it result in greater protections for consumers.

—Dr. Christopher A. Grasso

The statements herein express personal opinions that should in no way be construed to represent the positions of the Jet Propulsion Laboratory or Stellar Solutions.

Dr. Christopher A. Grasso, PhD  
JPL/Stellar Solutions  
cgrasso@stellarsolutions.com  
(303) 641-5926

#### MTC-00002444

From: jmanning@wlinpco.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 5:32pm  
Subject: My humble Opinion

In the drive to protect consumers and reduce the appearance of a monopoly on the part of Microsoft, has anyone considered the price of their products? If you look at all other operating systems vs. Microsoft's offerings, Microsoft is in a ball park all of their own. I feel a fair settlement would include pricing of the products that is more reflective of the market. After all, how many billions do Microsoft and Bill Gates have to earn before they decide they've won?

John Manning MCP  
Information Systems Director  
West Linn Paper Company  
4800 Mill Street  
West Linn, Oregon 97068  
503-557-6500

#### MTC-00002445

From: John Oswald  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/29/01 5:26pm  
Subject: MS case

I read that MS is offering 1 billion in aid to schools in software and refurbished hardware. All this will do is lead to further need for expenditures on new MS products and more hardware for these schools thus paying MS back for its so-called settlement. If they really want to settle it, they should put the whole billion into new and refurbished hardware and allow open source software makers provide the software for free! Since 99% of the work done on any computer is web surfing, email, and simple word processing and spreadsheet work it seems reasonable that since software that can provide these services in an exemplary fashion is available free and will run on used computers which cost as little as \$75, the billion dollars from MS could go a lot further, help a lot more and be more of a real

'settlement' than something that simply generates more revenues for MS. This benefits the schools in that they can get more computers and get more use of the older ones they already have, the students can take all of the software home and use it on computers there as it is freely distributable, and finally, the poorer families may be better able to afford an old Pentium computer for \$75 than a new \$1500 machine thus allowing more students to be able to do work at home and not just those with parents who can afford a machine that's compatible with the ones in the schools running on MS. This is an all around winner for the schools, the students, and MS still gets its settlement.

Just my 2 cents. Thanks.

John Oswald  
Legette, Brashears & Graham  
1210 W. County Rd. E Suite 700  
St. Paul, MN 55112  
651-490-1405 ext. 211  
joswald@lbgmn.com

#### MTC-00002446

From: Wilfredo Ruiz Oliveras  
To: Microsoft ATR  
Date: 11/29/01 6:41pm  
Subject: Settlement  
Gentlemen:

I think that the conditions set forth in the Microsoft case will foster the monopoly power of the Company. As of today, Microsoft is requiring that if a person purchases the new version of their Windows XP that person must connect to internet and allow the Company to "spy" into his computer. If the settlement only imposes to "donate" to the schools that do not own computers this will eventually increase its share of the market and its monopoly power.

The settlement must punish not reward misconduct in the market.

Wilfredo Ruiz-Olivears, Ph.D  
Professor of Economics  
University of Puerto Rico at Mayaguez  
Mayaguez, Puerto Rico 00681

#### MTC-00002447

From: Stephen Johnson  
To: Microsoft ATR  
Date: 11/29/01 5:58pm  
Subject: Microsoft settlement

I don't understand all the legal ramifications of the settlement that has been reached with Microsoft but I do have some understanding of the ramifications of Microsoft's way of producing software. I am a network administrator, computer support technician, and computer user. Through my interaction with computers and those that use them, I see first hand the daily hindrances faced with using Microsoft products. Because of their market share dominance, I am forced to really look hard if I am NOT to use their products, so the majority of my work is with Microsoft products. From what I see, in their grasp for market share they produce incomplete and inferior products. In my experience with Unix operating systems, their stability and reliability over the Microsoft OSes is many times greater. It seems if Windows was forced to stand on its own as an operating system then Microsoft would have to put more focus into it and make it a quality product. I feel

breaking up Microsoft is the appropriate answer or least something much more severe than what is being done.

Stephen Johnson  
Network Manager  
<mailto:srjohnson@iolbv.com>  
Integrity Online Brazos Valley  
1716 Briarcrest Dr., Suite 210  
Bryan, TX 77802  
979-260-7873  
979-260-1411 Tech. Support Hotline  
979-260-3107 (Fax)

#### MTC-00002448

From: Robert Hicks  
To: Microsoft ATR  
Date: 11/29/01 7:27pm  
Subject: Settlement

What a farse! I cannot believe you are just going to slap M\$ on the wrist and say "bad M\$...don't do it again."

My trust in the gov't just went down a notch.

Robert Hicks  
Linden, VA

#### MTC-00002449

From: elaird@austin.rr.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 7:25pm  
Subject: Microsoft settlement

I don't think the deal presented by microsoft should include any of their software as it will only extend the monopoly. I like the idea of microsoft increasing their share of hardware and having Redhat supply truly free software to our schools.

#### MTC-00002450

From: eglow001@netscape.net@inetgw  
To: Microsoft ATR  
Date: 11/29/01 7:15pm  
Subject: Microsoft Settlement

I find it totally disgusting that Microsoft has once again used our Judicial System to their benefit. It never ceases to amaze me that they (Microsoft) have numerous lawsuits pending constantly, and continue to run their business as if nothing has happened! Even after they're found guilty, they continue doing what they were charged for.

Now they are being PENALIZED?? by giving schools refurbished computers with THEIR software on them, and therefore taking the upper hand in their competitors market! If this is your idea of justice, I'm sure Bill Gates will also be your next recommendation for the Presidential ballot.

Microsoft should be forced to donate their whole \$5 billion to the school systems to purchase new Apple computers and software. Now THAT would be punishment!! The (so-called) settlement they're facing now is without a doubt, a total win—win situation for Microsft, and all of their stock holders. Which brings another question to my mind. How many of the people from the DOJ that were involved with this (so-called) settlement have investments in Microsoft?

Ed Glow,  
Byron, NY

#### MTC-00002451

From: btw0607@onemain.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 6:56pm  
Subject: Microsoft Antitrust Settlement

Dear Sirs:

In my opinion, the settlement with Microsoft is totally inadequate. In my opinion, if Microsoft's contention is that their software has gone through such great development, it seems that they should be willing to either make past releases available for free or for a minimal cost through a download either in SOURCE or compiled form. The current settlement is of such little cost to them, I am sure they are having a party. The cost of the PC's they are suggesting giving to the schools run for around \$25.00 in lot buys from corporations such as Boeing. Thank you for your time.

Troy L. Wampler  
mailto: twamp@aopa.net  
PP-ASEL

**MTC-00002452**

From: Rich Webster  
To: Microsoft ATR  
Date: 11/29/01 8:37pm  
Subject: Microsoft is a threat, and is unreformable

To whom it may concern . . .

I have found news of the Microsoft trial results to be shocking and horrifying to a degree only surpassed by Sept. 11th. Why? Because Microsoft has, and continues to aggressively use their dominance to manipulate prices, licensing, and market opportunities through aggressive marketing, mergers and acquisitions, and bulk licensing changes.

Yet, the DOJ and the Bush administration have clearly sold out the interests of the industry to the highest bidder, which most in the industry recognize as further proof of Microsoft's overwhelming power. Judge Jackson was not abusing the prudence in jurisprudence, he was simply stating facts when his harsh words for Microsofts behaviour drew such attention.

The best solution is simply to put all versions of Win 95, 98, and 2000, ME and XP into open source. This will maximize competition and innovation and improve the products themselves. Microsoft will still have at least a two year lead in developing for the platform, yet will no longer be able to hide malicious and intentional "bugs" and "features" and security will be enhanced. Microsoft is the Taliban of the software industry. Taking them out of the position of power they hold is the only solution.

**MTC-00002453**

From: Scott Warren  
To: Microsoft ATR  
Date: 11/29/01 7:53pm  
Subject: Microsoft Settlement

As an IT professional, I am infuriated at the proposed antitrust settlement with Microsoft. Myself and the majority of my colleagues had hoped, in the end, that Microsoft would be forced to become an ethical competitor which would provide a real choice for consumers at a fair price. The only way to do that would be to split Microsoft into at least 2 companies; operating systems and applications. As it stands now with this "Briar Rabbit" approach, Microsoft will be given the blessing of the court to gain a monopoly in one of the few markets it doesn't already have. If this settlement is

approved, Microsoft will be the winner. As far as the rest of us, we'll be worse off than we were before the antitrust action was initiated!

Scott Warren  
Broken Arrow, OK.

**MTC-00002454**

From: Sabel1900@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 7:57pm  
Subject: Settlement Atrocity  
Dear Justice Department:

I voted for Bush and favor most of his policies and appointments; however, with respect to the Microsoft lawsuit, I am ashamed of our Justice Department which is making a complete joke of our antitrust laws. Even some misguided business experts laud the agreement so everyone can "get on" with their business, but the proposed government and this private settlement make a travesty of our laws and economic principles. The settlement doesn't punish the monopoly power at all, and only tries to reign in some of its behavior. We need true punishment and a solution that will recreate the competition in operating systems, and now all other significant applications bundled into Windows. The settlements so far do nothing to stimulate the competition, innovation, and investment that Microsoft's monopoly has stymied over the last decade. This is bad for consumers, investors and our economy. Let's get our act together.

Sincerely,  
Mark R. Belanger

**MTC-00002455**

From: oxzLieberLuderzxo@hotmail.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 8:55pm  
Subject: Schau genau hin!  
Wer hier nicht klickt—kanns nicht sehn!  
<http://free.adult-freespace.de/camluder>

**MTC-00002456**

From: Tim Morgan  
To: Microsoft ATR  
Date: 11/29/01 9:47pm  
Subject: Open Source vs Microsoft

I would like to endorse The Red Hat's alternative proposal (vis a vis Microsoft's) to help poor schools as many more school children would benefit. It also espouses the "open source" nature of education in that all curriculum subjects are open to investigation and scrutiny. This is how the human race has advanced in scientific knowledge and understanding.

Tim Morgan  
Auckland  
New Zealand.

**MTC-00002457**

From: Thomas Gilson  
To: Microsoft ATR  
Date: 11/29/01 9:37pm  
Subject: Decline the Microsoft deal

I urge you to decline Microsoft's offer to place free software in the schools. It is outrageous for them to suggest that the remedy for their monopolistic practices should be to extend their monopoly.

Thank you.  
Tom Gilson

Thomas A. Gilson  
Communications/Special Projects Director  
Military Ministry  
Campus Crusade for Christ  
(757) 247-7502, ext. 220  
<http://www.milmin.com/>

**MTC-00002458**

From: eppert, brian  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/29/01 9:00pm  
Subject: Severe dissatisfaction

I am sorely disappointed in the manner in which the case against Microsoft has been settled. The abuse of market influence, namely the monopolistic nature and behavior of Microsoft has hindered the progress and health of the Computing Industry. Their predatory behavior can be seen in numerous attempts to squash competition using unfair and manipulative practices. Steps must be taken not only to absolutely prevent this behavior in the future, but to correct the damage that has been done and punish the past violations of anti-trust laws.

The proposed settlement does none of these things and would allow Microsoft to hold an entire sector of the economy hostage. I hope that the settlement is revised to a point that it has some value.

Thank you for your time.  
Sincerely,  
Brian Eppert

**MTC-00002459**

From: Joshua Colwell  
To: Microsoft ATR  
Date: 12/6/01 3:32pm  
Subject: microsoft is a monopoly

Microsoft has been found to be a monopoly and that ruling has stood up under appeal. Any settlement must insure that it does not continue monopolistic practices and must include fair compensation for past practices to get competing software solutions, such as open source operating systems (e.g. linux) on a level playing field.

Sincerely,  
Joshua Colwell  
1517 Taft Ct.  
Louisville CO 80027

**MTC-00002460**

From: Richard Hamilton  
To: Microsoft ATR  
Date: 11/29/01 10:01pm  
Subject: Microsoft Antitrust

Dear Department of Justice:  
Thank you for the opportunity to express my opinion on the Microsoft Antitrust case. It is my opinion that the deal does not punish Microsoft. How does this discourage Microsoft from changing its monopolistic practices? Don't drug dealers give away their product to hook new users? Microsoft should be punished, not given the opportunity to promote its product and continue its monopolistic practices.

This deal does nothing for the people that have purchased their products. What about the people who have had Microsoft products forced on them? Microsoft's license agreements with computer manufacturers have forced people to buy Microsoft products regardless if they have wanted them or not.

Call any major computer manufacture and ask them if they will sell you a computer

without a Microsoft operating system. They will tell you "no." When I go to the store and buy a box of pasta, no one forces me to buy a particular brand of sauce. Why should I be forced to buy a computer with Microsoft products on them if I don't want them?

Microsoft talks about innovation. How can there be innovation without competition? The goal of this settlement should be to give Microsoft competition. Level the playing field by stopping Microsoft's monopolistic practices. Let competition be the breeder of innovation, not Microsoft.

CC:Richard Hamilton

**MTC-00002461**

From: Dominic Dupuis  
To: Microsoft ATR  
Date: 11/29/01 9:51pm  
Subject: DOJ vs Microsoft

Bonjour,

All I have to say is that I don't understand how you can leave Microsoft give away (I mean, distribute) is software to schools as part of the penalty phase. This situation will only help them to extend her monopoly. I applaud Microsoft for raising the idea of helping poorer schools but I don't think that the remedy should be a mechanism by which Microsoft can further extend is actual monopoly.

By providing schools with a software choice, Microsoft may provide many more computers to these schools. This could also help them to show that they truly serious about helping American schools.

You should take a look at the Red Hat proposal, this could be a better solution than the Microsoft settlement offer.

Thanks

Dominic Dupuis B.Sc. CNE  
ddupuis@myrealbox.com  
http://ddupuis.webhop.org

**MTC-00002462**

From: ScottF37@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/29/01 9:48pm  
Subject: Settlement

I don't know too many details of the settlement but I do know that allowing them to pay it off by donating software to schools is not punishment. It will further damage Apple's presence in the schools, as well as other competitors. If you want to really punish them, make them buy Apple hardware and software for the schools. The whole issue has been their use of market power to crush the competition. What better punishment than to help the competition? At least make them give cash so the schools can buy what they want.

Scott Fortman

**MTC-00002463**

From: tom keyes  
To: Microsoft ATR  
Date: 11/29/01 10:34pm  
Subject: proposed microsoft settlement

Dear DOJ,

The proposed settlement is absurd, it does nothing but reward the monopolist by giving them a superb vehicle to strengthen their monopoly! I can't believe anyone who is not working for microsoft would think this is reasonable. Education is one of the few remaining competitive markets, and a

massive influx of microsoft products will do nothing but establish the monopoly there also. Please try to find a solution that is a punishment instead of a reward for the Standard Oil of our time.

Sincerely

Thomas Keyes  
Professor of Chemistry  
Boston University

**MTC-00002464**

From: Howard Johnston  
To: Microsoft ATR  
Date: 11/29/01 10:30pm  
Subject: United States v. Microsoft Settlement

"I am very disappointed with the Feds settlement. Microsoft" "Allowing Microsoft to donate computers to schools instead of paying money further upsets the balance of commerce (the actual spending of money) and passively creates an advantage to Microsoft" "It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well."

"Microsoft should not be reward (which this slap on the wrist does) for it's competitive practices, it's crafted monopoly is a bitter fruit that I as a computer user am forced to consume"

"The proposed penalty for Microsoft's violations is entirely prospective"

"The predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer" after Microsoft's conviction that he does not even know what a monopoly is."

Howard Johnston  
3470 19th St. SF CA  
415-964-1967

**MTC-00002465**

From: Mike Dowe and Diane Hanley  
To: Microsoft ATR  
Date: 11/29/01 10:21pm  
Subject: Settlement

Please don't hand Microsoft the education market as a "punishment". A better punishment would be to order them to buy new Macintosh computers for these schools.

Mike Dowe

**MTC-00002466**

From: Lorraine Lilker  
To: Microsoft ATR  
Date: 11/29/01 11:29pm  
Subject: MS—Education Proposed Settlement

Please do not accept the settlement whereby Microsoft would compensate for it anti-competitive behavior by donating a large amount of computer hardware and software to poor schools.

The reason is that this would have the unfortunate side-effect of increasing Microsoft's monopoly!

The education field is a strong venue for Apple Computer and Linux? It's one of the view venues where Microsoft has any significant competition. Most of that competition could easily be wiped out by this huge, unfair inroad Microsoft would make into education.

If you want Microsoft to donate to poor schools, please have them donate something

other than computer hardware & software, such as books for libraries and funds for repairs and renovations. If you do want them to contribute computer hardware & software to the schools, please stipulate that the products be non-Microsoft and/or non-Windows compatible. Alternatively, if you do prefer that Microsoft donate from their own products, then please have the donations go to other types of non-profit organizations where MS products are already predominant but not to educational institutions.

Thank you.

**MTC-00002467**

From: Jan Hoyme  
To: Microsoft ATR  
Date: 11/29/01 11:11pm  
Subject: Proposed settlement

Microsoft's proposed settlement of "donating" software and hardware to schools is simply another way of pushing its monopolistic practices. The educational setting is one in which a company other than Microsoft has had dominance. By making this "donation", Microsoft will increase its presence manifold, and will serve to make it the only platform available. If Microsoft offers these products free, what school district would want to pay precious dollars for other (Apple) products? At least for the immediate future. After a few short years, schools would be locked into Microsoft products. Is this not monopolistic behavior? I encourage you \*not\* to accept Microsoft's proposed settlement. It is merely a means for them to gain a foothold in territory where they do not hold dominance.

Jan Hoyme

**MTC-00002468**

From: David or Barbara Ellis  
To: Microsoft ATR  
Date: 11/29/01 11:05pm  
Subject: DOJ settlement of the Microsoft anti-trust case

The slap-on-the-wrist settlement makes three things clear:

(1) Microsoft has a better legal department than does DOJ,

(2) Egregious exploitation of an operating system monopoly can be conducted with impunity, and

(3) Microsoft need make no significant change in its anti-trust behavior. It is a travesty that DOJ has voted so strongly against the consumer at a time when the Federal Government wants the consumer to rescue the economy. We consumers will continue to be saddled with a second-rate bloated unreliable overpriced operating system and, since there is also an office-products monopoly, a second-rate office suite.

—David

**MTC-00002469**

From: Thomas Deliduka  
To: Microsoft ATR  
Date: 11/30/01 1:47am  
Subject: Alternative . . .

How about making Microsoft Pay the 1 billion in Cash, and then let the schools decide whether they want to buy Mac or PC? Rather than this blatant attempt to take over a market.

Thomas Deliduka  
IT Manager  
New Eve Media  
The Solution To Your Internet Angst  
<http://www.neweve.com/>

**MTC-00002470**

From: EDLECAM@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 12:41am  
Subject: Microsoft Settlement

Dear Sir or Maam:

Please settle this case with Microsoft. Microsoft has done a lot for this country and will continue to do much more in developing new products if this case is settled. Microsoft has only been trying to protect their intellectual property which they are definitely entitled to.

Thank you,  
Ed LeCam

**MTC-00002471**

From: Caddell, Jeffrey L. LTC  
To: Microsoft ATR  
Date: 11/30/01 12:38am  
Subject: Education buy-off Settlement

As an observer of the process, I find the idea of allowing Microsoft to gain significant inroads in the education market as its penalty in a settlement to be contrary to the best interests of the consumer, the children of our school systems, and the nation. It is a bad idea, it should not happen, and your agency should do the right thing and stop it.

LTC Jeffrey L. Caddell

Chief Counsel, U.S. Army Contracting  
Command Korea  
Unit #15289, APO AP 96205-0062  
DSN 315-724-3373; commercial 011-822-7914-3373; fax -6605  
e-mail [caddellj@usfk.korea.army.mil](mailto:caddellj@usfk.korea.army.mil)  
CLASSIFICATION: UNCLASSIFIED

**MTC-00002472**

From: Herbert A. McLane  
To: Microsoft case US Dept. of Justice, Earl Blumenauer . . .  
Date: 11/30/01 12:10am  
Subject: Microsofts settlement  
Gentlemen,

The settlement that the Administration has agreed to in the Microsoft Anti-Trust case is totally unbelievable. First, consumers are not choosing Microsoft, they are being forced to use it. I work for a U.S. Federal agency and we do not have a choice, we must use Microsoft products! WE ARE NOT ALLOWED TO PURCHASE OR USE NON-MICROSOFT PRODUCTS. That is the case with many other federal agencies and private companies, because Microsoft has stolen the market, brainwashed many Information Technology people and used pressure tactics the resemble those used by organized crime.

Secondly, this settlement is just absurd. In current terms used since Sept. 11, this settlement is like giving the terrorists a FLEET OF AIRLINERS and letting them use them!!!!

Please do what every you can to stop this settlement from happening. A good alternative would be for Microsoft to just give the schools money, with the only strings attached that it would be used to buy computers, network facilities and software.

But Truly let the schools choose for themselves

Herb McLane, a new resident of California, but a Oregon voting resident for the last ten years in Central Oregon.

Herb McLane  
530.926-6456

**MTC-00002473**

From: Jason Brockdorf  
To: Microsoft ATR  
Date: 11/30/01 2:49am  
Subject: DOJ/Microsoft Antitrust Settlement

I think this settlement is a gross attempt by microsoft to further monopolize the software market. Teaching their software in schools (software which will account for most of the revenue of the settlement) will only teach those children to rely on Microsoft products. This is exactly what Microsoft wants so that they may maintain their stronghold on the "wintel" software market. If they really wanted to make a contribution to the education of America's children, Microsoft would make available multiple platforms (Windows, UNIX/Linux, Mac OS/OSX) on which to develop different types of software. Training should also be provided free of charge or at cost via world wide web (we do live in the digital age after all, don't we)? The best solution would be to have Microsoft include only hardware as part of the cost of settlement as the software that they would be giving is essentially costless for them. Money saved by using free/public domain software could be used to buy hardware in greater numbers as opposed to the current settlement. With all that hardware in schools, there is a plethora of free operating system and application software that could be used to help alot more children gain proficiency with computers. Thank you for your time and consideration.

Jason T. Brockdorf  
Austin, TX

**MTC-00002474**

From: Erick Nelson  
To: Microsoft ATR  
Date: 11/30/01 2:07am  
Subject: Microsoft Settlement

To whom it may concern,  
I am concerned about the possible settlement with Microsoft. I work in the Education sector and fear that with such a settlement most school districts will be forced to use or move to the Windows Platform. If the settlement goes through as it is then Microsoft will have won. They will get their products into a sector where they do not have a Monopoly and they will become more dominant. Plus it will be great publicity for them to give to the needy.

In any settlement Microsoft needs to have some sort of true punishment (no help in making them more of a Monopoly). Perhaps the settlement should be mainly a payment of Money to the poor school districts. Better yet, have them give money and new computer that are from the competitors such as Apple Computer (iMacs, iBooks) or Linux based computers. Now that will be a punishment.

Regards,  
Erick Nelson

**MTC-00002475**

From: NancySK@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 2:06am  
Subject: Microsoft Settlement

I urge the US government and the various states to adopt the settlement agreement that Microsoft and the Department of Justice have reached. I believe Microsoft has bent over backwards to honestly settle the federal government's poorly brought case against it. It is time for all parties to recognize that this was a travesty, settle the case and get on with important business.

I truly believe that the people of this country would have been much better served had the governments (federal nd state) taken on a real monopoly, the electric power generators, rather than a company that was the consumer's friend. And in all I have read, the government's position was that it was protecting consumers. The government wasn't protecting consumers. It was (is) protecting a few marginal companies that may not be able to compete even if the playing field is now tipped in their favor.

I think you guys ought to prioritize your cases on the basis of consumer harm rather than how jealous you are over one man's riches. I don't know whether the government realizes it or not, but the attack on Bill Gates caused the economy of this country to go into the dumper. How's that going to look in the history books. You ought to be ashamed of yourselves. I might also ask what you are doing about these US companies who sell products to related companies located outside of this country for unreasonably low prices and buy from the same companies at exorbitantly high prices. Their income is down and their expenses are up. What is the loss of billions in tax revenue doing to the consumers in this country?

Thanks!

Frank Ketchel  
2828 Marmor Court  
Sacramento, CA 95826  
(916) 686-8152—Work  
(916) 383-6826—Home

**MTC-00002476**

From: Nicole Barrows  
To: Microsoft ATR  
Date: 11/30/01 4:36am  
Subject: Microsoft Settlement

To whom it may concern:

The concept of MS suppling schools with software is inherently flawed for several reasons:

1: It costs them essentially nothing and hence is not a punishment. 5000 hackers could supply schools with MS operating systems for free if they wanted to break the law, which (as the DOJ has proven) MS does on a daily basis

2: It reduces the competition by essentially "brainwashing" students and parents alike. Children who use MS products at school are more likely to have MS products at home. Parents who buy their children computers will be more likely to buy MS products not because the products are good (from a programming aspect, they are not), but because of an "If it's good enough for the schools, it's good enough at home" mentality.

3: Using differing operating systems is much like speaking differing languages. The earlier children are exposed to different languages (or operating systems) the more fluent they become. My oldest child is eight years old and is comfortable using MS-DOS, TRS-DOS, Amiga Workbench, HP-UNIX, various flavors Linux and the all of the MS Windows operating systems and graphic user interfaces.

4: An unnamed software company has offered to supply operating systems for free if MS spends it's money on hardware instead of software. This will expose more students to differing operating systems, allow more computers to be placed in schools and the operating system they wish to supply is more powerful the ANY operating system MS currently has on the market. It is very similar to the OS I use at work for digital powerplant and substation control. I use their OS to train future powerplant operators.

5: When is the last time you have heard of a UNIX, Linux or Workbench OS computer having virus problems? Giving MS software to schools is just providing the schools with more ways to acquire unwanted virii.

6: MS networking is a real nightmare. Networking with UNIX and Linux is much easier and is completely compatible with both MS and MacIntosh networks. In short, just because something is free doesn't mean it is good. A punishment without sacrifice is not punishment. Providing competition cannot be achieved by providing more market share to the offender.

Sincerely,  
Christopher B. Barrows  
P.O. Box 133  
Glencoe OK 74032  
(580) 669-2962  
(405) 880-7069

**MTC-00002477**

From: Nicholas Deroshia  
To: Microsoft ATR  
Date: 11/30/01 3:35am  
Subject: DOJ/Microsoft Antitrust Settlement

To word it simply, from what I have been reading in the newspapers is that Microsoft was able to basically walk away with a slap on the wrist. As for the class action suits, I agree with Red Hat: <http://www.redhat.com/about/presscenter/2001/press—usschools.html>

Nicholas Deroshia  
1391 Mann Rd  
Cheboygan, MI. 49721  
nickdd@nmo.net  
231-625-8574

**MTC-00002478**

From: Kevin Jones  
To: Microsoft ATR  
Date: 11/30/01 2:51am  
Subject: Microsoft Settlement  
To: Charles James

Justice Department  
Re: Microsoft Settlement  
Dear Chief James,

I would like my opinion reviewed and included in the settlement notes. I am writing as an Independent computer consultant and a consumer. As a 15 year veteran computer user I feel that Microsoft has done much harm by frustrating and flounder the

development of many opposing or superior technologies. This has been evidenced in so many ways only, some of which have been brought out in this trial. YES they used their influence to control developers and vendors in many ways, and they continue to do so today. These are the real losses for the consumer. Many of the competing technologies have had better systems than Microsoft. We will never know what could have been, if some of these other competing technologies had made it to market. The fact that the Department of Justice has little control over big businesses buying small businesses with competing technologies is the real problem. How many new technologies that could change the world sit on the shelves of large corporations? Is this right? Should big business be allowed to protect their current interests, at the expense of the public loss of these new technologies? If so, then how do you settle an unknown and unmeasurable loss to the world?

The settlement offered by Microsoft is a JOKE! This is just chump change to Microsoft. They are going to provide software that costs them pennies to make, and take credit for a billion dollar tax write off. Tell me, how is this JUSTICE? They should be required to help other competing technologies. This could be done by forcing Microsoft to contributing at least 10% of their total revenue to date into a fund that would be used to further new computer technologies. This solution would have two affects. It should deter other big business from this type of behavior in the future, and it may produce some even better technologies. Limitations put on the use of the money should include that Microsoft not be allowed to participate, in any principal way, with any of the businesses receiving funds. Microsoft or its key partners should not ever be allowed to purchase any of the businesses receiving proceeds from the fund. This is the only way that someone may be able to challenge the control of Microsoft.

Sincerely,  
Kevin Jones  
Chandler, AZ

**MTC-00002479**

From: Ben\_Tilly@trepp.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 11:18am  
Subject: Microsoft Settlement

I am commenting as a programmer who is sometimes forced to work with and interoperate with Microsoft products. Microsoft has been ruled a monopolist, and ruled guilty of abusing their monopoly power. The purpose of the settlement, as I understand it, is to prevent them from continuing to abuse their monopoly power. This settlement does not accomplish that goal. Instead, if accepted, this settlement will join the litany of agreements meant to restrict Microsoft which they trivially bypassed on their ways to becoming a bigger, more powerful, and more abusive monopoly. Certainly it does not limit Microsoft's ability to abuse monopoly power to achieve the goals it has reached for before.

Allow me to present some of the obvious bypass mechanisms which Microsoft has. This list is not exhaustive, it merely gives an

idea of how readily Microsoft can continue its abusive behaviour. There are provisions intended to allow OEMs to ship machines that dual-boot with other operating systems. Those provisions do not restrict the ability of Microsoft to have its operating systems, upon boot, identify, reformat, and reclaim partions of unknown types. This feature is not dissimilar from "self-healing" features already in Windows. It would also eliminate dual-boots more effectively than current OEM restrictions do. If this agreement intends to make dual-boots possible, then it fails.

There are provisions intended to allow OEMs to customize various aspects of the appearance of the operating system. Yet there is no restriction that would keep Microsoft from saying that it will not sell OEM Windows licenses at all. Instead Microsoft can allow the OEM to ship the machine with a self-installer, and then upon initial boot the user and Microsoft would enter into a shrinkwrap agreement. This would be an obvious tactic for Microsoft to use. Once they have done so they can negotiate prices for the self-installers exactly as they previously did OEM licenses. And they further retain complete control of what users can see on a purchased computer. If this agreement intends to either limit Microsoft's ability to abuse OEMs or control what users see, then it fails.

Section G has an explicit disclaimer for any agreements where Microsoft licenses intellectual property from a third party. But Microsoft does that with virtually every major software component, either through cross-licensing of patents or through specific licensing agreements. It will therefore be hard to find any agreements which section G applies to that don't fall under the exemption. Section G therefore fails of any intended regulatory effects.

It does not take a prophet to foresee that Microsoft will attempt to interpret the exemptions in section J far more generously than the government or competitors would wish. Even if such interpretations are outrageous, if Microsoft can make the court case drag on for a period of years, they can make much of the agreement effectively useless. Microsoft could, for instance, build authentication into virtually everything they build as part of .NET, and then apply section J as a blanket exemption. Blanket loopholes, properly exploited, will allow Microsoft to make virtually any part of the settlement fail.

I could list many more ways in which Microsoft can circumvent any intended restrictions. But I think the point is clear. If this settlement goes into effect, Microsoft will have no trouble bypassing it while continuing to abuse its monopoly. Given past behaviour, there is no question that they will. I would find this toothless settlement to be a sad resolution to this episode in the ongoing saga of Microsoft's abusive monopoly.

Sincerely,  
Ben Tilly

**MTC-00002480**

From: Spurr, Greg  
To: Microsoft ATR  
Date: 11/30/01 11:12am

Subject: Antitrust Settlement  
Gentlemen,

First of all, thank you for providing an avenue for us to provide feedback. Before I get into the final settlement, I'd just like to mention that I feel the entire case was mishandled from the beginning. By allowing the focus to be on such trivial matters as which browser is on the desktop, you made the ramifications of this case much harder for the (general) public to grasp. There are much bigger issues showing MS' misuse of their monopoly power, which were made available to the courts, but appear to have never been followed through with.

The reason for this (I assume) would probably be similar to the reason I feel the resolution was unsatisfactory—you were in a hurry. The entire thing had the feel of "let's hurry up and get this over with" and the settlement merely amplifies this. Reviewing the terms, I feel that the entire thing ended up being a waste of time—Microsoft is already back to business as usual, and has received no real incentive to clean up their tactics.

Only two groups of people have seen any negative result from this action:

1) the DOJ, who has shown themselves to be ineffective at best, incompetent at worst; and 2) the consumer, who (apparently) is going to continue to be held hostage to the whims of a certain office in Redmond.

You should be ashamed...

—Greg Spurr

**MTC-00002481**

From: Howard, Robert  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/30/01 10:55am  
Subject: Settlement

How can the government allow a company to get caught with their hand in the cookie jar and get to eat the whole bag of cookies?

Robert Howard  
5511 Bent Bough  
Houston, Tx. 77088  
713-202-3599

**MTC-00002482**

From: jcza  
To: Microsoft ATR  
Date: 11/30/01 10:41am  
Subject: please remove Microsoft's education "Donation" from settlement terms.

Thank you !

Please, don't give Microsoft an even Greater monopoly...by letting them make their "donation" of software to education. It would hurt Apple Computer; who's contributed so much to our nations educational process year after year after year. If it weren't for people for the "two Steve's" (Wozniak and Jobs); there probably wouldn't even BE personal computers in homes, workplaces, and yes, Judges Chambers. Please don't give Microsoft any Unfair Advantage in the education sector.

Thank You,  
—John Czaja

**MTC-00002483**

From: cowhead  
To: Microsoft ATR  
Date: 11/30/01 11:29am  
Subject: settlement

Dear Justice:

Please let us not be foolish. It is clear that the Microsoft plan of "donating" free 'old' computers and new MICROSOFT software to schools is nothing but a scam of the sleeziest kind. The whole point of the suit was monopoly, and this will simply further entrench such a monopoly. Microsoft co. is apparently betting that the public, and Justice, really are as dumb as we have appeared to be in recent years. However, this is just too obvious to let pass. Once the schools have Windoze, they will be locked in to Windoze. A donation now is a sale later. I repeat: this is a scam of the sleaziest kind. Only a company with ethics as low and/or non-existent as Microsoft could attempt such an act. I urge you to reject this proposal. If Microsoft donates something, let it be cold, hard cash equal in amount to the educational market cost of the software + 'old' computers which they are currently attempting to unload in this plan. However, I would rather just see them fined heavily, and the money put into a fund for poor schools, which the schools could then use as they see fit (such as hiring more real, live teachers!!)

Mark Mitchell  
1801 Central Dr.  
Beaumont, Texas 77706

**MTC-00002484**

From: Jim Wilcoxson  
To: Microsoft ATR  
Date: 11/30/01 11:34am  
Subject: Settlement of MS antitrust suit

This settlement of shoving even MORE Microsoft products down the throats of future consumers (school children) is a joke. It will only further Microsoft's monopoly—legally, and with the government's blessing. To make a REAL difference, force Microsoft to publish the source to Windows, Internet Explorer, and Office, on an ongoing basis, and publish their internal technical notes and communications about these products. I consider all 3 of these products to be the result of monopoly tactics, incrementally forced on consumers. Remember the days when Office was bundled with every single PC? Hmm... wonder why they don't do that now? Oh yeah—they've killed all the competition, so now it's party time! To ensure that they are providing the REAL source, have a 3rd party run Microsoft's build procedures and ensure that the executable the 3rd party generates is identical to the Microsoft executables it proposes to release. This will ensure that developers at least have equal access to the foundations of personal computing that Microsoft enjoys. Windows and IE I would consider essential. Office, maybe not—I'm not as involved in that market.

It's utterly sickening to me that the government has thrown up its hands and said "Hey, Microsoft is going to make this difficult for us, so let's just slap them on the wrist and move on." They are a disgusting company that wants monopoly control of any market related to technology that has huge profit potential, and its the consumers that suffer because they have the means to enter related markets incrementally, kill any existing or potential competition, and then do as they please.

Jim

Jim Wilcoxson, Owner  
Ruby Lane Antiques, Collectibles & Fine Art  
1.313.274.0788  
<http://www.rubylane.com>

**MTC-00002485**

From: Chris Synan  
To: Microsoft ATR  
Date: 11/30/01 12:00pm  
Subject: Settlement Comments

I am a computer professional. I am very concerned about the Microsoft monopoly. I feel that the settlement is not a deterrent. It will NOT change a thing at Microsoft. They will continue to squash competition. It is already past the point where any company could possibly compete with Microsoft. It is so far beyond that point that the only possible competitor is a NON-company.

If Linux were a company, it would have been killed by microsoft a long time ago. Apple has such a niche market as to be negligible. The Unix variants are on the way out, except for Linux and possibly BSD. Be aware of microsoft's .NET strategy. The battle for the desktop is over. They are well entrenched and fighting hard for the battle for the server. They have incredible penetration in the handheld market. With ".NET" they will own the internet, and everyone's experience on the internet.

DO NOT BELIEVE Microsoft if they say Linux is a competitor. It is not... It is not even a corporate entity! Nobody can possibly compete against Microsoft. It's been that way for a long time. Only you can change that.

Thanks,  
Chris Synan  
Dataworlds, Inc.

**MTC-00002486**

From: Jon Babcock  
To: Microsoft ATR  
Date: 11/30/01 11:47am  
Subject: One clean solution: Open MS file formats

If Microsoft were required to open and keep open the proprietary file formats of their most-used office productivity software (MWord .doc, PowerPoint .pp, etc.) it would be \*much\* easier for other products, both free and commercial, to be made to interoperate with these nearly ubiquitous Microsoft products. I think this one requirement, for open file format specifications, would do more than another other single thing to loosen Microsoft's monopoly on office productivity applications. It would be inexpensive to monitor because many software development companies would be constantly on the lookout for discrepancies between the open, published file format specifications and the ones actually used in Microsoft's latest office productivity applications.

Thanks for listening.  
Jon  
—Jon Babcock <[jon@kanji.com](mailto:jon@kanji.com)>  
406 827 3000  
Box 1510  
Thompson Falls, MT 59873

**MTC-00002487**

From: Gary Fenrich  
To: Microsoft ATR  
Date: 11/30/01 11:38am

Subject: Microsoft settlement

Attorney General,

It would be a great injustice to allow Microsoft to settle its monopoly suit by giving millions of \$'s of software to the schools. This would create a marketing opportunity for Microsoft. In the long run Apple would lose its market share in education. This underhanded so called honorable jester by Gates is only to increase his sales. This punishment for Microsoft is no punishment only another profit strategy. Please do not support this settlement.

Thanks—Gary Fenrich (small businessman)  
1069 Elizabeth Ct.

Yuba City, California 95993

**MTC-00002488**

From: David Clark

To: Microsoft ATR

Date: 11/30/01 12:27pm

Subject: DOJ/Microsoft Antitrust Settlement  
Gentlemen:

I believe the antitrust settlement negotiated between the DOJ and Microsoft Corp. is useless. There are too many ways for Microsoft to interpret the agreement to their advantage and continue business as usual. Microsoft will still be able to unfairly dominate their competitors. Microsoft is still able to force users to accept software and licensing terms whose main design and purpose is to maintain monopolistic control.

For all the work that has been done in the past three years I expected better results. DOJ has rolled over and Microsoft has won after being found to be a Monopolist.

**MTC-00002489**

From: Steve Thompson

To: Microsoft ATR

Date: 11/30/01 12:19pm

Subject: Microsoft Settlement in Favor of  
Microsoft

Sirs:

It is my professional opinion as a computer programmer (over 25 years) that this settlement handed Microsoft everything they wanted. Why would I say this? Let us look at the ramifications to small business (less than 50 employees) and the typical home user of computer software:

- 1) Tax Software that will not install unless IE is installed.
- 2) Accounting Software that will not install or run correctly unless IE is installed
- 3) Payroll Software that will not install or run correctly unless IE is installed
- 4) 98% of the desk tops using Intel platforms are Microsoft controlled.
- 5) VB can't run on anything except Windows platforms
- 6) ISPs that will not support their customers unless they are running a Windows environment
- 7) ISPs and others who put out software that will not install unless IE is installed (this goes beyond the business software listed in points 1-3 above). How is it that IE is needed to do payroll and/or accounting? Just what does IE have to do with getting W2s, 1099s, 940, 941, and other federal returns printed? How is it that IE has to be on a system for downloads to work? FTP has been around for quite some time, so why did PeachTree, Intuit, H&R Block, and others decide that

their software had to be connected to IE to get updates for their software?

Why is it ISPs demand a Windows environment or they can't support you (blatant example is AOL/Time Warner's Road Runner)? What is so special about IE that they can't seem to deal with Netscape, Opera, or any other browser? Why do they [ISP and Software Makers] have trouble if you don't use Outlook or Outlook Express?

Now take these things and look at what you have. If small business is forced to use Microsoft environments, how do we get them to look at a cheaper and faster operating system, such as Linux? What about IBM's OS/2? Why did it die (and it is a much more stable O/S than ANYTHING Microsoft has put out AND it supported the Windows APIs!)?

What you've done is made sure that everyone will find the Microsoft environment to be the cheapest to go to. You've done this via case law that makes the Windows API the standard!

Total Cost of Ownership is not what people look at in too many cases. They look at what is the "easiest" to deal with. When all the game makers make games for Microsoft, what will drive the Microsoft purchases in corporate America? It is the familiarity people have with Microsoft. Meanwhile, better systems will fall by the wayside because small business users will not pay the up front costs to train their people—not realizing their back end costs are going up!

Again by case law, you have made Microsoft's new licensing plan the standard. That new standard is a subscription plan for their office products and operating systems starting with "XP". What will be the cost of this? Well, if you don't subscribe, then you can't buy upgrades at an "upgrade" price, but at the full price (per Microsoft). Meanwhile, various independent groups have shown the overall costs for small business to be a LARGE price increase.

Meanwhile, Microsoft has a reputation for buggy code. Why is it that the vast majority of malicious code is geared to Microsoft applications? Is it any wonder Microsoft supports UCITA? Via case law you are pushing poor code/software by ensuring that Microsoft is the standard (e.g. Windows API). How many more "innovations" will Microsoft wrap into their operating system that will shut down ISVs (Independent Software Vendors)? And how many of those innovations will have serious security problems? Again, by case law you've made this the de facto standard.

And so, who would deign to bring another case against Microsoft for predatory practices, anti-trust or outright fraud? Think about this new "NET" ("#") environment being pushed by Microsoft and what effect "myWallet" (or whatever Microsoft is going to call these things) is going to have. Once Microsoft gets out there with XP, and people are losing money (stolen myWallet contents and the like), what attorney is going to file a suit against Microsoft (keep in mind UCITA as well).

The settlement agreement you have entered into with Microsoft was very well described the other day as "the DOJ having snatched defeat from the jaws of victory." I submit to

you that this settlement is the worse possible thing you could have done.

Sincerely,

Steve Thompson

**MTC-00002490**

From: Robert Hielke

To: Microsoft ATR

Date: 11/30/01 12:15pm

Subject: Anti-trust

Seems Microsoft was able to con you guys into thinking this was a punishment when it is win-win for Microsoft. Win now by getting me/taxes to pay for training and win in 5 yrs when there are fewer other choices in the market and taxes pay again. The assumption that: 'All children will need to learn Microsoft anyway' is incorrect. That they should be a monopoly because they already are, seems like gmvt is giving up to Microsoft, and letting Microsoft break another law to gain more market share. Microsoft broke the law, does that matter?

**MTC-00002491**

From: Klein, Patrick

To: 'microsoft.atr(a)usdoj.gov'

Date: 11/30/01 12:13pm

Subject: No! on the Microsoft settlement  
proposal

Hello,

I'm writing to voice my strong opposition to Microsoft's proposal to donate computers to 14,000 schools. This clearly hurts those companies who still compete with Microsoft in the educational market. This proposal makes no sense.

Thanks.

Patrick A. Klein

Sandia National Laboratories

Mail Stop 9161

P.O. Box 0969

Livermore, CA 94551

Science-based Materials Modeling,

Organization 8726

phone: (925) 294-4618

fax: (925) 294-3231

e-mail: paklein@sandia.gov

toll free: 1-800-4-SANDIA x4-4618

**MTC-00002492**

From: Bill Martin

To: Microsoft ATR

Date: 11/30/01 1:09pm

Subject: Microsoft and DOJ

Microsoft has done more than any company in the last half of the 20th century to help and advance the global community. They have provided a wonderful product and emerged as an American Icon for efficiency, aggressiveness and the American dream institution. Put simply, Bill Gates worked hard and made it big. So big in fact that the US government felt it must STOP them because competition could not.

Your DOJ actions have been a major part of the problem with our country and economy in the past 5 years. Things take time to slow down in the US economy. So it has taken that time for you to help ruin it with your actions against this successful giant company. This is just another example of Govt intrusion into private industry that is unjustified.

They make the best products and consumers buy them. Their competition cannot make competitive products because

they are not as creative. So they do the only thing they can...they get the DOJ to compete for THEM.

I am disappointed and saddened in how our Government and how the DOJ action is typical of the way our society has drifted from people who want to pursue freedom and individuality and democracy to how your actions instill the "socialistic" ideals into our government. The govt is big and bureaucratic, full of power points and small "empires" within the big one—a fat non productive Government system! As a voter and non Microsoft employee I demand you STOP these stupid actions tying up time and talents in NON PRODUCTIVE areas. Go after crime, not great institutions and companies like Microsoft!

Bill Martin  
2850 Country Club Blvd  
Orange Park, FL 32073

**MTC-00002493**

From: George Streeter  
To: Microsoft ATR  
Date: 11/30/01 12:55pm  
Subject: Microsoft settlement

I have never seen our government do such a poor job of bringing a company to justice. You should be ashamed of yourselves. Microsoft is a monopoly and their business practices ensure that they will continue to be on. You should fix this by going with the original break up plan with heavy fines to pay back the companies they have injured.

George Streeter  
Systems Engineer, CNE, MCSE, SCO ACE  
Computer Resource Training Inc.  
131 East Columbia Ave #001  
Battle Creek, MI 49017  
(616) 963-3785  
(616) 963-7009 fax  
gstreeter@crtincbc.com  
www.crtincbc.com

**MTC-00002495**

From: Gina M Wheeler  
To: Microsoft ATR  
Date: 11/30/01 12:28pm  
Subject: Microsoft case

I find it hard to believe that as a punishment, Microsoft is going to be permitted to put their products into schools so that our children can be brainwashed into believing that the Microsoft platform is the only one to use on a computer. That is supposed to be a punishment for being a monopoly? What other possible reason could the company have for suggesting such a plan?

My understanding is that Bill Gates purchased \$250 million worth of stock in Apple computer a few years ago. He did give up his voting rights for 5 years so the article stated. Has anyone considered the ramifications of this purchase when he is able to vote? What if Microsoft decides to port their operating system to the Apple systems and no longer support the Intel platform? This would force millions of users to buy new hardware as there are not many competitors that have survived Microsoft's strong-arm tactics. Is this where things are going? Would it be in the best interest of my organization to start purchasing Apple computers now? Can you imagine what this would do to Intel? What about Dell, Compaq, IBM and other competitors?

I currently am an IT person and I run approximately 10 Windows servers. On one of these servers, I installed a DEMO version of a program called ZoneAlarm by Zone Labs. This is a small firewall program. During configuration, I find that my server is sending information to Microsoft. Why would they want information about my server? What are they doing with this information? Why is this not documented? Why is it legal for a company to write software that will send information back to the manufacturer without the permission of the owner of the product? What gives Microsoft the right to have my server talk to their server without my permission? I felt truly violated upon learning this. I don't want my configuration information or any other information from my servers to be bantered around at Microsoft. This is equal to the telephone company listening in on my phone calls and making notes. This cannot possibly be legal.

Whoever owns the information, is the one with the power. Continuing to let Microsoft go unchecked is a very bad thing and will surely come to be a severe problem for the United States. Microsoft is on a power trip where business ethics are non-existent.

I hope that you are willing to stand up to such a power and make the company follow the ethical business practices that the rest of the United States is forced to follow. I would hope to see the government take this company and give them a good shake while it is still possible to do so. Computers are a very powerful tool in the world today.

Having a company with little or no business ethics (not to mention moral ethics) controlling this industry is just a disaster waiting to happen.

Thank you for reading.

**MTC-00002496**

From: Bruce Kennedy  
To: Microsoft ATR  
Date: 11/30/01 2:00pm  
Subject: Anti trust nonsense  
STOP THE INSANITY!

Can anyone outside of the disgruntled few competitors who somehow got the DOJ under Clinton to initiate this mess tell me why this is continuing? This was never about "consumers". I use Microsoft stuff, you do to. It keeps getting better every iteration at basically the same. This case has been a colossal waste of Tax payer dollars, put a huge drag on most 401 K's etc. etc.

In the name of consumers everywhere who are much more affected by this case's affect on their personal wealth than anything else...PLEASE SETTLE!

**MTC-00002497**

From: Shanan Peters  
To: Microsoft ATR  
Date: 11/30/01 1:17pm  
Subject: Unacceptable settlement

To whom it may concern:

I find the proposed settlement by Microsoft (gratuitous promotion of low-cost software in public schools) to be most unsatisfactory. I trust that the authorities in charge of this settlement can see through the transparent scheme by Microsoft to pay virtually nothing to gain a foothold in a market in which they currently do not enjoy a monopoly—all as a

punishment for their monopoly status in many fields!! Please, carefully consider the motives of Microsoft without being "softened" by the desire to see some good come to public schools. Instead, demand a more equitable cash settlement that puts money into the hands of schools. Explicitly demand that Microsoft keep their bullish hands out of making decisions about where the money be spent.

—Shanan Peters  
Shanan E. Peters  
The University of Chicago  
Dept. Geophysical Sciences  
5734 S. Ellis Ave.  
Chicago, IL 60637

**MTC-00002498**

From: LPeele@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 1:17pm  
Subject: Operating System Monopoly

It appears that the DOJ "settlement" does nothing to eliminate the stranglehold that Microsoft has on the operating system market. The government should write a spec for th OS that it will purchase and make it available to all competing software developers. The system should also be open source. Microsoft should be prevented from forcing Windows and Windows products on the public. Try to buy soft or hardware for IBM's OS/2 Warp or a computer with that OS installed.

The list of transgressions is extensive and it appears the DOJ has given in.  
Ellwood L. Peele

**MTC-00002499**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR, antitrust@fic.gov@inetgw, Ralph@essen...  
Date: 11/30/01 2:48pm  
Subject: Microsoft Hegemony: "Giant Pile Of Shaving Razors" CC: letters@atimes.com@inetgw, letters@sjmercury.com@i... Re: Judge to Rule in Dec. on Microsoft

if consumers pursued their claim against Microsoft and eventually won the case, they would stand to recover as little as \$6 each. That would be a most valuable \$6. Accumulated, those pittances could fund the development of a crash-proof operating system. So stop comparing the \$6 reward to the \$100 monopoly tax that US intellectual property laws allow the worst con artist in history.

"You talk about giant pile of shaving razors, nothing more..."

**MTC-00002500**

From: Thos Lydon  
To: Microsoft ATR  
Date: 11/30/01 2:44pm  
Subject: Appropriate Penalties  
Sir,

The proposed settlement of the Microsoft Antitrust case is absurd and we applaud your decision to pursue harsher penalties.

Microsoft has been adjudicated and found guilty. The company should not be able to dictate or determine the consequences applied. The consequences should be that which best serves the public interest and that only can be achieved by reducing the leverage Microsoft has over smaller

companies; leverage that Microsoft has been applying to the market place for years.

Any action that results in the generation of revenues or entries into areas of the market that currently are not dominated by Microsoft or increases dependency on its products would only reward Microsoft for the practices which resulted in their being found guilty for violating anti trust laws.

The only justified punishment is to break up the company, accompanied with substantial fines. The failure of the US Justice Department to pursue this reduces the confidence that citizens can get justice. Now we know the true meaning of criminal justice.

Thos and Ginny Lydon

**MTC-00002501**

From: xcliff@phys-ha1cupa.eng.sun.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 2:13pm  
Subject: MicroSoft Triumphs  
Guys—

As a former litigator I am appalled at the way you division gave away your hard won court victories for that flimsy, hole ridden, useless settlement document by which Microsoft rolled all over the United States.

You completely wasted my tax dollars by capitulating in the midst of victory over one of the most vicious monopolies since the Standard Oil Trust. You are handing the internet over to Microsoft, destroying innovation (MS is incapable of inventing they just immitate and then extinguish the originators) and leaving all consumers to the tender mercies of a monopolists.

You should be ashamed—and all so that George Bush can have some contributions from Redmond. I'm disgusted.

—Cliff Allen

**MTC-00002502**

From: lamm@met.fsu.edu@inetgw  
To: Microsoft ATR  
Date: 11/30/01 3:30pm  
Subject: settlement

This is bad solution. It allows Micr. to do have the same effect as before. What is needed is for the consumer to have the chance to get \$100-\$200 back that was usually paid to Micr. if he agrees not to use their software. This should be a mandatory part of all liscenses Micr. signs with OEMs. This has never been the case and the proposed settlement doesn't help. As long as a Windows/Office tax is bundled in, nobody else has a chance. Just look at Hewlett Packard—they will sell you a linux box for \$100 more than Win 2000. They should have an option where you you pay \$100 LESS for no Windows 2000 and then they could just get something like Linux for free. from Red Hat/Linux Central/ or a friend. Until the consumer has a chance to save the \$100 there is no point.

Jim Lamm Ph.d. Computer science

**MTC-00002503**

From: Kerry Robertson  
To: Microsoft ATR  
Date: 11/30/01 3:07pm  
Subject: MS SETTLEMENT UNJUST/  
ILLEGAL  
Dear Atty Gen,

I believe that to punish a company guilty of racketeering by offering them a chance to broaden their territory "marketshare" is utterly absurd. I am NOT happy with the terms of this settlement, particularly with the arrangements for MS to provide software to schools. Apple is currently the dominant marketforce in educational computing, and this settlement will not only hurt them, but all other OS/educational software vendors.

RedHat Linux has proposed an offer to provide Operating Systems, Updates, and Technical support FOREVER to these schools. Making the money MS spent on actual HARDWARE go alot further and to many more poor schools. To give MS our schools on a silver platter because of theirr TERRIBLE business practices is a TRAVESTY! I have been a MS user for 10 years, and never have I felt so ripped off as when I needed tech support for my Windows Operating Systems and it was very inadequate or simply not there! Stop letting them rip off the American consumer by Overcharging for a half ass coding job. Stop their imperialistic way of Forcing competitors like Netscape out of the running.

I hate to say this to a respected member of any states highest Law Enforcement Agency, but if you cannot see that this settlement is WRONG, legally, ethically, and morally, then I say to you sir or madame, "YOU ARE EITHER AN IDIOT, OR IN MS'S BACK POCKET!" Fix this before our schools are FORCED into participating in something so un-american, that our Founding Fathers would restart revolution all over again to stop it!

Kerry Robertson  
Seabeck, WA  
360-830-4916

**MTC-00002504**

From: donald j mcmeen  
To: Microsoft ATR  
Date: 11/30/01 2:59pm  
Subject: The Great Microsoft Debacle  
Dear Sir or Madam:

My input is simple. Here we have a company that single-handedly created many, if not most of the tools necessary to implement an incredible capability accessible from nearly any place on earth. They, starting with Bill Gates and Paul Allen, combined their unusual skills with great initiative to bring this capability into being.

The results have so many superlatives associated with their efficacy that it would be pointless to start trying to delineate and enumerate them. And I, the ordinary consumer, am able to utilize them for my own interests at a tiny cost. Information availability and communications capability beyond anyone's wildest dreams of a few decades ago are the legacy of Microsoft's initiative, industry and invention.

Everyone who is in a position to affect Microsoft's progress needs to wake up and smell this enormous field of roses, this gift beyond imagination.

Naturally, there are those who, seeing the results that Microsoft has obtained, along with the commensurate rewards which came along with it, are eager to share in.....the rewards. That they didn't have the same qualities that Microsoft manifested would be overcome by resorting to ...why...litigation!

Of course! It's the American way, or at least, becoming the American way. Replace honest effort and industry with a lawsuit!

The Justice Department needs to be a bit more pragmatic about their pursuits. The American economy started slumping over when the Justice Department decided to show Microsoft who had the most power. The stock market joined in the malaise, particularly the technology sector, with many solid companies that will determine much of our future economic health and indeed, quality of life, losing a very large percentage of their value. The temporal relationship between Justice's actions and this change in the value of our economy seems unlikely to be coincidental.

If Justice has a problem with the concept of pragmatism versus idealism, it needs to come to grips with the genesis of idealism. Idealism is the best guess as to principles that yield the greatest success, in some sense, at the time they are formulated. Those guesses shouldn't be taken as immutable or beyond review.

It's time for Justice to take a long look at what they're doing in this business arena, while also coming to grips with the likelihood that a full understanding of the inner workings of the target industry business model may be beyond their reach. Like the stock market.

Donald J. McMeen

Ordinary consumer and user of Microsoft products.

**MTC-00002505**

From: bill\_bonte@fuhsd.org@inetgw  
To: Microsoft ATR  
Date: 11/30/01 4:03pm  
Subject: commen

I think that instead of giving Microsoft software to poor schools, Microsoft should have to give MONEY. That way Microsoft doesn't profit from software people like me wouldn't pay for anyway AND the schools are REALLY helped. Are we trying to give them more of a monopoly? Shouldn't we be punishing them for monopolistic practices?

bill bonte

30+ year teacher in public schools.

**MTC-00002506**

From: Bill Lundell  
To: Microsoft ATR  
Date: 11/30/01 3:52pm  
Subject: Microsoft Give-Away Re: proposed Microsoft Settlement:

As a U.S. citizen, voter, and user of both Microsoft and Linux operating systems, I feel that the DOJ proposed settlement only furthers Microsoft's monopolistic practices. While the idea of helping school districts with computers is a fine principle, the proposed settlement mostly allows Microsoft to get credit for giving out their own software at virtually no cost to them. This is obviously a market where the consumer (poorer school districts) would not have been able to purchase at Microsoft's outrageous prices anyway. Microsoft should at least be credited only for costs of hardware, not the inflated price of their software as if it was sold. And it should have no license expiration. What good is a 'gift' that has to be returned or paid for later?

Further, since this is about monopolistic practices, it is my opinion that other operating systems and office applications should be part of the deal. Red Hat or another Linux distribution, Star Office or another office application, should be provided. And any cost should be incurred by Microsoft. (The aforementioned products are available free of charge. Only the cost of distribution and manuals would be required.) Other parts of the settlement are even more difficult. Example: "Microsoft will be required to disclose server protocols and interfaces." Good luck enforcing that! Have you tried to just keep up with the changes required to keep your own computer current from the "Windows Updates". They'll just keep changing the protocols and interfaces so no competitors have a chance. Or they'll find a way to sell a service to keep current, thereby furthering their monopoly and getting paid for it in the process!

You've made a step in the right direction. Please make it a meaningful step.

Sincerely,  
William G. Lundell  
601 12th Ave. NW  
Issaquah, WA 98027  
CC:Bill Lundell

**MTC-00002507**

From: John and Sandy Strickland  
To: Microsoft ATR  
Date: 11/30/01 4:40pm  
Subject: Microft "Settlement"

I think the DOJ totally wimped out on the Microsoft antitrust thing. The only remaining question is "Will Bill Gates break up the Justice Department?", since he is obviously more powerful than the government!

**MTC-00002508**

From: Nancy  
To: Microsoft ATR  
Date: 11/30/01 4:20pm  
Subject: Microsoft Settlement

The present proposal for Microsoft's settlement is the equivalent of allowing all driver's education autos to be fitted with defective Firestone tires, to the exclusion of other brands, and then expecting the schools system to pay for the fixes that will be necessary. It isn't a penalty—it's a golden opportunity for an abusive company.

I am a long-time computer user [since 1984] and feel it necessary to protest the present proposal for Microsoft to donate software/computers to schools— This merely extends MS's monopoly into the future, with even broader control than that which prompted the lawsuits in the first place.

Microsoft is infamous for producing "rough-cut" software- things that do not function properly—and then charging for upgrades, support and patches to fix whatever the problem is—They are also infamous for providing things that CAN'T be upgraded—and then charging exorbitant amounts for updated changes—e.g. Windows Millennium—was touted as the next generation—It turns out that this system cannot be upgraded to Windows 2000 or any other subsequent upgrade—it is an evolutionary deadend, composed of bits and pieces of previous operating systems, including outdated programs, drivers, and code.

Window XP promises to be just as problematic—or more so. It was sold as the latest and best—as it turns out, there are no drivers available for a wide variety of programs that ran under Windows95/98—the customers who paid upwards of \$500 for this O/S will just have to wait—this is fraud. The Microsoft strategy is to let the consumer find all the bugs for free, and then pay Microsoft to have them fixed—to introduce this kind of confusion into a school system is ridiculous, not to mention the hidden costs of sorting out the problems when they have proliferated across a school intranet.

And then there's security—Consumers should not end up having to pay, either through hidden school costs, or bloated retail prices, for an inferior product just because it dominates the marketplace—that is precisely why Microsoft should not be allowed any possibility of further domination in the future—it's time for alternatives, Linux being one of them.

Nancy Brown  
Yaquina Bay Online  
nb@yaquinabayonline.com

**MTC-00002509**

From: Syversen, Jason  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 11/30/01 5:10pm  
Subject: Proposed Microsoft Settlement  
To whom it concerns,

I'm writing in opposition to the "penalty" that Microsoft is supposed to pay by installing their operating system on thousands of schools across the country. I'm opposed to any "solution" which encourages the spread of Microsoft's monopoly any further then it already has. Look at Microsoft's primary competitor's responses (Apple, Redhat, etc.) to get a feel for what a bad idea this is. Redhat's recommendation that their OS be installed on hardware paid for by Microsoft is a much better alternative, as it would be stunting Microsoft's monopoly position (ie. an actual penalty!) while providing poor schools with much needed educational tools. It's also instructive to observe two key points. First, the cost to Microsoft is not \$1 billion in cash, but rather software equalling \$1 billion in retail value. Equating this to a \$1 billion penalty is ludicrous, as the real cost to Microsoft is much, much less. Second, the party's that originally brought the lawsuit get virtually nothing from this settlement, other then perhaps a (misguided) feeling of justice.

Please resist any recommendations by Microsoft that allow them to further their monopoly position. My favorite quote summarizing this foolishness was made by Albert A. Foer, president of the American Antitrust Institute, who told Motz in a letter that the proposed settlement could be considered anticompetitive, and likened Microsoft's position to that of "Brer Rabbit seeking the briar patch."

—Jason Syversen

**MTC-00002510**

From: Mike Finney  
To: Microsoft ATR  
Date: 11/30/01 4:55pm  
Subject: Microsoft Settlement

The only thing missing from this "settlement" is that Mr. Ashcroft isn't

apologizing to Bill Gates. I am appalled at the naked attempts by Mr. Ashcroft to subvert the process of justice and I hope he is ashamed of himself for being bought so cheaply by Bill Gates and his flacks. What are you going to do with your 30 pieces of silver, Mr. Ashcroft? This settlement should be laughed out of court and Microsoft needs to be hung on the wall for their antitrust violations.

Michael Finney  
703 Fayette Dr.  
Eules TX 76039  
817-540-4700

**MTC-00002511**

From: Richard Tauro  
To: Microsoft ATR  
Date: 11/30/01 4:41pm  
Subject: Microsoft Settlement

In addition to the various proposals for structural changes in Microsoft's business practices (published Windows price sheets, etc.), please consider the following.

Microsoft should have to divest itself of its programming tools group. It should not be allowed to write, sell, or distribute programming languages and tools for, say, four years. Such a penalty would help check future Microsoft hegemony without the risk of permanently crippling the company. The new tools programming company would be free to develop Microsoft's programming tools as it sees fit—hopefully to make them as robust and interoperable and platform-neutral as possible.

Such a sanction would be relatively easy to implement; nor would it be excessively disruptive of Microsoft's ongoing business (while I think Judge Jackson was on the right track splitting the company into separate applications and OS companies, I fear that would have created chaos to Microsoft and, indeed, the to software industry as a whole (not to mention all the uncertainties and delays related to determining what exactly is application code and what's operating system code)).

Respectfully,  
Richard Tauro  
153 George St.  
Niles, OH 44446  
t: 330.544.1927  
f: 330.544.1937  
e: rt@scribblers.com

**MTC-00002512**

From: Jonathan Ryshpan  
To: Microsoft ATR  
Date: 11/30/01 7:18pm  
Subject: Proposed MS Antitrust Settlement

If I understand correctly, the wrong that MS has been found to have committed (by the Circuit Court) is that MS abused its monopoly position by giving away its browser, to the harm of Netscape. This "remedy" will require MS to give away its operating system, and possibly other software to various schools, to the harm of Apple. It makes little sense to require MS to carry out precisely the kind of behavior which has been found to be an abuse of its monopoly. If the schools were allowed to take value equivalent to the software that MS offers in cash, at the choice of the schools, I might be persuaded to support the settlement.

With all respect:

Jonathan Ryshpan <jonrysh@pacbell.net>  
Those who have put out the eyes of the  
people reproach them for their blindness.—  
Milton

**MTC-00002513**

From: Rick Davis  
To: Microsoft ATR  
Date: 11/30/01 7:05pm  
Subject: Settlement

Sounds to me like Microsoft is being rewarded for breaking all the rules. "Allowing" them to "donate" millions of dollars worth of computers to poor schools is ludicrous. 1) They will of course inflate the value to lessen their loss; 2) They will quickly gain 1000's of seats in a market where they actually have competition and don't own the market share; 3) Each one of these "donated" computers will require the schools to purchase additional software and hardware from Microsoft; 4) Each of these poor schools will have to find money to hire support staff to keep up with the constant maintenance and upgrades required. I could of course go on and on. But I doubt that what I think will mean a thing to you or if this will even be read.

Rick Davis

**MTC-00002514**

From: ssirles@csc.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 5:53pm  
Subject: Microsoft Settlement

The irony of the DOJ/Microsoft settlement astounds me. Microsoft's punishment is actually a public relations maneuver intended to garner public support as well as a marketing maneuver intended to gain greater mindshare in future generations. I think Redhat's proposal makes sense. Let Microsoft spend its money on hardware alone while Redhat provides free software. Microsoft can still gain public support, but it does not use its defeat in court to gain market share.

**MTC-00002515**

From: Wayne S. Mery  
To: Microsoft ATR  
Date: 11/30/01 5:38pm  
Subject: MS antitrust

To whom it may concern,

After considerable taxpayer expense, Microsoft is found to have violated anti-trust laws to the detriment of the consumer, and to the detriment of the law abiding companies with which Microsoft competes. In any settlement one would think there would be :

- \* restitution to the damaged party
- \* fines which are cumensurate with a society and government that punishes a law breaker and seeks preventative, punitive fines to show other companies that breaking the law will cost you not just pennies on the dollar (as in the case of this judgement relative to Microsoft's profits)

- \* action or oversight to prevent recurrence, within a company culture and leadership that allowed gross illegal actions to take place—indeed, they sought aggressively the means and tools which were foresable to be breaking the law.

To give computers and software to schools is a noble, but too easy and inequitable settlement.

This settlement, agreed to by both the US Government is a joke, and apparently convenient for both.

What happened to the consumer??

Wayne Mery  
4017 Monroe St  
Danielsville, PA 18038

Note: These are my personal views, and do \*not\* represent the views of my employer, Lehigh University

**MTC-00002516**

From: mark@jsc.nasa.gov@inetgw  
To: Microsoft ATR  
Date: 11/30/01 9:04pm  
Subject: Microsoft Settlement

Sirs,

As someone who has used Microsoft products extensively and as someone who has had to deal with the problems thereof, I would like to comment on the Microsoft Settlement. It does not seem, to me, that the proposed settlement does more than simply give Microsoft a slap on the wrist. I say this because the insurance which Microsoft carries on its operations costs more than the amount it is being asked to pay in this settlement. Bill Gates alone makes more per year than what Microsoft is being asked to pay. This, therefore, is no burden to Microsoft. A "burden" is something which places you at a disadvantage, makes it hard for you to operate, or otherwise inhibits your ability to function normally. This settlement does none of these. It is merely a minor hinderance easily overcome.

I feel that, due to what happened on September 11th, the importance of this case has been lost to the Department of Justice. Instead of remembering what Microsoft has done, the Department of Justice simply now wants to "get this over and done with." This may not be true—but that is the impression which is being handed out to the people of America. That it is ok for the biggest corporation in America to destroy, manipulate, or circumvent the laws which lesser people and companies must adhere to simply because they have enough money to buy their way out of the problem. To slick the palms of some officials, or to promote offers behind closed doors which, on the surface, appear to be genuine but upon closer inspection simply increase their holdings. A true settlement would have included provisions to ensure that none of the systems thus purchased could have a Microsoft Operating System installed. Such as requiring them to be Apple Computers—thus reducing Microsoft's ability to extend their holdings. This would have allowed both LinuxPPC (Linux for the PowerPC) or MacOSX to be installed. Or require that no Microsoft software be installed on any of these systems period. This would have allowed Corel's Office package, Sun's StarOffice, KDE's KOffice, or any of the other so called "Office Packages" to be used instead of Microsoft's. These are minor burdens. To enlarge these minor burdens into major ones extremely stiff penalties such as time served in prison, heavy monetary penalties, and the like would have to be

incorporated into the terms. Which would make the entire affair unpalatable to Microsoft. Thus, these would have to remain minor burdens.

A major burden (in and of itself) to Microsoft would have been to make Microsoft give up something like ten percent of their annual income for the next ten years and that this income go to such things as the Free Software Foundation(FSF) or the National Science Foundation(NSF) (who helps to back the FSF) or for the intended purpose proposed above. THIS would be a burden. Especially if they were forced to pay the taxes on this money before it is distributed. Further, the proposed ten percent deduction on their income would not destroy the company—all it would do is to slow them down. Which is what should happen. Let me reiterate that: It is not our intention to destroy the company—but we most certainly do wish to slow them down so other companies have the chance to compete. Therefore, if Microsoft itself were forced to aid its competitors through the use of a ten percent tax, this would not only be a major burden—but everyone in the United States would benefit from this settlement. This is because Microsoft, according to Standard & Poor's last recording (if I remember correctly), earned over \$300 Billion dollars last year. \$30 Billion dollars is a few more dollars than amount presently in the proposed settlement.

Finally, I would like to turn your attention to the committee which is to be set up to oversee Microsoft. I believe that the people who should make up the committee should be picked, randomly, each year, from those companies who have borne the brunt of Microsoft's attacks. Who better to ensure that Microsoft conforms to the letter of the law than the very people to whom they have done so much? My proposal on this matter is that each of the plaintiffs in the lawsuit must present a list of names of all employees who work at the various companies. (No job titles or any other information should be used.) These names are fed into a computer program which randomly orders the names. Starting at the top of this list, these people are contacted and asked if they wish to work on the oversight committee. If they do, then some of the money from the settlement is used to pay their salaries for that year.

Each year this is repeated with no company able to send the same person more than once. From this second group of people the final people are picked to act as the oversight committee. Again a list is devised and a random selection is used. I suggest five people instead of three and I believe that the committee should be set up in a manner similar to a small claims court in that there is a litigant and a defendant. The problem is laid out for the "judges" who then decide—with the help of an AntiTrust Division person—whether or not there has been a violation of the AntiTrust Settlement. If they find that there has been a violation, then the matter is turned over to the AntiTrust Division for further investigation. If not, then the reasons for not turning it over must be made clear to both parties as well as the AntiTrust Division. In all cases, a written report of the entire proceedings, with each

“judge”’s reasons, must be made available to the AntiTrust Divison. In addition, all cases should be posted on the Internet for public viewing along with each “judge”’s opinions and the AntiTrust Divison’s decisions.

You, who are reading this, might feel the above to be absurd—it isn’t. First, it ensures that no matter what—Microsoft can not determine ahead of time nor control who is going to be on the committee from year to year. Second, it gives the AntiTrust Divison a say in what happens. Thus, there will not be a “kangaroo court” outlook and anyone who acts otherwise should be removed from the panel and replaced with one of the alternates. Third, many different viewpoints will be presented as the years follow. Thus, someone who is not highly affected or who might be pro-Microsoft may still be on the panel as well as someone who might be greatly against Microsoft. Thus the reason for five “judges” instead of three. To give a greater breath to the proceedings. Nor should the “judges” be of a certain age, ethnic background, nor education. (Although a college education might ensure a greater depth to the person’s outlook and someone of an elder age would give a person [hopefully] more of a scope to life. Still, discriminating against someone simply because of their age or number of years in school or college should not be tolerated.) They should simply be employeess of companies who are affected by the manner in which Microsoft has operated. Last, it alleviates the AntiTrust Divison of the burden of listening to endless streams of companies complaining about Microsoft’s operations. Or at least partially. And it places the burden upon the very people who have complained in the past to monitor the future. (Although Microsoft would be the one who is paying for these people to sit in judgement on what Microsoft itself is doing.) Thus, everyone—except Microsoft—would win.

Thank you for your time in reading this.

Yours,

Mark Manning

**MTC-00002517**

From: Art Arellano  
To: Microsoft ATR  
Date: 11/30/01 8:20pm  
Subject: Please do not accept Microsofts settlement of giving computer gear to public schools

Why further increase their monopoly power. It will be all over for Apple computer if this happens. This is so one sided. Give the money to the schools and let them decide what computer systems they want!! No more Microsoft bullying!!

**MTC-00002518**

From: jon radwan  
To: Microsoft ATR  
Date: 11/30/01 8:02pm  
Subject: JAVASCRIPT SETTLEMENT

Hello,

Microsoft is clearly a monopoly. Due to the scale of their crime, please give them the maximum penalty.

Thanks,

Jon Radwan

**MTC-00002519**

From: Kayen

To: Microsoft ATR  
Date: 11/30/01 11:20pm  
Subject: MS Settlement

Looks like MS is getting off scott free + monopoly in schools.

Disgusting.

**MTC-00002520**

From: W.W.WEBB  
To: Microsoft ATR  
Date: 11/30/01 10:44pm  
Subject: micorsoft’s antitrust reward settlement

1) microsoft is a monopoly, if you couldn’t prove that ...

2) the judge who got thrown off the case was right about his categorization of microsoft and bill gates

3) If you let microsoft “contibute” to underprivilege schools, take the billion and let the schools decide for themselves what they want to buy with it. don’t let microsoft copy there own software and give it away.

4) What i’ve learned from this case is break the law and get richer before and after cause the government can’t or won’t do anything to stop a billion dollar company.

Finally, how much money was wasted on this case to simply let microsoft get away with it and even get to strengthen their monopoly on top of it.

**MTC-00002521**

From: AJosephnic@aol.com@inetgw  
To: Microsoft ATR  
Date: 11/30/01 9:53pm  
Subject: Microsoft Settlement

No one is paying attention to the costs and benefits to the home consumer. The home consumer WINS if Microsoft is left as is. Yes, the average consumer does not want to make choices around which operating system to purchase, then having to figure out which software applications are compatible. The average consumer also does not want to worry about interfaces between those pieces and parts that are not compatible, because when something goes wrong, there will be no one to take ownership of the problem. Additionally, once the consumer has purchased all of the pieces and parts, chances are that he/she will need to install all of them, instead of the PC coming reading to use. In the business world (I am a business software consultant), we call the best of all the pieces and parts “best of breed”. “One stop shop” is when everything comes from the same vendor (or partners that have produced products using the vendor’s tools, thus making it seem like they are from the one vendor). Most companies shy away from “best of breed”, because they don’t want to deal with various vendors, interfaces and consultants during installation, and even more so once they are in production. In a “best of breed” situation, there is a lot of passing the buck. This costs time and money for the customer.

To the average consumer, “one stop shop” is less expensive and more efficient. Generally, we don’t have the time or knowledge, which results in us being passed around from person to person (on the phone, after being put on hold) when we have a problem. Maybe I can dig through it, but my husband and my father certainly cannot.

They are not in the tech industry at all! I buy my home personal computer with everything installed—operating system and applications. When something goes wrong, I make ONE phone call. I don’t have to make several calls (like I must do with the phone company, because data, voice, equipment, etc., is all handled by individual parties, and after an hour, you still don’t have the problem solved).

I think Microsoft is an innovative company, and I think the tech companies who have sued are exhibiting nothing more than sour grapes. Let’s face it, they lost the game. There are other business that effectively partnered with MS. In our culture, business is survival of the fittest, isn’t it? Sales have always been aggressive in the places I’ve worked. If companies choose not to do business due to aggressive sales tactics, so be it. That is their choice. Those who can handle it, will and those who can’t won’t (in this case, they are suing which I guess is the American way, as jaded as it sounds).

Breaking up Microsoft will damage the home user’s experience with the personal computer. It will increase the cost in dollars and time, and be inefficient.

Andrea Joseph-Nickels

CC:AJosephnic@aol.com@inetgw

**MTC-00002522**

From: Joe Balbona  
To: Microsoft ATR  
Date: 11/30/01 9:20pm  
Subject: Settlement

It is truly a pity that the DoJ invested so much time and money and got a guilty verdict against Microsoft and now proposes not to have them suffer any consequences as a result. Truly crime does pay.

You are all fools at the DoJ if you believe that they will follow this settlement any more than they followed previous ones.

Let me make this simple for you, ( all the top attorneys must have left with David Boies)

1. Microsoft is a monopoly, they do not innovate.

2. The landscape is littered with companies that were innovative and had products that they were able to sell at a profit when Microsoft incorporates what their product does into windows. The innovative company goes bankrupt.

3. The only way to prevent this is by severing the operating systems from the other applications. Judge Jackson had it right.

Joe Balbona

**MTC-00002523**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR, antitrust@fic.gov@inetgw, Ralph@essen ...  
Date: 11/30/01 11:52pm  
Subject: Microsoft Hegemony: “Infidels Stand For Nothing”

CC: letters@latimes.com@inetgw, letters@sjmercury.com@i...

Re: Senator Wants Answers on Microsoft Settlement

Among other things, Hatch’s letter asks James how the settlement will, “terminate the monopoly Microsoft was found by the appellate court to have unlawfully maintained” and “deny to Microsoft the fruits of its (antitrust) violations.”

Congratulations to Sen. Hatch for upholding principles regarding Microsoft. The Bush administration also seems to ignore that consumers might benefit from a software industry on a level playing field.

“Sen. Hatch stand for nothing... like other infidels, he defy the will of almighty Allah...”

**MTC-00002524**

From: Rod Roadifer  
To: Microsoft ATR  
Date: 12/1/01 12:26am  
Subject: Microsoft

With all due respects, it is clear that the justice department needs to let Microsoft continue with making fine software. It would be a very different world today if the DOJ had spent as much time and effort against Osama Bin Laden as they did against Microsoft. Who is the real bad guy here.

Rethink your priorities  
Regards,  
Rod Roadifer  
rod@pdlog.com

**MTC-00002525**

From: Clarence Tennis  
To: Microsoft ATR  
Date: 12/1/01 12:30am  
Subject: microsoft settlement

Have Microsoft pay for Apple computers to be installed in the school systems.

Clarence F. Tennis III  
Fort Wayne, IN

**MTC-00002526**

From: Cmessmer@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/1/01 12:24am  
Subject: Microsoft Settlement

Att: Renata Hesse,  
Trial attorney, Antitrust Division,  
U.S. Department of Justice

Dear Renata,

I am very pleased to be allowed to comment on the settlement of the Microsoft Antitrust lawsuit. We have followed this case quite closely and are not too happy with Judge Jackson's biased statements and some of his rulings. We cannot see where this company has harmed the consumer in any way with it's business behavior. The real issue is that they have been more aggressive in their marketing techniques than some of their competitors, but that is not against any law we're aware of. The most interesting thing about this whole case has been that the only parties that have been against MSFT have been their competitors such as Oracle, Sun Microsystems, AOL and a few others. Common sense tells you that this would be a great way to help your own company if you could get the government to tie up your main competition for a few years in a legal battle. We believe that is exactly why this has been done. The companies mentioned above have also been very helpful in raising campaign funds for the previous administration and those politicians who have supported the legal battle.

Again, we can see no evidence that this company has harmed the consumer in any way. For sure they didn't when they gave away their web browser for free. Of course Netscape would complain because they were charging \$80 for their browser while MSFT

started giving their browser away (free) but that certainly didn't harm the consumer in any way! Netscape didn't like it but then we consumers didn't like paying \$80 for something that we could get for nothing either. We weren't harmed at all.

We would also like to convey to you that as MSFT goes so goes the economy, here in Washington State and over the whole nation. They have done nothing to harm the consumer only doing what their competitors don't like.

Sincerely Yours,  
Mr. and Mrs. Chris E. Messmer  
14517 Sunnyside N.  
Shoreline, WA 98133

**MTC-00002527**

From: Andrew Liptock  
To: Microsoft ATR  
Date: 12/1/01 12:23am  
Subject: Microsoft Settlement

I've received harsher penalties for staying out late on a Saturday night.  
—regards.

**MTC-00002528**

From: bj chippindale  
To: Microsoft ATR  
Date: 12/1/01 12:59am  
Subject: Proposed Settlement = slap on the wrist

Dear People

No other software company/OS vendor on earth controls both applications AND the OS they run on as Microsoft does. Their dominant applications (“Word” etc) allow them to ignore problems in the OS. The temptation to sabotage competing applications through manipulation of the internals of the OS is irresistible. That was the fate of Wordperfect, a better Word Processor. Checking the most recent reviews, it is STILL better. It is also almost completely bankrupted.

Microsoft has been found guilty, and quite correctly. Their greed and their incompetence have led us to things like “nimda” and “code red” which have cost the REST of the industry billions of dollars. If they split into an OS company and an applications company, the OS company would quickly face competition from “Word” running on Linux that would cause it to take security and reliability seriously. Word has to run on Linux for that to happen. Can you order that without breaking up the company? It is that or breaking the monopoly that MS Office has on the desktop.

No... but you DO propose to “force” them to provide software free to the schools of the nation and they will be laughing all the way to the bank. They have been trying to wrest the schools away from Apple for a decade and you will REWARD them for their criminal behavior by handing them an even larger mind and market share. Since profanity is not appropriate to this letter I cannot tell you what I really think of this. Force them to distribute Wordperfect Office Suite instead of hustling “Word” in the schoolyards... but they won't go for anything that actually “punishes” them.

You are the watchdog. If YOU roll over and play dead we are defenseless. It is my opinion that this “settlement” does nothing

to punish Microsoft for the crimes of which it has been found guilty and far less than nothing with respect to the crimes it has actually committed. I am furious with this supposed punishment. It is bizarre, it is a travesty of justice and if it stands it will be remembered as a black day for the US computer industry.

THREE monitors for their code base? Pardon me while I laugh... and cry. I am a software professional with long experience in the industry. I often am forced, unwillingly, to use the bug ridden trash that Microsoft provides. That tells ME that they are a monopoly. I \*have to\* use their products when someone elses product is a better more reliable choice. I know the difference. I know their history. I know their products. BREAKUP is the very best solution, best for the country and best for Microsoft.

Having to really compete with other platforms instead of riding their application's dominance and exclusivity would really tighten up their security and reliability. I would LIKE to be able to recommend a Microsoft product once in a while... but unless they are broken up it will not happen in my lifetime.

respectfully  
BJ Chippindale  
Senior Software Engineer  
9970 Cabanas Ave.  
Tujunga, CA 91042  
818-353-5479

**MTC-00002529**

From: Scott Wiemers  
To: Microsoft ATR  
Date: 12/1/01 2:59am  
Subject: Please revise the microsoft settlement

Dear Sir or Madame:

I am writing to ask that you revise the settlement with Microsoft. Microsoft has done many, many things to illegally squelch competition and continues to gouge our pockets. The latest Operating system release, Windows XP, has even broken the tradition of not changing core systems. These changes have resulted in “existing software” written by other companies to break when systems are upgraded to Windows XP, or simply fail to install and work on a new system.

The Red Hat Corporation has suggested an alternative that I, as a Computer and Information Technology professional, feel benefits everyone. Please view this plan at [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) Red Hat is offering to give away services that it usually charges for (support and printed documentation for its operating system package) in place of Microsoft software products. Microsoft is in the business of software, so giving away 200,000 copies isn't going to do anything to them. Please, help our schools by increasng the number of computers from 200,000 to 1 Million and make Microsoft PAY for it's crimes completely by forcing them to spend the money to purchase hardware.

Thank you very much!  
Scott Wiemers, MA, MS  
Senior Software Developer  
Scott Wiemers  
9455 W 104TH CT

Westminster, CO 80021-3886  
 cell: 303.881.5506  
 Email: wiemers@lightlink.com  
 http://www.lightlink.com/wiemers/

**MTC-00002530**

From: Mulholland, Jerry E  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 12/6/01 3:34pm  
 Subject: Comments on the Microsoft Settlement

I am very sadden that the DOJ is permitting Microsoft to go unpunished after being found guilty of monopolistic practices. Having the most dominant and richest software company in the world provide free software to the end user is not a punishment it is a joke! This only permits Microsoft to expend its user base at very little cost. The time to act agents Microsoft is now. It is the responsible of the DOJ to ensure the punishment fits the crime. Microsoft must not be permitted to impose its will on the user by killing off the competition. This is not how a level playing field is created. As a side note, this is not he first time Microsoft has been found guilty of monopolistic practices. How many more times will it take for the DOJ to act. Action speaks louder then words.

Thank You

**MTC-00002531**

From: Don Fox  
 To: Microsoft ATR  
 Date: 12/6/01 3:35pm  
 Subject: Microsoft Antitrust Joke

DOJ, As a software developer interested in the real progress of technology I'm disappointed in recent developments concerning Microsoft and so-called 'Department of Justice', since the Bush regime came to power. Computing is such an important issue for the whole of society that it should be encouraged to progress, or at least allowed to progress freely. It should be realized that talking about innovation in sound bites is not the same as being actually technically innovative! For the Department of Justice to live up to it's name (i.e., Justice) and at least be worthy of some respect, perhaps companies convicted of monopolies should be held accountable for their behavior.

Allowing Microsoft to place many Intell computers, running Microsoft OSS, in the schools as some sort of punishment is so unfortunate. Is the Bush DOJ part of Microsofts Marketing department?

**MTC-00002532**

From: garland@pimout2-int.prodigy.net@inetgw  
 To: Microsoft ATR  
 Date: 12/1/01 6:49am  
 Subject: Microsoft Settlement

This is just great! First you give microsoft a free ride in their antitrust suit. Now you are going to allow them to make inroads in the educational front and create a new monopoly in the schools. Come on get a life. This is just as bad as the government giving away the U.S. treasury to faceless, unaccountable corporations to ship out of the country and call it helping the economy. They need to give it in some way to people that will spend it. Make Microsoft give the equivalent in cash

and let the school systems buy what they need.

Garland dooley  
 Hope hull AL.

**MTC-00002533**

From: john@wt6.usdoj.gov@inetgw  
 To: Microsoft ATR  
 Date: 12/1/01 3:01am  
 Subject: Alternate Solution  
 To whom it may concern,

I appreciate the notion to put computers in our poor schools. However, I recently read an alternative proposal from Red Hat. [http://www.businesswire.com/cgi-bin/f\\_headline.cgi?bw.112001/213242744@ticker=RHAT](http://www.businesswire.com/cgi-bin/f_headline.cgi?bw.112001/213242744@ticker=RHAT) When I first heard of the proposal, I instantly began to wonder if this proposal from Microsoft was actually an investment into their own future rather than necessarily a punishment or act of sheer graciousness. Indeed, I am very much in favor of being able to put even more computers in the schools at no more of a cost to Microsoft and at the same time, allowing students to benefit from the wealth of quality software from the Open Source community. This software, as well as the operating system, will not carry burdensome licensing fees. The lack of such fees will enable these schools to continue offering the latest software and programming techniques to students.

I favor Red Hat's proposal, and sincerely hope that it is considered.

Thank you very much for your time.

Very Respectfully,  
 John H. McArn

**MTC-00002534**

From: Jim Thale  
 To: Microsoft ATR  
 Date: 12/1/01 9:22am  
 Subject: Microsoft non-settlement

I am furious with the lack of an appropriate resolution to the suit. I feel that Microsoft has indeed far exceeded it's rights. They are clearly a monopoly and a cruel, aggressive and brutal one at that. Microsoft should not be allowed to exist as a single entity. The corporate culture is so predatory that they are still left with all of the cards in their hand. If they are allowed to continue to go on getting their way there will be no chance for new companies to spring-up and compete. Innovation has already been crushed by a company that doesn't know how to innovate to save its (already lost) soul. Business IS competition, but the praying field should be level, not the face of a cliff!

D.O.J. has sold out! I am deeply disheartened by the settlement as well as the disingenuous Microsoft "donations". You can do so much better for the American people.

Sincerely,  
 Jim Thale  
 jtshale@home.com

**MTC-00002535**

From: Jeffrey S. Howard  
 To: Microsoft ATR  
 Date: 12/1/01 8:15am  
 Subject: I support the Red Hat variation of the MS antitrust settlement

Despite estimated damage awards of 10 to 15 dollars per harmed consumer, these

specific economic damages cannot reconcile the larger social harm Microsoft caused through stymieing innovation. Competition and the chance to earn economic profit spawns innovation. However, Microsoft's market power allows it to enjoy monopoly rents and use those rents to protects its monopoly: all at the expense of society!

The best remedy to this case would have been to break the company into two non-competing firms—one firm to make operating systems and browsers and the other to make applications. In this way the applications barrier to entry and thus the network effect would not be such an onerous obstacle for a competing OS to overcome. The new "applications specific" firm would have an incentive to port Office to Linux, Unix or other new OS's. The DOJ is taking the easy way out of this case. When "society" is injured the proper remedy ought to be to eliminate the source of the injury and not to exacerbate it! How could society benefit from having Microsoft increase it's market power?

Red Hat's proposal upholds this philosophy. If adopted it would instantly provide a sufficiently large installed platform base for software venders to have an economic incentive to either port existing application or develop new ones in a non-Windows environment. Increasing the number of venders coding in alternative platforms will lead to more reliable and efficient software notwithstanding Microsoft's arguments.

**MTC-00002536**

From: Melanie (038) Michael Grube  
 To: Microsoft ATR  
 Date: 12/1/01 12:31pm  
 Subject: MS Settlement

In my opinion, the settlement in the Microsoft antitrust case in no way either penalizes MS or prevents it from the most egregious practices that caused the suit to be filed initially. It is no more than a minor inconvenience that does not redress the sharp practices in which Microsoft engages.

I have been in the computer industry as a developer and user for nearly 20 years (since the Apple II) and have some insight into the ways in which Microsoft inhibits true innovation in the computer industry.

Michael J. Grube  
 mnm@oz.net

**MTC-00002537**

From: Gernot Schreiner  
 To: Microsoft ATR  
 Date: 12/1/01 11:47am  
 Subject: More hardware from MS open source software from Linux

Don't let MS increase monopoly. Support free market. Thanks Redhat for this generous offer

**MTC-00002538**

From: phillipjohnson1@charter.net@inetgw  
 To: Microsoft ATR  
 Date: 12/1/01 4:14pm  
 Subject: Your proposed settlement is horrible.

Your proposed settlement gives Microsoft the priviledge of being above the law. You should realize that you are suing Microsoft not Microsoft suing the federal government! Microsoft must at the very least be broken up

into three different companies for their to be any chance of keeping a choice in the computer industry. Already I am practically forced by Microsofts monopoly to use their internet service, their cable TV service, their operating system, their applications, and their web browser.

**MTC-00002540**

From: Mike McMahon  
To: Microsoft ATR  
Date: 12/1/01 3:06pm  
Subject: settlement terms

You mean to say that after several years, MILLIONS of \$\$\$ (paid by taxpayers like me), and TWO favorable verdicts, suddenly NOW you decide on a "consent decree"??? if you really believe the MS has gained and maintains an illegal monopoly (and 2 federal courts agreed with you) then WHAT ABOUT PENALTY? Is it really good enough to say "go and sin no more"? NO it is not!

Recall the 1996 Microsoft consent decree was designed to prevent similar illegal behavior: why should you expect the current decree to have a more profound effect? And what about the fact MS, through illegal means, now holds a profitable monopoly? Your terms do NOTHING to remedy this situation, and nothing to even the scales of competition. how about requiring OPEN FILE formats for Office apps? Thanks for WASTING my money on a TOOTHLESS settlement. I will return the favor in the voting booth, then you can all just get jobs for Bill Gates directly.

Mike McMahon  
mcmahon@activewire.net

**MTC-00002541**

From: root@pappy.kuit.com@inetgw  
To: Microsoft ATR  
Date: 12/1/01 2:55pm  
Subject: Sysadmins Speak.

Microsoft continues to be a highly destructive force in the IT business. There is a subtle form of monopolistic leverage they use that is rarely discussed.

Because management never sees any OS but the one on their desktop, they are confused when told that certain services and or servers could perhaps better be run on another OS. They and most of the rest of the non technical world is simply unaware that there is an alternative. They continue to build incompatibilities into their own products to force user to 'upgrade'. It is next to impossible to buy a Laptop without Windows.

They are now trying to make discussion of security issues and bugs in their products a criminal act.

They need to be stopped before they ruin the internet, which they are well on their way to turning into they own DMCA protected Microsoft Disney Land.

Dag Hammarskjold Richards  
Senior Network Engineer  
Knowledge Universe

**MTC-00002542**

From: John Zirix  
To: Microsoft ATR  
Date: 12/1/01 5:46pm  
Subject: Controlling Microsoft

Microsoft (MS) is a monopoly. What's more is, it is a predatory monopoly. To me that

means that rather than inovate, it copies small companies' successes and gradually forces those companies out of business by the strength of their monopolistic position. MS has done this so many times that this behavior must be regulated. It cannot be allow to use its dominate operating system position to promote its other products and punish its rivals as it has in the past and continues to do today.

Capitalism can only work if everyone is given a 'chance'. MS is in a position to deny other even well-funded companies a 'chance'. This stifles inovation and eliminates any competition which would preasure MS to improve its products.

It is worth noting that one of the biggest threats acknowledged by MS is Open Source software. This is largely because there is not viable business competitor left.

Part of the reason for this is the MS's aggressive behavior and but also the nature of the software business. In software, as in previous monopolistic enterprises, standards are critical. Once a given operating system, word processor or spreadsheet is the de facto standard, the owner of that standard can use that position as a weapon against all competitors. MS has done this repeatedly. That's why the most useful standards, like the ones that power the Internet are not owned by anyone company.

Even in the case of established standards, however; MS has at first adopted, then added proprietary extensions to existing standards, then having polluted the environment, MS drops the now useless standard in favor of its own proprietary standard. This MS tactic is so well know that it has been named "Embrace, Extend, Extinguish."

Another tactic, is called "Fear Uncertainty and Dread" or simply FUD. FUD is when Microsoft announces that use of a competitors products with be incompatible with future MS products. This announcement alone is enough chill the market.

I believe that MS is so powerful at this point that only severe government action has any hope of leveling the playing field. I don't think creating multiple MS's split along lines of business would be and advantage. Three companies from Windows NT/2000 and Windows 98 and Windows XP would create real competition. And so on.

Another possible solution is for the government to force the development of public standards for certain file formats, such as word processing and spreadsheets. This would rob MS of much of its monopolist power. One thing the government can do is to modify its own purchasing practices. That is. Don't standardize on Microsoft to the exclusion of all else. The government is such a large customer that if the government were to adopt a variety of office suites and operating sytems and insist that they work together. Then they would. However, if it encourages monopolistic practices by buying and supporting only one company's products, a Microsoft monopoly is almost certain to continue.

Finally, whatever regulations are implemented care must be taken not to discourage one of the most innovative sources of software in existance today. Open

Source. This is truely a free speech issue which MS would love to destroy.

Thank you for giving me this opportunity to comment.

John  
—John Zirix  
115 Verdant Drive  
San Antonio, Texas 78209

**MTC-00002543**

From: Frank Brown  
To: Microsoft ATR  
Date: 12/1/01 5:20pm  
Subject: Who is standing up for the USERS?

The Anti-Trust case against MicroSoft appears to be a case of the unable to compete, crying for punitive sanctions. Who is out there supporting the views of us users. I am retired and use Microsoft products in managing my financial affairs, as well as communicating with friends and relatives.

I am happy to have a series of integrated products, if I have a problem I know where to go to get it fixed.

The alternative is to play finger pointing with a series of companies that all deny responsibility. If these companies can't compete, maybe they should get into other businesses where they can compete.

**MTC-00002544**

From: jgcc(a)pacbell.net  
To: Microsoft ATR  
Date: 12/1/01 4:59pm  
Subject: Proposed settlement with Microsoft hurts business and comsumers

Perhaps it is too late to register another objection to the settlement proposed by the Justice Department, but I believe it is the obligation of every IT professional to object to the settlement.

The original findings of Judge Jackson and the remedy were correct. Only a breakup of such a monolithic monopoly could restore competition to the marketplace.

Please register my strong objections to the recent settlement.

Sincerely yours,  
Jeffrey G. Collins  
CC:Jeff Collins(pacbell)

**MTC-00002545**

From: Ron Boehm  
To: Microsoft ATR  
Date: 12/1/01 4:24pm  
Subject: settlement

Allowing Microsoft to enhance there position in the education market with this settlement seems inappropriate.

**MTC-00002546**

From: wongallen@msn.com@inetgw  
To: Microsoft ATR  
Date: 12/1/01 7:49pm  
Subject: proposed settlement

Renata Hesse, J.D.  
Trial Attorney  
Antitrust Division  
U.S. Department of Justice  
Dear Ms. Hesse:

Thank you for this opportunity to express my concerns. This proposed settlement is I think more than fair. Microsoft's competitors are merely seeking help from the Justice Department and from their respective state governments to gain ground on Microsoft...something they could not do on

their own in the free market environment. It should come as no surprise that the states holding out for further litigation are home to some of Microsoft's biggest competitors.

The original premise of the legal action against Microsoft is that the American consumer has actually been HARMED by Microsoft's actions. Have we really been harmed? It is estimated that 75% of Americans now have access to the internet, and many of us now consider the computer to be an integral part of our lives. Prior to the emergence of Windows, where was the U.S. computer market? Where was the mass appeal of the computer that we enjoy now? Is the U.S. now leading the Western nations in terms of computer and software advances? I watched in the mid 1980s how a roommate of mine struggled to learn the IBM operating system...that came with about 11 volumes of material he needed to read to learn how to use it. I, who at one point in early 1990s never envisioned owning a computer, now have three...including one for my five and three year old daughters. So, I ask once again, has the U.S. consumer been harmed by Microsoft, or has Microsoft led the way in making the U.S. so technologically capable as it is today.

One final point.....I think that the rest of the world is shocked and amused at how our country would use its taxpayer resources to try to hamper and almost tear down one of the world's most successful companies, which happens to be American. Would the French do this against Microsoft, if Microsoft were a French company? Would China do this against Microsoft, if Microsoft were a Chinese company? I think not. In addition, during such tumultuous times, when our country is concerned with so many foreign and domestic threats to our security and to our way of life, the battle against Microsoft by the remaining states seems to be misguided and totally inappropriate.....if not downright unAmerican.

Let's do the right thing and get this issue behind us, and look to taking care of this country.

Allen Wong  
Charlotte, NC

#### MTC-00002547

From: Chris Johnson  
To: Microsoft ATR  
Date: 12/1/01 7:00pm  
Subject: re: Microsoft Antitrust Settlement

Some of the best software alternatives to Microsoft's products are open source software projects. There is nothing in this settlement which addresses Microsoft's FUD (Fear Uncertainty and Doubt) campaign against its competition, including OSS. This campaign of mis-information is of course much better funded by the Microsoft monopoly than its competition and should not be permitted.

Furthermore Microsoft has lobbied and campaigned heavily (and very likely bought a few politicians) for changes to licensing and commerce such as those proposed in the UCITA which would strip consumer rights and effectively place non-commercially developed software such as OSS at a competitive disadvantage. If the whole idea of anti-trust legislation is to protect consumer

rights and prevent unfair anti-competitive practices, then clearly your settlement does not do enough to block these Microsoft practices which fail both tests.

Lastly the settlement does nothing to recover damages from years of Microsoft illegal practices nor prosecute the Microsoft executives who felt they were above the law. If this settlement stands it will prove to a new generation that it's illegal to steal food to feed your family but it's ok to steal millions from people and government. That the rich don't have to worry about the law. Don't make that statement. Assess damages and require compensation from Microsoft that is to consumer advantage, not Microsoft's. And prosecute the individuals responsible for the willful and blatant violations of law of which the company has already been found guilty.

Sincerely,  
Christopher Johnson  
Somerville, Maine

#### MTC-00002548

From: Broder's Skunkware  
To: microsoft.atr(a)usdoj.gov  
(060)microsoft.atr(a)usd...  
Date: 12/1/01 6:12pm  
Subject: Absurd Penalty Settlement—GET A CLUE, DOJ!!!

The proposed penalty in the MS Anti-Trust suit is ABSURD! What are you people thinking?

If MS is to give away software as part of a settlement, NONE of it should be MS software, which it manufactures for free. If MS is going to give away computers and software, they should be forced to BUY COMPETING systems running Solaris, LINUX, and OSX.

Your proposed settlement is only giving MS ADDITIONAL opportunities to monopolize.

Make MS buy and give away COMPETITORS' software, NOT their own!!!!  
James Broder  
Broder's Skunkware Scoring & Timing Software  
Maui, Hawaii, USA  
www.skunkware.tv

#### MTC-00002549

From: Scott A. Stephens  
To: Microsoft ATR  
Date: 12/1/01 9:05pm  
Subject: Microsoft settlement

I've been reading threw articles and part of the settlement and this does not serve the public interest. This settlement leave large legal loop holes and does not represent the public interest. All the money they have made illegally. They get to keep. They need to loose a large chunk of that money. No discussion, no argument. Their standards for interacting with Word.....etc will be opened for free to their competitors. With all new standards that they will come up with in the future. Microsoft will not try to raise copyright issues when third parties use this info.

The bundling issue. Microsoft is not allowed to bundle software any more. .NET has to be part of the settlement. Microsoft can not force any one to use. Even on their own web sites. I can go on and on. Their are so many problems with this deal.

I suggest that the people they have hurt and the Open Source community be allowed to look at the settlement and make sure that it is fair and that the loop holes and closed. Also to guarantee that everyone can work together with the deal.

#### MTC-00002550

From: Igor Zavialov  
To: Microsoft ATR  
Date: 12/1/01 8:32pm  
Subject: DOJ/Microsoft Antitrust Settlement  
Dear Sir/Madam:

Please be advised that I have READ and SUPPORT the Red Hat Proposal to Enhance Microsoft Settlement Offer which is available at [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) I believe the Red Hat proposal will improve the quality and accessibility of computing education in the nation's schools and will help to prevent the extension of Microsoft's monopoly.

Regards,  
Igor Zavailov

#### MTC-00002551

From: rferber@mail.via.net@inetgw  
To: Microsoft ATR  
Date: 12/1/01 7:54pm  
Subject: Bad Proposed Settlement

Greetings,

It seems that there is no substance at all to the proposed settlement. Has MicroSoft purchased the DOJ? Specific issues:

1. There seems to be nothing to curb or discourage the found anticompetitive practices exhibited by MicroSoft.
2. There is nothing that dilutes the monopoly power, oversees it, or otherwise mitigates or regulates it.
3. The settlement only deepens the Microsoft monopoly—by providing \$1 Billion in products, services, etc... to schools, they are INCREASING their market penetration, especially into schools which have traditionally had a reasonable representation of vendors and platforms.

It seems it would be better to say "tsk, tsk... no remedial action necessary" than to proceed with the proposed action. In light of the findings of the case, this is a mockery of the concept of justice, and has made the entire process seem some sort of sham. This is simple capitulation on behalf of the entire justice system. AT&T was forced to break up, and it was a good thing in the long run.

Breaking up Microsoft—applications and operating systems would be a logical division line. This would increase competition in several ways—and force clearer communication of the APIs associated with Windows and the core MicroSoft applications.

I am severely disappointed and have lost a tremendous amount of respect for the Department of Justice.

Sincerely,  
Rob Ferber  
rferber@via.net

#### MTC-00002552

From: Sean Coyle  
To: Microsoft ATR  
Date: 12/1/01 11:59pm  
Subject: Microsoft should go Open Source!

**MTC-00002553**

From: richard beard  
 To: Microsoft ATR  
 Date: 12/1/01 11:35pm  
 Subject: THE SETTLEMENT

Hi Government

I think you guy were a bit too easy on Microsoft. I slap on the wrist is what many of us in the industry figured would occur, and it has. The only conclusion I can figure for this, is USA economics due to the bombing on 9-11.

Microsoft is not the type of company who will discontinue it's monopoly. They will just be smarter from now on about it. The monopoly still exists. Some of the issues have been resolved, but not the big ones.

Good luck next time, when dealing with Microsoft on similar issues in the future.

Tak Care, Richard Beard

**MTC-00002554**

From: Michael Van Scyoc  
 To: Microsoft ATR  
 Date: 12/1/01 9:13pm  
 Subject: VERY UNJUST settlement

Dear Sirs:

I am writing to express my extreme displeasure with the settlement proposed by Microsoft in their Anti-Trust lawsuit. I make my living servicing Microsoft products, however, that's only because they are the only real competitor in the marketplace. I would be only too happy to spend my time servicing Sun or Linux boxes, but there just isn't a big market for those skills. The proposal to let Microsoft give "free" computers and software to thousands of underprivileged school districts nation-wide would be like catching the wolf who killed one of your sheep and then forcing him to eat the rest of the flock or like the drug dealer who gives your kid his first "hit" free. If this settlement is allowed, Microsoft will have scored the biggest victory in legal history in having been found guilty of Anti-trust law violations only to be allowed to increase that monopoly 10 fold as the supposed penalty. If Microsoft wants to help underfunded school districts as part of their penance, Great. Let them donate money, NOT SOFTWARE. If they want to donate hardware, fine that works too.

If this settlement is supposed to be a penalty, then why not as the CEO of RedHat, Inc. suggests, let them pay for the hardware and allow RedHat, Inc to provide all the FREE LINUX software and support. If we want to level the playing field, that's your true answer.

Thanks.

Sincerely,  
 Michael L. Van Scyoc  
 Microsoft Certified Systems Engineer  
 Operations Technician, AT&T

**MTC-00002555**

From: John Borchardt  
 To: Microsoft ATR  
 Date: 12/1/01 9:07pm  
 Subject: MS Settlement

To whom it may concern:

In my opinion, the proposed "punishment" of Microsoft for their monopolistic business practices is a joke.

A joke.

It does not punish Microsoft at all. \$1 Billion dollars means little to a company as large as Microsoft. Furthermore, the proposed "punishment" in fact extends Microsofts monopolistic tendrils even further into our economy and society. The current settlement is not a punishment at all. It in fact benefits Microsoft.

I suggest you take a look at the punitive action proposed by Red Hat, Inc. Their proposal states that Microsoft will provide only computer hardware, and no software, to the nation's most disadvantaged students. Red Hat will provide all the software, from the operating system to the productivity suites, and unlimited technical support for these systems. In turn, Microsoft will use the funds they would have "spent" on licenses for Windows and Office to purchase even more computers for these schools. Red Hat predicts that as many as five times as many computers may be delivered to schools under this settlement as compared to the current settlement. Put simply, Red Hat's plan punishes Microsoft, benefits more the nation's poorest schools, and fosters a long-term solution to Microsoft's monopolistic business practices: competition. I thank you for your time.

—John Borchardt  
 jjbea2@mizzou.edu

**MTC-00002556**

From: Bruce Brandligt  
 To: Microsoft ATR  
 Date: 12/2/01 2:46am  
 Subject: Microsoft Settlement

After reviewing the proposed settlement I find some glaring omissions that need to be addressed.

First of all, I propose that the settlement should be amended to included that Microsoft should be prevented from distributing any of its software for free or at well below development and distribution costs when other software companies have competing products in existence or in development that are part of the competing companies' revenue stream. This would prevent Microsoft from unfairly eliminating competition as was the case with Microsoft's free release of Internet Explorer and the negative impact this created for Netscape Incorporated. This would also prevent the donation of software to schools and other institutions which results in an unfair advantage over other competing companies such as Apple Computer and Sun Microsystems. Companies that rely on revenue on the sale of their goods that are in direct competition with Microsoft can not compete against "free." Microsoft should not be allow to make these donations that eliminate their competition and further expand Microsoft's market share beyond their current monopoly.

Secondly, from what I understand of the current proposed settlement, Microsoft is basically told "not to do it again" and a oversight committee will be established to prevent future infractions. However, no damages have been awarded to the countless businesses and persons who were victimized by Microsoft's actions. I understand that persons who feel they have been victimized are entitled to sue and possibly recover three

times damages. But what of those that have been financially ruined and have little means to file suit against such a large corporation? What of the companies that were so damaged that they are no longer in existence? Employees, former employees, and users of products developed by companies such as Apple Computer, Sun Microsystems, Word Perfect, Novell, Netscape, Silicon Graphics Incorporated, and Bungie Software, should be immediately compensated. Additionally, rebates should be provided to all registered users of Microsoft products that were forced to purchase MS products due to the elimination of the developer of the competing product (ie. Word Perfect users who were forced into switching to MS Word to maintain compatibility with both the OS and the proprietary MS Word files.)

I hope that my proposed amendments to the proposed settlement are given due consideration so that justice may be served.

Sincerely,  
 Bruce V. Brandligt  
 12723 Edgefield St.  
 Cerritos, CA 90703

**MTC-00002557**

From: Fred  
 To: Microsoft ATR  
 Date: 12/2/01 1:29am  
 Subject: Microsoft Antitrust Action  
 To: Renata Hesse, Trial Attorney  
 Dept of Justice

I would like to make several comments relative to the Microsoft case, as well as other large class action cases. I think the Microsoft action should be put to bed, if Microsoft committed antitrust actions, I'm glad they did. I am very happy with their products and the fact that they are integrated so a "low tech" user like myself has a chance. I don't want to go to 27 different software companies to get the best, up to date products. I want it bundled all in one neat package. I don't feel that I have been overcharged, in fact the competition in the marketplace is fierce. Please compare the price of a wordprocessing software package 20 years ago to the price today—not to mention the features in today's product.

I also feel that the states' attorneys general are a pack of blood sucking thieves, trying to suck as much \$ as possible from Microsoft or any other deep pocketed company. Compare the action against the tobacco companies. They handed a bunch of money to the states and then turned around and raised the price of their product \$.50 a pack to cover the cost of the award. Most of the states took the money and ran. They didn't use it to help smokers like myself quit, but used it to balance the states budget.

I support Microsoft and hope that you and the states can come to a speedy agreement that stops wasting taxpayers \$ and lets Microsoft continue to improve their products. Thanks for taking the time to listen to an overworked, overtaxed citizen.

Sincerely,  
 Fred D. Venables

**MTC-00002559**

From: felder@sbmail.weizmann.ac.il@inetgw  
 To: Microsoft ATR  
 Date: 12/2/01 5:11am

Subject: Must have competition and free markets in computer software

Dear Sirs: I feel it is very important to have an open, free market with full competition in the computer software marketplace, including computer operating systems. This is essential to foster the fullest development of the greatest variety and quality computer resources at the lowest prices to the largest market of customers. Open source software plays an important role, which I myself benefit from enormously. In most industries, the US government would consider the domination of over 90% of the market by one company to be an illegal monopoly, and this should also be the case for hardware, software and operating systems.

Furthermore, computer file formats that become the commonplace standard for that type of file should not themselves be copyrighted, such as .doc and .exc, in the sense that any person or organization must have the right to write software that can read and write such files. Neither should the appearance of the graphical interface of a program interface be copywrited, where such an interface has become a standard for that (or many) types of programs. Further, persons and organizations should be free to obtain and develop open-source software and freeware without requiring any kind of license, if the program's authors themselves do not so require one. Finally, companies should be encouraged to sell multiple copies of the license for software, all sharing one set of installation disks and manuals, at a significant discount, to discourage illegal copying.

Sincerely, Clifford Felder  
<clifford.felder@weizmann.ac.il>

**MTC-00002560**

From: ROBERT REMINGTON  
To: Microsoft

ATR.mcarona@ocsd.org@inetgw  
Date: 12/2/01 4:10am  
Subject: Macadamia Nuts

Today's subject of this email refers to the academic & business rivals of Microsoft Corporation who will take the lead in the nine state holdout of the US v. Microsoft settlement. The nine attorney generals and their legal teams have challenges with the extrapolation of (for those who just don't 'get it').

In other related news, local electricians turn off the "W" on the Wells Fargo Bank—Irvine sign overlooking the 1-405 freeway near MacArthur Avenue and John Wayne Airport as a communication that Larry Ellison, CEO of Oracle Company, is a major player at the Bank. The 'Ells Fargo Bank' beams this 'coded' message almost every other day to all who enter the 24 Fitness Sporting Club as well as the thousands of commuters and travelers near the Lakeshore Tower corporate campus across freeway 1-405 in Irvine. Apple Computer & Sun Microsystems will continue to distract Microsoft's lead negotiators, forming the alliance with Oracle Corporation to lobby the remaining nine states from a 2001 Holiday settlement, instead focusing on March 2002 for the next phase of the US v Microsoft trial.

Today's LA Times hints at ID fraud in the NY based 'Attack on America. This fraud has

been one of the main reasons that my settlement has yet to occur. Local family as well as conspiring US & state government officials have stalled any just settlements through illegal payoffs, overseas money transfers, as well as international subversion. Most of the illegal efforts have been from "egitimate" foreign and US sources, that 'apologize' when errors occur, yet do nothing for damages caused or delays in my business future. Recent business stalling at the Garden Grove, CA, Crystal Cathedral by local Orange County businesspeople, including billionaire Donald Bren of the Irvine Company have involved Major League Baseball contraction talks and purchase proposals of the Anaheim Angels and NHL Mighty Ducks Hockey Team at the Arrowhead Pond. This week's MLB discussions have tabled the baseball contraction talks for a year, placing the sale of the Angels, Marlins, Twins & Expos on hold while the players conspire for future business. Face it folks, not even new stadiums from the past ten years is going to keep baseball from expanding inside or outside of the United States! Baseball is too slow for most people, and the US Anti-Trust exemption may end as baseball acknowledges over \$500 million dollars in losses, and only 5 teams profitable! The United States is a free market society, and the public wants NFL football, NBA basketball, as well as extreme outdoor and indoor sports now! Even two professional wrestling organizations had to merge in order to remain competitive in the world of television sports.

More to follow ...

**MTC-00002561**

From: Dirk.Coetzee@za.didata.com@inetgw  
To: Microsoft ATR  
Date: 12/2/01 9:01am  
Subject: Please STOP MICROSOFT.

To Whom It May Concern,

One of the first things I learnt in the IT industry is that "competition breeds excellence". There is no excellence in Microsoft, they have taken other companies development, made their own implementation of it and made sure that it only works correctly on their platforms. Punishment for Microsoft should be that the firm is broken up into 4 divisions, Server (Windows Server, Advanced Server etc), Desktop (Windows NT Workstation, Professional), Office Suites (Microsoft Money Office 2000 etc) and Back Office Products (Exchange, SQL, ISA server, etc).

ABSOLUTELY NO INTERACTION  
Between these companies can be allowed.

Please end the Monopoly  
Yours sincerely

**MTC-00002562**

From: Bourzeix St(00E9)phane  
To: Microsoft ATR  
Date: 12/2/01 8:57am  
Subject: Stop MS, it's enough !! Red Hat  
Proposes to Enhance Microsoft  
Settlement Offer By Providing Open  
Source Software to All U.S. School  
Districts <cid:part1.07080501.  
05000608@netscape.com>

Open Source leader proposes to provide software to every school district in the United States if Microsoft provides

computing hardware for the 14,000 poorest school districts Research Triangle Park, N.C.—(Business Wire)—Nov. 20, 2001—Red Hat, Inc. (Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement. Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

\*Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

\* Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

\* Red Hat will provide online support for the software through the Red Hat Network.

\* Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

**A Win-Win Approach**

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly," said Matthew Szulik, CEO of Red Hat. "Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a

monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools."

St• phane Bourzeix  
email : stephane@bourzeix.com  
web : http://www.bourzeix.com  
icq : 27593108

**MTC-00002563**

From: Mark Thoennes  
To: Microsoft ATR  
Date: 12/2/01 8:33am  
Subject: Microsoft Settlement

I strongly disagree with the settlement that lets Microsoft remain a monopoly in pc computing.

Microsoft is on my computer because other options are very limited.

**MTC-00002564**

From: Onno Vinkhuyzen  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 12/2/01 12:31pm  
Subject: MacroSof Hegemony

Dear sirs,  
Though not an American citizen, I'd like to complain about your dealing with the monopoly of the Microsoft company. I hate the way Mr. Gates organizes my computer and my work and insists on knowing better what I want. His arrogance beats everything. But far worse is the fact that there are no real alternatives. His monopoly is a very bad thing for the development of computer software and everything connected to it. Please take action.

Kind regards,  
Onno Vinkhuyzen, The Netherlands

**MTC-00002565**

From: Stella Donovan  
To: Microsoft ATR  
Date: 12/2/01 12:06pm  
Subject: Red Hat Proposal

As a past college professor and a current professional in the software industry, I urge the Department of Justice to consider seriously and look favorably on the proposal by Red Hat, Inc. to modify the Microsoft Antitrust settlement regarding computer equipment to be donated to public schools by Microsoft. The Red Hat proposal provides a much larger net benefit to the schools than the original settlement proposal, at no additional direct cost to Microsoft.

Sincerely yours,  
Jeffrey A. Bell, Ph.D.

**MTC-00002566**

From: John Dowd  
To: Microsoft ATR  
Date: 12/2/01 10:23am  
Subject: What consumer harm???

This entire trial has been a farce—THE CONSUMER (ME) HAS NOT BEEN HARMED, I used to own a Mac but when Windows 98 surpassed the Mac OS in '98 I switched to Windows. There were many more third party applications that were compatible with Windows.

There is plenty of competition: Mac, 3 varieties of Linux, Sun O/S, Unix, and others. I like the bundled utilities. They provide a benchmark for competitors to shoot at. Would you buy a GM car without their radio or seats or carpeting or air conditioning etc.?

This whole trial has been a mockery—the only one's that stand to gain anything by this 3 ring circus are MSFT's competitors. Once again:

THE CONSUMER (ME) HAS NOT BEEN HARMED!!!!!!!!!!!!!!

John F Dowd  
PO Box 71  
Kittery Point, ME 03905

**MTC-0002567**

From: Robert Emerson  
To: Microsoft ATR  
Date: 12/2/01 1:17pm  
Subject: Anti-trust law suit

I am a firm believer and user of Microsoft products but when they are found guilty by the courts of anti-trust laws then they must be punished like every other company. Be it a break up of the Company into several or hit hard with fines.

**MTC-00002568**

From: Jerry Moreno  
To: Microsoft ATR  
Date: 12/2/01 1:10pm  
Subject: Microsoft Proposal

I was reading a recent article in USA Today about Microsoft's proposed settlement by supplying poor schools with refurbished computers and software/tech support. As an educator in a poor school, I don't believe that this is a just settlement. It will take away our power choice as a school on what technology we can purchase. We are long users of Apple computers and this would inhibit our ability to choose. This is not an answer to Microsoft's wrongdoing. This will only strengthen their monopoly in the arena of education thus leaving us with fewer choices of technology. I would like to see a proposal with Microsoft that has nothing to do with them in the schools as an act of capitalism.

Thank you,  
Jerry Moreno

**MTC-00002569**

From: Rich  
To: Microsoft ATR  
Date: 12/2/01 3:04pm  
Subject: Settlement comment

I am an Apple Computer fan. I love the innovation and class that they have brought to the marketplace. The Education market is one of their last strongholds, and IF Microsoft is allowed to dump PC's into the ED market as their 'punishment' you will have succeeded in unfairly damaging Apple's position in those markets. My guess is that if Bill Gates could get away with it, he would LIKE to seed markets such as education, just the way he captured marketshare with his early OS releases of Windows... 50.00 per copy. Now he's up to 200.00 for an upgrade.

Richard Hayhurst  
630-845-2525

**MTC-00002570**

From: Bonnie Cox  
To: Microsoft ATR  
Date: 12/2/01 2:49pm  
Subject: Microsoft Settlement

Do not \* \* \* I Repeat do not allow Microsoft to get off with such an inexpensive, inexpensive, non-punitive settlement after becoming a bigger monopolistic business in

the U.S. than any oil company ever thought about being!!!

I am a programmer/analyst and I feel that Bill Gates Billions really belongs to every computer owner in the world! Through the use of glorified blackmail to manufacturers, he made is billions; and we, the consumer, have had to live with Microsoft's operating system ever since. We were not given the options for an operating system as we are now with web browsers; and this should have always been an option in a free enterprise environment that the United States claims to be! Because the personal computer market was a new thing, and IBM was under scrutiny for anti-trust violations, when Microsoft was demanding their DOS operating system be the only one on computers, is no excuse for the consumer to have to be stuck with an inferior product permanently. Microsoft was never playing on a level playing field once DOS was established as a unregulated monopoly—and I thought all things were suppose to be fair for all who wanted to compete in our capitalistic economy. IBM was under Federal Oversight at this time, as the government tried to keep them from being so monopolistic; yet Microsoft was never taken seriously enough to have the same strict regulations apply to them!

I feel it is the government's responsibility to make Microsoft PAY BIG TIME for their greed and misuse of consumer confidence. If you can restrict IBM, why didn't the government restrict Microsoft?? Microsoft has lost in court, and lost all the appeals that have been set before the courts. If they are not SEVERELY punished and this SEVERE punishment made known to the public, we can only assume it is due to the change in administration since the guilty verdict was rendered. If this is true, and the Republican big-business backers are the reason Bill Gates and Company get off the hook, what signal is this sending to the American consumer and the world. The consumer means nothing... it's all about money??

The only way I would agree to the government allowing this settlement to stand—1.1 billion dollars—is if there is an added penalty. Since the aforementioned settlement is really just chump change to Microsoft—given the wholesale cost of the software is much, much less than this to them; and the PC program is PC's that there were getting rid of anyway—where is the punishment here??! How convenient is this? Where is the prevention of abuse of monopolistic power that I thought was law in this country?? In reality, there is absolutely none being applied here!!

So I propose and added penalty and give you two options:

1. Bill Gates and Microsoft have to totally fund the War on Terrorism Worldwide!!

This punishment for their crime of making the money illegally worldwide, would be used for the civic good of all. Or 2. If you don't think number one is feasible, then at least make the penalty something that costs them about \$25-30 billion is REAL loss-CASH; wholesale marked up to retail prices in Microsoft products is not acceptable!!

Thank you for your time,  
Bonnie Cox

**MTC-00002571**

From: djbullock  
 To: Microsoft ATR  
 Date: 12/2/01 3:30pm  
 Subject: Proposed Microsoft Antitrust Settlement

I doubt there are any additional points I could hope to make or add to the list of reasons why this settlement should not be accepted... I only wish to ensure that my extreme opposition to acceptance of this agreement is noted somewhere because I feel I must do something instead of doing nothing to try to stop it... Our government and the judicial branch should look beyond the quick solutions proposed in this settlement to the Microsoft anti-trust problems and should continue to work further to seek out resolutions which will ensure the protection of fair market competition for all now and in the future...

It is my opinion that an acceptance of this proposed settlement with Microsoft only postpones an inevitable reoccurrence of the problem and does not appropriately address nor resolve the issues on which this lawsuit was originally initiated...

Respectfully,  
 Debi J. Bullock  
 djbullock  
 29 Fair Street—Unit A  
 Norwalk, CT 06851  
 (203) 849-9879  
 djbullock@mac.com

**MTC-00002572**

From: Mark Alexander  
 To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw, ...  
 Date: 12/2/01 3:19pm  
 Subject: My comments about the Microsoft Antitrust Settlement

**OVERVIEW:**

This email is in regards to the Revised Proposed Final Judgement (Settlement) for the case of *US v Microsoft* (98-1232) and *NY et al v Microsoft*. (98-1233) It is a list of specific defects in the proposal as well as other areas that need to be addressed for a comprehensive solution. The computer industry, especially the software industry, used to be a very vibrant exciting space with a large number of competing technologies and solutions. Microsoft has become a dominant player in this space by multiple methods. The fact that Microsoft is persistent and keeps on trying even after a product is not well received is a strength of Microsoft that others should emulate. The fact the Microsoft believes that to compete it needs to "cut off the air supply" of potential competitors is a method that should be eliminated.

**PERSONAL INFORMATION:**

My name is Mark Alexander. I am a US citizen residing at 46 Lynwood Rd in Scarsdale, NY. My email address is malexander@acm.org. I have been working in the computer field for over 20 years. I currently work as a Senior Information Technology Architect for General Electric Card Services, the private label credit card business of GE Capital in Stamford, CT. The opinions expressed in this email are my own personal opinions and not those of GE. I currently own stock in a variety of technology companies including Microsoft.

**OVERALL:**

1) The proposed settlement does not appear to be the complete agreement between the parties. From comments made by some of the State Attorney Generals about this settlement, it appears that an agreement not documented in the current proposed settlement has been made. The comments are that Microsoft will reimburse the states for their legal fees incurred during the course of this proceeding. Since the agreement seems very one sided to the advantage of Microsoft, a large number of individuals believe that some additional secret agreement has been reached. The best way to resolve this is to add wording to the settlement that states it is the complete agreement between the parties and add the sentence about the reimbursement of legal fees.

2) Microsoft has been found guilty of being a Monopoly by the District Court that was upheld by the Appeals Court, yet to date, Microsoft has refused to admit to its guilt. The settlement should include an admission of guilt on the part of Microsoft.

3) The settlement does not include any penalty for past and current activities that were and are still in violation of the law.

4) The primary beneficiary of the settlement, other than Microsoft, is the OEM rather than the consumer.

5) Microsoft has always been very innovative in how to work around or by a very technical reading of prior legal decisions and this settlement should be very carefully vetted to eliminate loopholes and areas that are open for an interpretation by Microsoft that is not the intent of the settlement by the DOJ and States.

**SECTION BY SECTION COMMENTS:**

III-A-2: Should allow an OEM to ship a PC without any Microsoft Operating System. Microsoft has in the past had licenses that charged an OEM for each PC sold, regardless of OS installed.

III-B-3 a: Should allow for 21st and lower largest OEM.

III-C-3: GUI of similar size and shape will limit 3rd party products ability to innovate and add value for users with their product.

III-D: Limiting API disclosure to just Middleware does not provide a fair, even playing field. Microsoft also needs to disclose APIs for the base Windows Operating System product. The settlement should state the any API of the Microsoft Windows Operating System used either by a Microsoft Middleware or Microsoft Application should be publicly released.

III-D: Timing of release of Middleware API documentation should occur prior to last major beta release, it should occur at initial beta release and then be updated as needed during beta cycle. The APIs need to be released to public no later than they are released to other internal groups within Microsoft. Releasing it at the last beta release gives Microsoft a huge competitive advantage to incorporate those APIs into other areas or products for release simultaneously with the Middleware solution. Also, since Microsoft controls the release schedule for the beta releases and the final product, it can release the last beta just moments before the final release. See Overall 5 above, Microsoft will always work for its own advantage and to the detriment of other parties.

III-D: API disclosure for new Windows Operating System product "Timely Manner" should be defined as per above.

III-E-ii: Need to add Used to interoperate natively or in conjunction with a Microsoft Middleware product to a Windows Operating System or Microsoft Server Operating System. It is important to include any PC to PC protocols as well as PC to server protocols, used both natively by the OS and added by any Microsoft Middleware solution.

III-H-3: Need a section 4 that Microsoft does not alter an End User change as well.

III-H-1 (After Notwithstanding): Need to add if 3rd party Middleware is installed and fails to perform operation, then and only then can Microsoft Middleware be used. The Microsoft Middleware should allow connections to an end user or OEM specified server, which may be the Microsoft server or that of some 3rd party.

III-H-2 (After Notwithstanding): The end user should be the party to determine whether to change the Middleware in use or just to get an error message. It is inappropriate for Microsoft to make technical decisions about requirements for 3rd party products because it is too easy for them to abuse the power.

III-H (Microsoft's Obligations): See III-D above.

III-I-5: No license of Intellectual Property from Microsoft should require a license of 3rd Party Intellectual Property to Microsoft.

III-J-1-a: Security software of anti-piracy, anti-virus, software licensing, digital rights management, encryption and authorizations is a very active and competitive market. This section is worded in such way as to allow Microsoft to keep all information regarding these activity private. The intent implied in the Competitive Impact Statement is to limit access to the internals of Microsoft implementation. That should be limited, but APIs and Communication Protocols for these areas should not be different than other parts of Windows product or Middleware information requirements.

III-J-1 b: This paragraph sounds like a big brother type deal between government and Microsoft to suppress information from public. Should be eliminated.

III-J-2-c: Microsoft should not determine viability of a business. If needed, it should be determined by a 3rd party based on either court or government provided guidelines. Also needs to allow for individuals and organizations, not just businesses.

IV-B-3: Microsoft should not select any member of the TC. Microsoft should solely be allowed to object to the selection of a TC member as outlined in IV-2.

IV-B-10: New paragraph of Either the TC members or the Plaintiffs or the Court will release every six months to the public a summary of all violations, recommended actions and actual actions performed by Microsoft to remedy said violations. This public disclosure will not include any proprietary information of Microsoft or of any complainant, including name of complainant, without prior written permission of the party to disclose that information.

IV-D-4-d: The TC or work of the TC may be admitted in a legal proceeding with the

consent of at least one of the Plaintiffs or the Court.

IV-D-4: Missing section on Penalties for violations that are not resolved using Voluntary Resolution are to be addressed by the Court. Without any penalty or even a method to address penalty for violations leaves the Plaintiffs with no recourse other than a whole new lawsuit with attendant time and expense. It is critical that any violation of this agreement be immediately able to have penalty hearings in court.

V-B: The only penalty specified in this entire agreement for violations of this agreement is to extend the agreement for 2 more years. Since there is no penalty for any violation as currently outlined in the settlement, extending this settlement merely allows Microsoft a longer period of time to continue its violations without penalty, basically ignoring this settlement and its intentions.

IV-A: API definition should include programmatic interface to Windows Operating System Product and not just Middleware.

IV-B: Communication Protocol is not for a predefined tasks, but rather for any type of data exchange between two or more computers or computing devices.

IV-D: Coverage for OEM should not be limited to just the largest volume 20, but should include all the smaller OEM who by nature of their size have less of a bargaining position with Microsoft to begin with and as a group represent a large portion of licenses sold.

IV-J-2: Trademark requirement should be eliminated. Microsoft will simply stop Trademarking the name of its Middleware products to give it the ability to have them not covered by this settlement.

IV-J: Using version numbering is an easy way for Microsoft to work around this settlement. A better definition may be an upgrade is a release that provides new or improved functionality. It should be covered under this settlement. An update is solely a release to fix bugs and other defects.

IV-K-2-b-iii: see IV-J-2 above.

IV-N-ii: There should be no limit on the number of copies required for a 3rd party product to be protected by this settlement. Setting a threshold of one million copies will allow Microsoft to squash any new 3rd party product prior to it reaching a critical mass of end user support and prevent it from ever reaching the one million to be covered under this settlement. If there is a need for a number, I would suggest a value of twenty-five thousand. It is large enough to indicate the beginnings of interest and still is small enough that the product would be below Microsoft's RADAR screen to notice it and work to eliminate it.

IV-Q: An Intel processor is not a requirement for a system to be a Personal Computer. A Personal Computer with an Intel or compatible processor would be an Intel Compatible Personal Computer. IV-Q: Servers, set top box, handheld, game consoles, telephones, pagers and PDAs also need to be protected from Microsoft using its monopoly on Desktop Computers to allow it an un-fair advantage in these other markets.

IV-R: see III-D above.

#### ADDITIONAL CONDITIONS NOT INCLUDED IN PROPOSED SETTLEMENT:

1) Windows Operating System Product: Complete APIs for 3rd Party products to interact with the Windows Operating System Product also need to be disclosed. No Microsoft Application or Middleware or Server product should have access to an API that is not also available and documented to the ISV community as well.

2) Microsoft Applications: Microsoft has often used its dominance in the Application market as a threat as well. It should therefore be required to make its Application File Formats available for licensing under Reasonable and Non-discriminatory terms.

3) Microsoft Server Products: It should be required to make its Communication Protocol Formats available for licensing under Reasonable and Non-discriminatory terms.

4) Microsoft Network Services: It should be required to make its Communication Protocol Formats available for licensing under Reasonable and Non-discriminatory terms. I believe these changes would allow Microsoft to still be a vibrant part of the economy, the software industry and business community as a whole, while allowing for other companies to compete with Microsoft on a more level playing field. The field cannot be made completely level due to the financial and marketing strength of Microsoft. I believe that if Microsoft competed solely on the Merits of its products rather than using them as a tool to destroy other products, they would still be an ongoing success.

Sincerely,  
Mark Alexander  
Mark Alexander  
Email: malexander@acm.org

#### MTC-00002573

From: Earl Small  
To: Microsoft ATR  
Date: 12/2/01 4:22pm  
Subject: Settlement

I don't see how the proposed settlement with MS is in the best interest of consumers. First how can a company that was found guilty by the court has so much to say in what their punishment should or will be. I think the DOJ is very weak when it comes to punishing those with lots of money. I think the court should have said "you broke the law, this is your punishment". That is the way it work for everyone else. We can no longer trust the DOJ to bring those to justice who have been proven they broke the law.

From every effort so far by the DOJ to rein in MS has fail and this joke of a settlement will fail also because it does nothing. As a poor Black man in America I am shocked that they are letting MS of so easy, if it had be me I would already serving time in jail.

So much for justice  
Earl C. Small  
2411 park Place Dr  
Gretna LA 70056

#### MTC-00002574

From: The Navarro's  
To: Microsoft ATR  
Date: 12/2/01 5:02pm  
Subject: Microsoft AntiTrust Settlement

Microsoft has offered to provide significant donations of products to schools as part of a settlement.

I don't like that offer since Microsoft is essentially just building future business by "educating" users in their product. MacIntosh receives a good portion of business for the school market and will likely be harmed in that type of settlement. If MacIntosh isn't around, then MS has the whole market. I ask for a tough settlement that addresses the predator practices that Microsoft has engaged to dominate the market.

Randy Navarro  
Yorktown, VA

#### MTC-00002575

From: Douglas Mitts  
To: Microsoft ATR  
Date: 12/2/01 4:42pm  
Subject: Microsoft Settlement

Dear Department of Justice,  
Hi! I was wanting to comment on my feeling of disappointment with regard to the Microsoft Antitrust case. I use Microsoft products (I pay and pay and pay), but also enjoy the Apple Macintosh platform (actually I prefer it). Due to Microsoft's anticompetitive tactics over the years, many software companies that were viable are no longer viable and have either been bought out or taken into receivership.

I do not think that Justice Department should drop this case by settlement. I am not out to get Microsoft, but I will say they are more than a monopoly on a national level. They are a global monopoly and they work to maintain that monopoly. Justice Penfield Jackson, despite the lack of control he displayed, was right. The settlement does nothing to restrict Microsoft's practices. It will take the EU, rather than the U.S. due to the companies global reach.

I've seen too many very good software packages go the way of losing to Microsoft's software, not because Microsoft has had better software, but because they competed in an unfair way circumventing real market forces. I am a consumer. I like competition. It helps innovation and price for me. Today I get no additional benefit from the Microsoft products I have to use (simply because there are no others that are cross-platform due to Microsoft's practices) but to upgrade I still pay astronomical prices, even though the additional benefit is non-existent.

Back to the Global Monopoly idea. I am a U.S. citizen living in Poland as a part of my work. Here, even though Apple Computer offered to underwrite the localization of Microsoft Office for the Mac (i.e., make it a Polish program), Microsoft refused to localize it, even though all the costs of localization would be paid by Apple. Microsoft only stood to profit (it also tells you Microsoft's motivation for investing in Apple in 1997 was more to avoid the appearance of a monopoly than altruism on their part).

I cannot use a competitor's product with regard to Word Processing, Spreadsheet and presentation software, because there is no competition any more due to Microsoft's practices (i.e., Microsoft owns those markets). Each of their products needs to become a separate company. Now, the DOJ wants to settle, but is it because Microsoft actually has the deeper pockets in this case? Is it because they donate to politicians? Or is it because

they in fact are not an intrusive, aggressive monopoly (I thought the findings of fact said so)? As a consumer, it is clear to me that Microsoft is a monopoly that warrents needing government intervention and remedies prescribed to curtail their anticompetitive practices.

Now, I am not a lawyer, but I am saying I don't want to see Apple go the way of the rest due to Microsoft's practices. Apple and its OS is the only viable alternative.

Thanks for listening. You know this stuff already. I need to speak up.

Sincerely,  
Doug Mitts

#### MTC-00002576

From: Mark Hotchkiss

To: Microsoft ATR

Date: 12/2/01 5:44pm

Subject: Reject Proposed Settlement with

Microsoft  
Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001  
December 2, 2001

Pursuant to the Tunney Act, members of the public have an opportunity to comment on the proposed settlement between the U.S. Department of Justice and Microsoft. Please find the documents attached which contain comments from:

Mark R. Hotchkiss—Software Engineer  
7291 Brockway Drive Boulder, Colorado  
80303 “Dealing with Microsoft’s Policy of Deception.”

#### I. The Record

From the record of The United States Court of Appeals for the DC Circuit decided June 28, 2001; No. 00-5212.

From section: II. Monopolization; B. Anticompetitive Conduct; 5. Java; c. Deception of Java Developers: pp. 56; paragraph 2:

“Finally, other Microsoft documents confirm that Microsoft intended to deceive Java developers, and predicted that the effect of its actions would be to generate Windows-dependent Java applications that their developers believed would be cross-platform; these documents also indicate that Microsoft’s ultimate objective was to thwart Java’s threat to Microsoft’s monopoly in the market for operating systems.”

From paragraph 3:

“Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this conduct is exclusionary, in violation of Section 2 of the Sherman Act.”

#### II. Challenge to Developers

Software developers have the wonderful opportunity to create incredibly powerful tools for people utilizing nothing but their brains, a piece of hardware, and a well documented platform language or API to guide them. Indeed, many admire Bill Gates and give him credit for doing just that. But tragically, the policies of deception that his company has been convicted of, have already eroded much of the fertile ground on which he and his company built their foundation. If the Court accepts the settlement that the

Department of Justice has proposed, that ground will be washed away for any developer hoping to gain significant access to users without that developer having to pay or depend on Microsoft in some way. To PC software developers the market has not been free for a long time. Given Microsoft’s scorched earth criminal past, Internet software is the next technology to get locked up from creative people.

#### III. They Own All of the Stages

Technical merit, quality, and price should be some of the primary measures by which software products succeed in a marketplace, if it is a relatively free one. Ever since Microsoft has gained a monopoly position in the operating system market; the “stage” on which a developers must perform, Microsoft has elevated the measure of whether it will increase their own market share over all other measures. Intel owns a good portion of the “theaters”, but will host most any production. By contrast, Microsoft owns virtually all of the stages and claims imminent domain to them from competing productions whenever they decide to produce their own show, as long as they can increase market share to that new audience.

But of course, questionable priorities and being a monopoly is not against the law. But when Microsoft decides to enter a new market, rather than using the methods any other player on the stage would have at their disposal to use to win an audience, they can control the lights, props, background, special effects, even funding, and can turn any developer’s production into an unintentional farce, all without the members of the audience knowing it.

Borland, Quarterdeck, and Netscape are but a few companies who have had the chance to bring the issue of Microsoft’s habitual secret sabotaging of their applications before the court. But this method of dealing with competition is usually saved as a last resort and is done very subtly. Microsoft has very distinct and regular script on how it deals with competition.

#### IV. Embrace and Smother

At the heart of the case before the court was Microsoft’s deceptive technique launched against Netscape. From the court record, Microsoft’s own Paul Maritz, called it “embrace, extend, extinguish” or “embrace and smother” corroborated by several Intel executives. Microsoft makes its competitors think they like the show, read the script and promise to produce it, and kill it before it opens to make room for a production they have been rehearsing in the wings. Sometimes, before the competitor ever got their first check.

#### v. Embrace and Pollute

Sun’s Java “resurfaced” the stage with a set of tools that could even be extended to the Internet and beyond. Developers could cultivate their productions for free in different theaters and produce “road shows” on all kinds of stages. But because Microsoft was no longer in direct control of what was seen on the stage and could not continue to charge fees that suited them, they resorted to sabotage as reflected in the court record. They tried punching holes under Sun’s performing platform by polluting it with a

“Windows only” advantage and have been convicted for it. Because this approach did not achieve their intent, they deployed their third anti-competitive method.

#### VI. Replicate and Extend

Today, the anti-competitive method of choice is a variation of “embrace, extend, and extinguish”. It is what was used against Apple when Windows was first introduced. Microsoft is in the process of virtually replicating Java in their new language C# (C Sharp). A glance at any sample code can convince almost anyone that the “new, innovative” language is a complete knock-off of Java. But Microsoft maintains that it has nothing to do with Sun’s creation.

The fundamental difference is, it won’t play on anything but Microsoft’s stages. As an expected action, Microsoft will no longer make any effort to accommodate a Java stage in their latest monopoly production of Windows XP. Developers who prefer Sun’s version of how the stage is equipped will have ask the audience to help them set it up by having to download components that were previously supplied by the stage manager. This is something Microsoft claims will “increase choice for consumers”. How can these actions be perceived as competitive?

#### VII. Bundling When It’s Convenient

Microsoft has used the deceptive reasoning that bundling application products with the operating system is simply a matter of convenience. But in effect, they mean their convenience, not the consumer’s. They only bundle products when they don’t already own the market for that application software.

Until recently, word processing and spreadsheet applications were easily the first reasons to buy a computer. As a matter of consumer convenience, why doesn’t Microsoft bundle MS Office the way it did Internet Explorer? These applications are still the main reasons people buy computers? The answer is easy. They virtually own the office applications market now and can charge very high prices and keep their customers locked in by their proprietary document formats. They wouldn’t kill their cash cow in the name of giving the customer what they really want and have touted as their reason for bundling.

They don’t own the market for video software yet, but with absolutely no hindrance from the court, they have bundled Windows Media Player with Window XP and will eliminate RealPlayer in no time at all. Little of their success will be decided on technical merit, quality, or price. If this is not evidence of leveraging a monopoly market to gain another, what is? The proposed settlement does nothing to stop such blatant violations of the Sherman Act.

#### VIII. Control of Hardware Vendors

As a matter of research, contact one of the major PC distributors such as IBM, Dell, or Gateway, and attempt to purchase one of their high volume, low cost package PCs, but ask that you don’t want Windows XP pre-installed for whatever reason. XP’s default configuration of exposed IP sockets is a legitimate security concern that users should be able to reject it, but any reason should be valid. Then explain you that want a discount (any amount) for the absence of any Microsoft products. You will find that they

will not accommodate you. Linux users have to indirectly pay Microsoft to get reasonable prices on the same hardware. How can this be termed a competitive environment and how does the settlement before the court remedy this situation?

#### IX. Relative Exposure of the APIs

The way the settlement is worded, Microsoft will be able to greatly limit the access developers have to make their products successful. Microsoft will still be able to protect their arsenal of secret weapons used on their platform. Exposure is a relative term and the settlement reveals far too little for it to be effective in improving competition. Hiding their malicious intent in millions of lines of code to a few inspectors to see will be a cinch. They can always build another "substage" under the one the inspectors see to achieve this.

#### X. Giving Up

Nothing hurts a non-Microsoft developer more than hearing friends and family conclude that Microsoft software and services must be the best based solely on the fact that they have taken over so many markets. Terms like "sour grapes" and "quit your whining" cut deeply into a developer's incentive to create products that may not run on Windows only. As they should, PC users attempt to equate technical merit, quality, and price with proportional success. This is of course, not the case with Microsoft as stage manager. Users can't see what sort of treachery and deception takes place in a developer's attempt to get on the stage, let alone, get the lights to come up on their show. Explaining the stagecraft is rarely possible and is generally futile. Developers interested in a level playing field have been hoping that the court would understand the ropes and backstage operations that keep them off of the stages. So far, that expectation has been dashed. Microsoft deceives and cheats in every way possible gain market share. A developer is faced with a simple choice at this point: Microsoft's way, or the highway. Help entrench their monopoly and reduce choice in virtually every sector of computing, or get out of the business. If the DOJ settlement is accepted, it will only be a matter of time before a significant portion of the development community decides to take the latter option. The settlement contains no remedy and in fact, legitimizes Microsoft's criminal anti-competitive behavior.

#### XI. Effective Remedies

Even though a remedy of separation of the operating system and application software business units has been cast out as a possibility, it would have been the most effective and expeditious way to remove the incentive for Microsoft to leverage its monopoly and reduce customer and developer choices.

Short of that, Microsoft should be forced to sell its language business, and the proceeds of that sale should be distributed to registered users of Microsoft products. Their proprietary formats, and APIs should be opened to those registered users. Perhaps then some semblance of a level playing field might be restored.

Microsoft's Bill Gates should also be required to publicly state that his company repeatedly broke the law using deception as

a policy. As it stands, the majority of the public still believes as he does, that they've "done nothing wrong" and that the court has no place in the matter. This is tragic.

Thank you for your time.

Sincerely,  
Mark Hotchkiss

#### MTC-00002577

From: root  
To: Microsoft ATR  
Date: 12/2/01 5:28pm  
Subject: MS settlement

I feel the settlement as proposed does a great injustice to the American consumer. It is nearly impossible for the average person to go out and buy a pc without Windows on it. I don't use windows, I must buy it if I want a pc though. I say go hard on these boys, I want restitution for every MS os I was forced to buy. That would be 3.1, 95, 98, and ME all of which were removed from the systems that came with them forcefully pre-installed. I never wanted windows, I had to buy it to get newer, up-to-date pc's.

Maybe opening the source of their kernel would be more fitting. Or a complete separation of the os and apps dept's while removing the apps already "integrated" into the os, ie Internet Explorer, Media Player, ..... There are many options, the proposed settlement is not even a slap on the wrist. ]Do the right thing here and punish the monopolist Microsoft in a way that leaves no uncertain terms, monopolist behavior will not be tolerated. They've misled the court during hearings and showed no respect to it's authority in the past, and been convicted of being a monopoly, treat them accordingly. It's called throwing the book at them.

Respectfully,  
Richard Gore

#### MTC-00002578

From: lew@lsmis02.we.mediaone.net@inetgw  
To: Microsoft ATR  
Date: 12/2/01 5:25pm  
Subject: Microsoft settlement

Any settlement with Microsoft MUST afford individuals OEMs the right not only to feature competitors products but more importantly earn discounts for any and all applications, utilities, middleware or features removed or not featured by the OEM.

The amount of the discount must be reviewable by the federal court to make certain fair and open competition returns to the windows platform. The court must make a determination of both the wholesale and retail price for these products to include networking subsystems, browsers, compilers, development systems, disc utilities and windows managers as well as any and all "user applications". User applications are those programs that actually provide a service or function for the individual user including but not limited to browsers, media players, file viewers, data base systems, spreadsheets or any other application that exists in the marketplace for Microsoft systems or any other operating system. Any and all "trademarked" products must be subject to such removal and discount handling by OEMs.

Furthermore, the illegally gained monopoly in browsers resulting directly from

illegal acts must be reversed. Prior to the illegal acts non-Microsoft browsers had approximately 80% of the market. Until those market conditions return no settlement terms should cease and the full restrictions upon Microsoft must remain in place.

Lewis A. Mettler, Esq. (Attorney and Software Developer)  
lmettler@keepifspam.lamlaw.com  
[http://www.lamlaw.com/\(detailed review of the Microsoft antitrust trial\)](http://www.lamlaw.com/(detailed%20review%20of%20the%20Microsoft%20antitrust%20trial))

#### MTC-00002579

From: Marshall  
To: Microsoft ATR  
Date: 12/2/01 8:50pm  
Subject: Anti-American

I think the whole issue is just plain old Communist Anti-American crap. I love Microsoft, love Windows and what Microsoft did with it, and think Bill Gates is my hero!

#### MTC-00002580

From: user1658  
To: Microsoft ATR  
Date: 12/2/01 6:26pm  
Subject: Microsoft Settlement

Dear Sir or Madam

I am writing you in reference to the proposed settlement with Microsoft. After reviewing the terms as published in the various news media I have great concern that this is nothing more than a minor inconvenience for Microsoft and does not address the core issues at hand. With the release of Windows XP and the public statements concerning the .Net future of Microsoft it is easily apparent that Microsoft wishes to Hijack the Internet and e commerce to it's own advantage. The mandated usage of Passport to install Windows XP, it requirement in Hotmail accounts and Microsoft Messaging service only extends the reach as neither service needs Passport and XP doesn't either. The IE 6.0 departure from JAVA and other Internet standards only shows how far they will go to press Microsoft as the holder of all things with PC and Internet. Microsoft's continues to advance itself at the cost of others.

If it cannot gain market by providing a better product then it makes sure that its products cannot be used with others recent example the ending of support for navigator plug in's in IE6 which is included with XP. This rendered useless anyones Apple Quicktime. No warning just can't use it. If you want to see in print how far they will go to control everything read the EULA that is in MS FrontPage 2002. Pre censorship. All to ensure that if you don't say nice things about MS you can be sued. Is this a company that is remorseful and willing to change it's ways from destroy, devour and intimidate. I think not. If the Judicial systems accepts this agreement in its current state it is only a endorsement for Microsoft to continue unabated as it can still devour, destroy and intimidate unchecked by just "making it a feature" and it is ok. I endorse stronger and specific remedy that is enforceable. Just like any convicted person they have been found guilty and as such should not be able have say in the over site of their behavior. It is the duty of government to do those things that individuals cannot do and one of those is to

protect the public from predatory behavior whether it is a person, a group or in this case a company.

Sincerely,  
Herbert L Green

**MTC-00002581**

From: Ralph  
To: Microsoft ATR  
Date: 12/2/01 6:23pm  
Subject: Microsoft Settlement  
Some questions about comment submission:

1—What is the deadline in order to make the comments published in the **FEDERAL REGISTER**?

2—What is the preferred form: plain text or Microsoft Word document?

3—Can comments be made anonymously? I fear retaliation from Microsoft. If not anonymous, can I use a lawyer as a front for me?

Thank you for answering these 3 questions.  
Ralph

**MTC-00002582**

From: Ron Nath  
To: Microsoft ATR  
Date: 12/2/01 11:34pm  
Subject: MS antitrust settlement  
To whom it may concern:

I would like to offer my opinion on the current proposed settlement between the DOJ and Microsoft. Let me summarize by saying the decision is a travesty to the justice system we all believed operated in this country. Now I will expound on the reasons.

First, it will be clear to any free thinker that any company that controls the foundation of an industry will have an innate advantage over its competitors in creating products that are built on that foundation. This applies to any industry. In particular though, this has now become most notable in the software industry. Given this situation, the simplest solution would be to sunder this tie as judge Thomas Penfield Jackson has suggested. I would go so far as to say, MS should have been broken up into five companies: consumer OS, business OS, consumer apps, business apps, and internet services and hardware. Each company would then have to learn to support other platforms and thus "biodiversity" would have a chance. Second, by allowing MS to remain whole, it will use its position of dominance, to extend itself into other adjoining areas such as publishing, gaming (witness the Xbox), and even consulting services. It is not hard to imagine a day when not just the entire computer industry, but any industry built around thoughts and ideas would be controlled by this company. And we would have our weak willed government to thank for this. In fact, our very own government would be controlled by this company, even more so than it is now.

Third, and lastly, keeping MS intact was a bad idea because it will send a message to all companies who are trying to dominate a market that if you keep fighting the government long enough, they will back down because there really is no teeth behind their bark and they are just a bunch of wimps. This is not the DOJ that I want in my country. We should be lobbying our

representatives in the legislative branch and executive branches to remove the current crop of spineless, ill-informed judiciaries.

A simple solution to legal wrangling would involve not necessarily breaking up MS (although that is still a good thing) but rather to cut right to the heart of the company- make its code open source. Not that anyone should be able to copy it or even modify it, but people should have the right to see what they are paying for. In fact, the government should go so far as to demand that any software sold to it should come with the source code-period. This way, the government will never be held hostage to closed, proprietary code.

In summary then, I think the current settlement is more of our government settling than a real middle of the ground deal or settlement. Microsoft came out the winner hands down, and the DOJ skulked away with its tail between its legs, humiliated and beaten soundly by a much more vigorous and financially powerful opponent. The DOJ should go for the gold: split the company into five and demand that all software sold to it come with the source code.

Thank you for your time in reading my opinions.

Dr. Nath

**MTC-00002583**

From: Roberto Arias E.  
To: Microsoft ATR  
Date: 12/2/01 10:34pm  
Subject: About the Antitrust Settlement

Boy, I just think you want to make microsoft bigger, and more powerfull, and Bill Gates richer. I mean, it doesn't cost him a cent to give all that software to schools (they will have to pay someday for support or updates).

**MTC-00002584**

From: Richard Colclasure  
To: Microsoft ATR  
Date: 12/2/01 11:13pm  
Subject: anti-trust settlement

Ladies and Gentlemen:

The settlement is a virtual mirror of Mr. Chamberlain's selling out the British in 1930's. The browser fiasco was the thing many people saw of the trial but that is not the point at all. We are now going to pay the Troll (Mr. Gates) a fee far more consuming than we ever did with pirates off the Barbary coast. Too bad Mr. Bush doesn't fight this troll with the vigor he has shown us. Every day brings a new crime from the innards of Redmond. Talk to the big Windows users of corporate America and ask them what the toll fee is? They have been paying it and know what it costs.

Thanks for listening to us,  
Dick Colclasure  
klc@dsl.essex1.com

**MTC-00002585**

From: Michel G. Rainville  
To: Microsoft ATR  
Date: 12/2/01 8:59pm  
Subject: Microsoft Antitrust Solution—Slit So That Application Programming Interfaces MUST Be Published

Dear sir,

I am a Canadian, but the unavoidable presence of Microsoft has affected me as

well. I do database development for a major Canadian university.

When Windows 95 came out, it broke dBase, Lotus, and WordPerfect and it was six months at least before they could even be run on Windows. On the other hand, Word, Excel, and Microsoft Visual C++ was already aware of the impending changes and were not affected.

Today, Oracle installations MUST replace several Windows programs as a routine part of the installation process and downloads of Internet Explorer have broken Oracle installations, by changing the dynamic runtime library for Visual C++, I suppose.

When I purchased my computer for home, I had no choice but to buy Windows, even though I run OS/2 on it. I tried to obtain a Linux system from Dell, but they would sell nothing but Windows, even if it meant losing a 5,000.00+ sale.

In my opinion, the computer industry will be seriously hurt by the continued unfair practices of Microsoft. The protection of software vendors, in particular, requires that Microsoft be split into no less than FOUR parts: Development Tools (C,C++, Visual Studio, any tools used to build Windows ) Operating Systems (Windows 95, 98, NT, 2000, XP, etc., strictly mapping the hardware to an API with Development Tools ) Applications Software (Office, Word, Excel, Access, Visual Basic etc.) Web Services (Internet Explorer, MSN, C#). In this way, other vendors, even if they use MS tools or systems, will have the same public access to APIs at the same time as those parts of the former Microsoft that used to obtain early and secret access, months and years in advance of competitors. You might also consider requiring hardware vendors to OFFER at least ONE non-Microsoft operating systems on their computers as a general rule to foster competition. Linux and many others are free, after all.

Good luck with your decision,  
Sincerely,  
Michel G. Rainville  
77-5225 Sherbrooke St. West  
Montreal, QC  
Canada H4A 1T7

**MTC-00002586**

From: stout762  
To: Microsoft ATR  
Date: 12/2/01 11:38pm  
Subject: Microsoft DOJ;

I beleive that the continued existance of Microsoft as an intact entity poses an extreme danger to all other software companies. Microsoft has a long history of using any method available to kill competition and stifle innovation in the computer industry. Quite simple they cannot be trusted to uphold any agreement they enter into.

To mitigate the continued danger of Micro\$oft, I propose that the corporation be divided into two separate entities. One that will continue to produce Operating Systems (OS) and One that will develop end user applications (office, Internet Explorer, etc). Absolutely no communications, other than normal discourse between two rival companies, should be permitted between the two halves of the company.

To mitigate the advantages already achieved by the company, Microsoft need to be forced to disclose all proprietary information regarding the various protocols and file formats used by the company's software. If Microsoft continues to try and "pollute" public domain standards (HTML, TCP/IP, ETC) they should be quickly and severely punished and forced to recind the changes. The end user needs to have the option to un-install or decline the installation of any "bundled" software (Internet Explorer, Media Player, etc.) without crippling the operation of the OS or any other software component.

As the final step, all of the current Microsoft senior executives should be forced to sell off their Microsoft holdings and seek employment elsewhere. It seems patently unfair to me that they should be rewarded with the continued leadership of a company that has engaged in criminal behavior for 20+ years.

R/ J. Justin Stout

Sent via the WebMail system at  
webmail.pioneernet.net

**MTC-00002587**

From: Eric  
To: Microsoft ATR  
Date: 12/3/01 2:38am  
Subject: Proposed Microsoft settlement

Dear Department of Justice,

I am writing regarding the proposed Microsoft antitrust settlement, which proposes a payment of cash, hardware and software to schools serving impoverished areas. I feel this settlement is flawed in several respects:

First, if Microsoft is guilty of violating anti-trust laws, then the magnitude of this fine appears modest, considering the market losses of other corporations and individuals who may have benefited from a more open competitive environment.

Second, the nature of the penalty is boldly ironic (some might say nearly contemptuous). Microsoft currently has a very small share of the educational marketplace. That Microsoft would be able to promote its own system and educational software to a sizeable portion of the educational market, and to do so in the favorable position of offering "free" equipment, seems to be of considerable benefit to Microsoft and thereby diminishes the impact of the penalty significantly. Why should Microsoft receive government-provided exposure in the only computer market it hasn't yet penetrated and dominated?

Third, the nature of the penalty is too similar to Microsoft's core business. Why have the company give equipment and software which it has ready access to, when cash would be a much more flexible and more readily useable resource for the schools? Why limit the payment to only cover acquisition of computers? Why not allow the schools to choose how the money will be spent—after all, the educators in the locality will likely know what resources are most needed and what will have the highest impact.

I think that the penalty for Microsoft needs to be reworked and crafted in a fashion that

achieves a reasonable penalty—one that doesn't implicitly reward Microsoft for its behavior. Thank you for considering my opinion.

Sincerely,  
Eric Werner  
3804 Royal Fox Drive  
Saint Charles, IL 60174  
630.443.0075

**MTC-00002588**

From: Joshua Chamas  
To: Microsoft ATR  
Date: 12/3/01 12:32am  
Subject: Settlement is a bad idea

Hi,

I saw this email address to whom I could write my opinion of the Microsoft settlement.

I am an entrepreneur & software developer of 4 years, and have used & own Microsoft windows products: server NT, desktop Windows 95; and used competing Unix products like Solaris & Linux. As a web developer, I believe the way in which Microsoft crushed Netscape through its OEM bundling practice really hurt the progress of computing as a whole, and I feel that the settlement idea that tries to value the overcharging of Microsoft products is not getting at the crux of the problem ... that Microsoft had used its monopoly powers to crush competing technologies, and significant penalties need to be levied with the possibility of restructuring to make sure it never happens again.

Microsoft has a desktop monopoly and does everything it can to make sure that it remains in this position. As a web developer, I cannot tell you the pains it has caused application development that Microsoft ended up beating out Netscape as the browser of choice. See, what Microsoft does it once it gets a significant foothold in a technology, it warps that technology until developers have to do it the Microsoft way ... on this one project in particular where the development costs exceeded \$200,000 in a year, I would estimate that 20% of the time we were resolving web browser incompatibilities. Had Microsoft not become the majority browser, they would have had to remain more compatible with Netscape & there would have been little burden on web application developers.

And I was only talking about HTML rendering issues, we were not even using Java, which Microsoft also screwed up. Do you begin to see my point? Any estimate of the damage that Microsoft has caused consumers & business through its monopolistic practices cannot hardly be estimated by anyone. Will the \$40,000 that my consulting client got charged just to make their web application cross-browser compatible be factored into the Microsoft damages? I doubt it. The effect that Microsoft has on the industry is to raise the barriers to competition by breaking competing standards that exist that could use other technologies that Microsoft cannot license. In this way, web & software development costs increase as standards (like HTML & Java) get fractured. Please do something punitive & significant to Microsoft to make sure this does not happen again. I would recommend that large penalties be assessed, rules against

bundling be set up and enforced, and a possible restructuring that would keep Microsoft the operating system business separate from other Microsoft businesses. To prevent bundling, I would suggest Microsoft be forced to offer especially to OEMs the opportunity to select which parts of the OS they want to install like Media Player, Disk Defragmenter, Web Browser, etc. For every piece that an OEM excludes from a distribution, there should be a real & significant price reduction in the OEM version of the software, to allow other companies to compete for that software business.

For example, to not bundle IE, perhaps an OEM like Dell would save \$10, and be able to pass those savings on to the consumer. Dell would be able to install AOL or Netscape for the consumer (or other browser like Opera), at possible price savings ... if Netscape had been able to continue to sell their browser to OEMs, it may be that Netscape would still be the dominant player in the browser market with superior technology ... who knows the difference this would have made to the development of the internet as a whole? Thank you for taking the time to hear my arguments. I hope that this letter actually got to someone?!

Regards,

Josh  
Joshua Chamas  
NodeWorks Founder  
Chamas Enterprises Inc.  
Huntington Beach, CA USA  
<http://www.nodeworks.com>  
1-714-625-4051

**MTC-00002589**

From: Jones Robert Contr TTMS Keesler  
To: Microsoft ATR  
Date: 12/3/01 8:10am  
Subject: Microsoft Settlement

I strongly believe the current settlement does nothing to curtail Microsoft's practices they went to court for. I do not believe the current settlement has done anything to dissuade Microsoft from engaging in these practices. I do believe that the current settlement provides further encouragement for Microsoft to continue practices that stifle businesses and erode competition by using their monopoly unfairly.

Robert E. Jones, BSCS, BSP  
81 CS/SCK, Keesler AFB

**MTC-00002590**

From: Forrest Gott  
To: Microsoft ATR  
Date: 12/3/01 7:13am  
Subject: Displeased

I am very displeased with the recent move to settle the US vs Microsoft case. Just for the record, I have yet to talk face-to-face with a single person that feels that this settlement is in any way a good idea.

—Forrest Gott  
Grand Forks, ND

**MTC-00002591**

From: Schreck, Paul CONT (NASKW 191)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 8:40am  
Subject: Microsoft antitrust case  
To whom it may concern,  
I am dumbfounded!

Having followed the Microsoft Antitrust case closely, from its inception, I find it unconscionable that Microsoft could be let off with nothing more than a 'slap on the wrist'. I've never seen such a lopsided case. I liken this case to having a suspect, caught on camera murdering two people, while witnesses stand watching, and the police arriving as the suspect stands over the dead bodies, with the gun still in his hand. You (DOJ) have the proverbial 'Smoking Gun', and yet you let MS walk away.

I know there are more important things going on in the world right now, but does that nullify all common knowledge? As a veteran of the US Navy, I know full well what is happening in the world, but if we cannot maintain unconditional justice in our own country, how can we expect to in another? Would a convicted murderer in our country be given probation, because Ramon Eduardo Arellano-Felix (FBI's 10 most wanted) is still roaming free? You call yourself the Department of Justice, but I find this proposed remedy neither just, nor appropriate.

Regards,  
Paul J. Schreck  
Paul J. Schreck  
Lead Computer Technician  
Naval Air Station, Key West  
CC: 'microsoftcomments (a)doj.ca. gov ',  
'attorney general...'

#### MTC-00002592

From: Lee Briggs  
To: Microsoft ATR  
Date: 12/3/01 9:23am  
Subject: settlement—

as a resident of Wisconsin, and a student about to enter education as a career, i want to state that i am against the proposed settlement that Microsoft donate computers, the initial cost of these second hand machines is next to nothing when compared to the cost of maintaining them, Microsoft is trying to put it's foot into one of the only markets that it does not own. if anything, make them give vouchers equal to the cost of said computers and let these schools decide what they want to do with the money, rather than pay it right back in the form of upgrades and the ridiculous loop of having to buy to stay ahead that Microsoft has created.

#### MTC-00002593

From: Denny Wyss  
To: Microsoft ATR  
Date: 12/3/01 8:57am  
Subject: This Settlement is a complete sellout

The proposed settlement between Microsoft & the DOJ will be completely ineffective. It does not address or correct the fundamental issues of the case. It simply is a slap on the wrist. The proposed "restrictions" on future behavior are a joke. They are full of loop holes. Several of which, depending on how they are read, could prove to be severe blows to competing open source software and in fact strengthen the monopoly that MS holds. Further, these checks on future behavior have already proven themselves ineffective since Windows XP with all of its bundled software is already on the market allowing MS to gouge more money with their ridiculous licensing

scheme and further entrench themselves as a monopoly. To accept this settlement that appears to have been written by Bill Gates himself as a penalty for its illegal acts is very indicative to me that our Justice department is too involved in politics to really pursue justice, sadly misinformed of the true impact of what MS has done and frankly oblivious to the longer term implications of what they are doing. If this decision/settlement is indicative of the work the DOJ does, God help us all when it comes to handling even more serious matters such as terrorism.

Denny Wyss

#### MTC-00002595

From: Leisner, Greg  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 9:47am  
Subject: Microsoft Settlement

My name is Greg Leisner and my profession is software engineer. My education includes a Masters of Science in Computer Science with an emphasis in Security and Cryptography. I work for a manufacturing company in Wisconsin. I would like to comment about the Proposed Settlement of the Microsoft Antitrust Trial in DC District Court.

I oppose the Proposed Settlement on the grounds that it doesn't prevent Microsoft from leveraging it's monopoly power into new markets. In fact, the Proposed Settlement actually shields Microsoft from legal remedy for future anti-competitive actions in violation of the antitrust laws. Specifically, I call attention to REVISED PROPOSED FINAL JUDGMENT section J number 1:

"J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction."

Since the digital world is now highly interconnected, the above exemption allows Microsoft to spread a function between two processes on the same host or different hosts and connect those processes with a "Communications Protocol" that employs some form of encryption or authentication. Because it is good design to authenticate all connections and communications, Microsoft will be able, within the terms of the Proposed Settlement, to leverage it's OS monopoly for Intel systems into ANY other market it chooses to. This will be possible by simply authenticating all communications between processes.

For example, Microsoft could have some or all network communications pass through an Authentication Layer in the Windows OS. This is actually good security design. (The communications could optionally also pass

through an Encryption Layer.) Under the Proposed Settlement, no other OS vendor could support the server side of the communications. Thus if Microsoft desired to increase it's Web Server market share, it could require all http communications to be authenticated. This could be enforced without override, or with popup windows to the user warning them that the attempted website access is 'not secure' and asking if they wish to continue. Obviously, this would have a chilling effect on competition. And the Proposed Settlement allows it to happen.

Another example on the same host this time could be application launching from the browser. Internet Explorer (itself benefiting from anticompetitive actions to gain overwhelming market share) could require authentication before launching an application to handle a particular data stream. Thus all audio and video data streams could require an authenticated application. If Microsoft choose not to license such authentication to, say, Real Networks, then Windows Media would effectively become the only way to play music and video on a Windows OS.

When I compare the Interim Remedy from the previous trial court to the current Proposed Settlement, I am shocked at the lack of thought and due care taken in crafting their respective terms. There are many other issues I find fatally flawed, but, being just a private citizen with limited time to devote to this issue, I am constrained from elaborating on them. I ask that my limiting my comments to section J.1 not be construed to be supportive of any other clause in the Proposed Settlement.

Thank you for the opportunity to comment,  
Greg Leisner  
6131 W Leon Terrace  
Milwaukee, WI  
414-371-5805

#### MTC-00002596

From: SteveLeyva@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/3/01 10:00am  
Subject: It's Just Packaging!! For Crying Out Loud!!!!

Who would have the radio taken out of his car? How about the air conditioning? How about any of the new enticing accessories that come with a new car that is intended to make that car more attractive to a prospective buyer? Have you ever noticed that each of the auto manufacturers has installed his own brand of accessory? Is that causing the customer that buys a Ford to have to purchase Ford auto parts (if he doesn't, his warranty is in jeopardy)? The answer is "yes", but in that case, it's all right? What Microsoft did is no more than that! Business competitors that have a great deal of trouble competing with Microsoft have finally found an easy way to stay in the game.....run to big brother!

Microsoft has done no more than any other leading corporation would do to maintain its business position. It's called competition, guys! It really strikes me as strange that a company that has NOT been declared a "monopoly" can do exactly what Microsoft did and that's OK, because it makes them more "competitive" but, if a declared monopoly

does it to maintain their market position (to maintain their competitive level), it is unlawful. When did this country become so sophisticated that it desires to punish successful businesses? And where is the harm to the consumer? I personally have at least three browsers loaded on my computer and I use whichever I need at any given time. The fact that another browser resides within my operating system means nothing.... it's superfluous! Somebody made a really big deal out of nothing.... the business rivals maybe? Congressmen wanting to represent business interests in THEIR constituents' areas?

The current "tech wreck" is holding the economy here and around the globe hostage. If Microsoft is brought down for such a minor thing as "commingling its code", i.e., adding accessory components to its operating system, what will be the effect on that industry sector and the rest of the economy? It seems that there are those in government (e.g., Schumer) that would find this acceptable in order to further their own agenda.

If you care about product innovation, competition, fairness, and the economy, you will do whatever you can to counter the incessant roiling over this issue.

I think you do care and I look forward to seeing your supportive position for Microsoft and the technology industry unveiled in the very near future. If Microsoft goes down, our economy will take YEARS longer to turn around. That event will destroy the current and future budget outlays. This shouldn't be a partisan issue. It should be an American citizen issue.

Best regards,  
Joe Stevens  
115 Feather Moon Dr  
Santa Teresa, NM 88008  
steveleyva@aol.com

#### MTC-00002597

From: Groombridge, Kenton A CW2 DISCOM  
To: Microsoft ATR  
Date: 12/3/01 9:58am  
Subject: Comments on MS/DOJ settlement  
Hi,

Just want to give my comments on the Microsoft/DOJ settlement. It really sounds to me that Microsoft came out the winner with this one. Where else could a designated monopoly actually get more of a monopoly by supplying more software as a punishment. Take a look at Red Hat's offering to provide its Linux operating system at no cost and let Microsoft provide the hardware. This is a much better solution.

The anti-trust/monopoly case wouldn't be necessary if the Government would just adopt plans/policies to purchase proprietary software solutions. Initiate a plan/policy to only purchase software that has open standards. This way other companies can compete and we all get better products at better costs. Microsoft ensures that its products only work with other Microsoft products so it can maintain its dominance. Why do you think that every time a new Microsoft Office suite comes out that it doesn't work with the previous versions? It forces others to buy the upgrades so they can read the new formats. An example: We are

currently using Office 97. My boss loads Office 2000 and starts creating documents. He sends them to me to edit/read/etc, but I can't open them because they were created with the "new" format. He doesn't want to delete and reload Office 97. He is going to make everybody else load Office 2000. On top of that, Microsoft doesn't share the format of Office 2000 documents so the only software that will work with Office 2000 documents is Office 2000.

By using open standards, everybody can compete. Isn't this the American way? It isn't so much of what Microsoft does, but the Government shouldn't be buying in on it. The Government must use open standards. This will set the example and Microsoft will adjust to this. Punishment and policies will not change them.

CW2 Kenton Groombridge  
CSSAMO, 3ID  
(912) 767-1318, DSN 870-1318  
Failure is not an option; it's bundled with your software.

#### MTC-00002598

From: Reesa Morris  
To: Microsoft ATR  
Date: 12/3/01 9:58am  
Subject: Microsfot

Please do not waiver from the end result of protecting and helping the true victims. Owners of MS operating systems and software. We are still in the dark and are still unable to use our systems and competitor software. We are the victims, we've spent the money and we have spent the countless hours seeking help and information.

Any allowance of Microsoft to utilize this "settlement" to product a new market "niche" in the education systems does not seem fair and does not attack the real problem. As an owner of a HP computer with a MS Windows ME operating systems, I can tell you that neither are supported by their manufacturers and that MS has "autopdated" many things without offering support, and has resulted in loss of support from HP.

Thank You  
Reesa Morris  
125 Chillingham Ct  
Kernersville NC 27284

#### MTC-00002599

From: dpulfer@pcconnection.com@inetgw  
To: Microsoft ATR  
Date: 12/3/01 10:57am  
Subject: DOJ/Microsoft Antitrust Settlement

Let Microsoft fund the school computing effort, but let the schools decide which software to use, from the fund provided as a result of the settlement. Do not permit Microsoft to become the fox in the educational chicken coop.

Doug Pulfer

#### MTC-00002600

From: Mike Klaus  
To: Microsoft ATR  
Date: 12/3/01 10:56am  
Subject: DOJ/Microsoft Antitrust Settlement

Forward to: Renata Hesse, Trial Attorney,  
325 7th Street, NW, Suite 500, Washington,  
DC 20530, (202-616-0944)

For more than two hundred years, free and open competition has been a hallmark of the American experience. Our judicial system

protects society from unfair business practices and ensures a fair and level playing field for all competitors in the market place.

Microsoft Corporation has engaged in documented monopolistic practices which unfairly limit free and open competition in the market place. Alternative solutions, such as Red Hat Corporations offer to provide their Linux products free of charge to school systems should be reviewed and considered by the Department of Justice prior to enforcement of the antitrust settlement consent decree.

America is a free and open society. In my opinion, American business should reflect the values of its citizens.

Mike Klaus  
Master Chief, United States Navy—Retired  
mklaus@mtsnet.com

#### MTC-00002601

From: Robert Walion  
To: Microsoft ATR  
Date: 12/3/01 10:47am  
Subject: Microsoft settlement.

.....Please do not follow through with this senseless settlement agreement. If anything, make Microsoft spend \$2 billion on giving Apple/Macintosh products to education. The current 'solution' is (to say the least) ill advised and simply tightens Microsoft's grip on one of the few remaining pieces of the software market that they do not control.

Boy, that's some 'punishment'.....  
Thanks for your consideration!  
Bob Walion

#### MTC-00002602

From: Farr, Aaron  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 10:14am  
Subject: DOJ/Microsoft Antitrust Settlement

To whom it may concern:

The proposed DOJ/Microsoft Antitrust Settlement does little but further the Microsoft monopoly the lawsuit is intended on prosecuting. My initial reaction was that this was more of a public relations victory and marketing ploy by Microsoft than a serious attempt to address the wrongs this company has done. As a professional computer programmer, the proposed ruling deeply disturbs me. The class-action lawsuits were filed in behalf of the people, yet it seems like the people are getting little from this settlement. I emlore that those considering this settlement sincerely look to other alternatives, particularly that solution proposed by open source company Red Hat Inc. ([http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)).

Let us not do further damage to the computer industry and to the consumers than has already been done due to the illegal practices of Microsoft.

J Aaron Farr  
Pittsburgh, PA

#### MTC-00002603

From: Beverly Neale  
To: Microsoft ATR  
Date: 12/3/01 12:02pm  
Subject: Injustice

Dear Department of Justice

I write to complain about the proposed settlement with Microsoft. The enormity of the anti-competitive practices of Microsoft is

quite astonishing. Hundreds of vendors have been deliberately put out of business, and their superior products (wordperfect and harvard graphics are but two examples) have been replaced by inferior "standards" such as word and powerpoint that Microsoft has been able to force on the business and home computing communities merely by virtue of providing the operating system. Even worse, their operating systems are inferior to competitors' such as linux, as they are less stable and it is much more difficult to write software for them. In addition, it is not possible to debug programs properly because the Microsoft operating system code is not available, so when something doesn't work as expected, it isn't possible to find out why. In essence, Microsoft has committed crimes similar to the September 11 World Trade Center events in their unprovoked attack on fair competition within the computing community and destruction of their competitors.

For these reasons, I think the operating system source code should be forced to be freely available. In addition, software products such as MS office should be developed for other platforms—Linux, Apple (which it already is) etc. If dividing Microsoft is the only way to achieve this end, as previous legal authorities have demonstrated, then it should be done.

Finally, allowing Microsoft to 'infect' classrooms with its own products is far from a penalty—it is the opposite of one. They should be made to provide much larger numbers of computers and these should be installed with Red Hat linux or Apple OSX operating systems instead of MS windows.

Sincerely

Dr. Michael C. Neale, Dept. of Psychiatry,  
Virginia Commonwealth University  
Phone: 804-828-3369 Virginia Institute for  
Psychiatric & Behavioral Genetics  
Fax: 804-828-8801 800 East Leigh St. Suite  
1-115, Richmond VA 23219-1534

**MTC-00002604**

From: k1e0x(a)earthlink.net  
To: Microsoft ATR  
Date: 12/3/01 11:44am  
Subject: DOJ Settlement not effective

I dont think Microsoft takes this seriously.. just last week they had banned, Netscape and Opera (and other) Browsers out of MSN and Hotmail. I think there needs to be greater restrictions.

James  
Redmond WA.

**MTC-00002605**

From: Harry Yingst  
To: Microsoft ATR  
Date: 12/3/01 11:18am  
Subject: My opinion about the antitrust settlement with Microsoft

Having worked in the computer industry for over ten years I feel that the proposed solution from Microsoft is not in the best interest of the proposed beneficiaries (our schools).

I personally see it as furthering its monopolistic grip on the software market and in turn ultimately taking more from the schools in renewal fees etc. than they (Microsoft) are giving.

As I understand it the Microsoft's proposed solution has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software. This will cost these poorer districts a great expense at a time when many of these computers will be in dire need of replacement, further draining the limited resources of the schools. I feel that the alternative proposal as set forth by Red Hat, Inc. is a far better proposal due to the fact that our school system will initially be provided with far more hardware (provided by Microsoft) and software (provided by Red Hat) then under the Microsoft proposal.

Additionally the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. This in turn will allow greater access to computer resources then would be present under the Microsoft proposal (about five times as many computer systems).

I salute Red Hat in there generosity to provide not only the software but to also provide online support for these computers, that's free support for the software more than one million computers that will be provided by Microsoft. The true winners here will be our students!

Thank you,  
Sincerely,  
Harry L. Yingst III

**MTC-00002607**

From: Stanley Tickton  
To: Microsoft ATR  
Date: 12/3/01 12:26pm  
Subject: Reply to settlement

Microsoft is still much too powerful. More curbs need to be put on the company operating systems and use by all manufacturers.

**MTC-00002608**

From: Steve Bumgardner  
To: Microsoft ATR  
Date: 12/3/01 12:19pm  
Subject: Comment

Hewlett Packard said I could use Windows or throw it away, but I was never going to get my money back. They were right. Weren't they? This is terrible. Worse than nothing at all. I can not imagine what sort of people could give the keys to the next generation to Micro\$oft while calling it punishment.

You should all seek work elsewhere.  
Janitorial services perhaps.  
Steve Bumgardner

**MTC-00002609**

From: Fred Kreitzberg  
To: Microsoft ATR  
Date: 12/3/01 12:16pm  
Subject: Microsoft Settlement.

This is personal opinion. I am not representing the view of the company I work for.

I was disappointed in the terms of the settlement.

As a Data Security Professional I believe the bundling of software in the operating system is a critical issue. Complexity is the enemy of security. Microsoft's business model of putting more functions into the OS drastically increases complexity. The fact that companies using their software can not

strip out this functionality to create a more secure and business oriented system is a major problem. As an IS Professional I see Microsoft's actions as an effective tool to stop the next set of bright young people from creating the next Microsoft. It is what they did not Netscape. Business should fail because the business model does not work, not because they threaten someone else's monopoly.

**MTC-00002610**

From: Daniel O Winkless  
To: Microsoft ATR  
Date: 12/3/01 12:03pm  
Subject: The Microsoft Settlement

Dear DOJ,

I am really disappointed. I had been hoping that Microsoft would be broken into three or more independent companies. I would have settled for a two-way split. But a slap on the wrist and a warning not to do it again is simply not sufficient.

I use Microsoft products daily. I am daily angered by the poor quality of the products I am using. As you can tell from my email address, I work for the US Geological Survey. The Survey and the Department of Interior have made significant investments in PC based programs. Our computer staffing has increased as we have made larger investments in PCs. This, while total staff has decreased. It is the wrong direction and it is caused by bad software. Fortunately, we have been able to keep our mission critical applications in the Unix environment. Our Unix support staff has decreased to where we have only one Unix support person. Again, not a good situation should he get sick or find another job.

If Microsoft's Office product were implemented on a stable platform, like Solaris or Linux, it would truly be awesome. If the Microsoft Operating systems had to compete fairly with other OSs, it would either improve rapidly or die rapidly, just as a free, open, and competitive market would dictate.

As it is, Microsoft will promise to be good and will continue its monopolistic practices because it can. The next suit will be harder to bring and Microsoft will be harder to break up. If you won't break up the company, at least recognize that it is a monopoly and regulate it as such, the way AT&T used to be a regulated monopoly.

Dan Winkless  
505-830-7938

**MTC-00002611**

From: Steve Goldsby  
To: Microsoft ATR  
Date: 12/3/01 12:48pm  
Subject: Settlement  
This settlement is a joke.

**MTC-00002612**

From: Gordon Krum  
To: Microsoft ATR  
Date: 12/3/01 12:38pm  
Subject: Microsoft settlement  
Greetings,

As a programmer who specializes in educational projects I can tell you from personal experience that the way Microsoft conducts business has held back the usefulness of computers to education at all

levels. Schools just can't cope with the additional expenses generated by Microsoft's attempts to own the world. The losers here are our kids and therefore our society. Allowing Microsoft to buy their way out by giving schools hardware and software will only increase the problem by further limiting competition. Instead, and at least, make them give the thing the value most COLD HARD CASH and let the schools decide how to spend it without restrictions of any kind. Some excuse Microsoft by saying that they are just good technology manipulators.

So were the robber barons of almost a century ago. Through new technology they then and Microsoft now manipulated, circumvented, squashed and laid waste the honest well intentioned efforts of many people all in the name of filling their own wallets. If what the robber barons did was criminal then what Microsoft is doing is criminal.

Having lived and worked in the silicon valley I know that there are thousands of Gates want to be's. How this settlement goes down sends a message to the entire industry about what behaviors will or will not be tolerated.

Please make it a RESOUNDING message!  
Gordon Krum, programmer  
gkrum@appletserve.com  
4151 Olive Hill Rd.  
Fallbrook, Ca 92028

#### MTC-00002613

From: Fahl, Matthew  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 12:34pm  
Subject: Microsoft Settlement

I agree with and support the Microsoft settlement. I believe the case was without merit and politically motivated from the outset, and barring a complete dismissal, this settlement is the best way to close the matter and allow Microsoft to get back to their business which has so greatly benefited all of us.

Matthew Fahl  
1446 Norbert Rd NE  
Palm Bay, FL 32907-2326

#### MTC-00002614

From: Greg Rose  
To: Microsoft ATR  
Date: 12/3/01 1:40pm  
Subject: Microsoft Settlement

I believe that the original proposal to break up Microsoft was probably the correct course of action. Any proposal that involves Microsoft giving free software to people, especially educational institutions, especially strengthens their monopoly power. If they are to be made to pay, they should have to pay cash money that can be used to procure other products.

sincerely,  
Greg Rose.

Greg Rose INTERNET: ggr@qualcomm.com  
Qualcomm Australia VOICE: 61-2-9817  
4188 FAX: 61-2-9817 5199  
Level 3, 230 Victoria Road, http://  
people.qualcomm.com/ggr/  
Gladesville NSW 2111 232B EC8F 44C6  
C853 D68F E107 E6BF CD2F 1081 A37C  
CC:ggr@qualcomm.com@inetgw

#### MTC-00002615

From: Nick Haddock  
To: Microsoft ATR  
Date: 12/3/01 1:21pm  
Subject: The judgement against Microsoft  
As an IT professional, I feel you have let Microsoft off incredibly lightly. As the evidence has shown, they use bully boy tactics to stifle young companies and technologies, thus dominating every market they are involved in. This is a monoploy position, however the lawyers dress it up, which is extremely unheathly in a capitalist market.

When you think that the only software currently able to compete with Microsoft on the desktop is free, Linux, and the Apple Macintosh, both of which have small percentages.

My recommendations would be: You should, split microsoft into separete companies that will stimulate competition.

Stop Microsoft having the ability to decide that everyone who buys a standard PC must have there software, if they want it or not. Force them to pay the people they destroyed (Netscape etc) compensation Force them to donate money (not free software—thus perpetuating the monopoly) to your countries education system.

All I can hope as a European citizen is that our European government deals with this predatory monopolist in a far harsher manner than you have. I can only conclude that certain other previous monopolists (Oil, Telecoms, IBM) must be very annoyed at the way this company is being dealt with. It does raise the question, does the public know all there is to know, or are there some new Swiss bank accounts being filled as I type. If there are not, it's what it looks like to me from the other side of the pond. I hope this email in some small way adds to the debate.

Yours  
Nick Haddock  
Mr Nick Aurelius-Haddock  
Bsc.,MCSE,MCNE,CCNA,CCNP  
Principal Consultant  
Holevy Consultants Limited  
4 Park Place  
Newbridge  
Gwent  
NP11 4RN  
Mobile Phone: 0044 7889 189440  
UK BT Line: 0044 1495 244386  
UK Fax : 0044 1495 245087  
French Line: 0033 549 675415  
email:  
<mailto:nick.haddock@holevy.co.uk>

#### MTC-00002616

From: Robert gatloff  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw....  
Date: 12/3/01 1:02pm  
Subject: Proposed Settlement

Dear sirs and mam's,  
I am the President of Applecure of Memphis, Inc. An Apple User Group. I am very distressed by the proposed settlement offered by Microsoft, This is not a solution to the anti-trust suit it will further their monopoly, this is not what you set out to do in your original suits. Instead of taking them down a few notches for breaking the law, this proposed settlement will continue and

increase there hold on the computer using public. The offer to give schools used computers and their software is not a solution, if schools wanted cheap, and substandard computers and software they would have bought them long ago. This is my opinion and I hope you consider this when making your decisions.

Robert M. Gatloff  
President  
Applecure of Memphis, Inc.  
9384 Huron Dr.  
Olive Branch, MS. 38654  
662-893-1114  
Cell# 901-486-1428

#### MTC-00002617

From: blaine chanay  
To: Microsoft ATR  
Date: 12/3/01 3:15pm  
Subject: the MS proposal:  
the MS proposal:

putting more MS software in the schools does not address the original issues of contention—it only increases the monopoly. I don't like the proposal. MS should be penalized, not given another foothold in another arena—this time against Apple. Take the money MS would have spent and divy it up to these poorer districts for computers and software of their choice. let Apple, MS, and the Linux world each have a share of the pie.

#### MTC-00002618

From: James Emerson Willis  
To: Microsoft ATR  
Date: 12/3/01 3:04pm  
Subject: Settlement Fails to Address Bundling

Unless I missed something, the reason microsoft is able to dominate so many markets is because they bundle their products into the OS (Netscape died because Microsoft bundlded IE).

Since most people in DOJ are probably not tech-heads, let me give an analogy about Televisions and Toasters. Let's say there's only one company that makes televisions (let's call them company A). However, there are many companies that makes good toasters (companies B and C). One day, company A decides they would like to be the king of toasters as well. So, since everyone needs a TV, they will throw in a "free" company A toaster with every TV they sell. (The important thing to note, is that the toaster is not really free, but included with the cost of the TV).

Although company A's toaster isn't great, people don't see the need to go out and buy any others. Eventually, companies B and C go bankrupt. With the compatability measures you talk of, it will make applications on the operating system no different from company to company. But if the consumer is forced to buy your product because of bundling, it's a rather moot point for anyone else trying to compete.

Windows XP bundles additional products with the operating system people used to buy seperately (i.e. firewall software). Although microsoft's products are initially inferior, they eventually win out since users are forced to pay for its development even if they don't use it.

Thank you for your time.

—James Willis

**MTC-00002619**

From: Boemmels Larry (Platt)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 2:43pm  
Subject: Computer Acquisition

I believe that the settlement that Microsoft has agreed to will help our young people and not big business. Usually settlements of this type will benefit large business or the government. I am happy to see that this settlement will benefit education and will contribute to preparing our young people for society by giving them the tools to improve their knowledge through the use of computers. As an educator I am please with the decision and I am interested in knowing how our school system could benefit. We could use twenty-five (classroom size) pentium computers. Please provide any information you can. Thank you.

Larry Boemmels

**MTC-00002620**

From: Robert Carrarie  
To: Microsoft ATR  
Date: 12/3/01 3:19pm  
Subject: SETTLEMENT  
BAD SETTLEMENT  
MICROSOFT SHOULD BE TWO  
COMPANIES

**MTC-00002621**

From: Denis Letelier  
To: Microsoft ATR  
Date: 12/3/01 5:06pm  
Do not allow Microsoft to take over the education market by giving away PCs.  
Denis Letelier  
Against Spam? <http://www.cauce.org/>

**MTC-00002622**

From: Ovenbirds@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/3/01 4:45pm  
Subject: Microsoft  
To whom it may concern:  
We are concerned about the proposed settlement with Microsoft. We feel that they will eventually become such a monopoly that we will have NO choices when we buy software.  
Please stop this company from limiting our choices by taking a strong position against them.  
Sincerely,  
Gerald & Judith Arnold  
418 Aiken Road  
Shelbyville, KY 40065

**MTC-00002623**

From: Steve Gulyas  
To: Microsoft ATR,microsoft  
comments@doj.ca.gov@inetgw,...  
Date: 12/3/01 3:48pm  
Subject: Disagreement with Proposed  
Microsoft Settlement  
Hello,  
I, Stephen W. Gulyas, a resident of Michigan at 1094 Greenhills Dr, Ann Arbor, MI 48105, oppose the proposed settlement between Microsoft and the various states:  
I am fully dissatisfied with the proposed agreement between Microsoft and the state governments regarding its monopoly charge. The proposed penalties do nothing to weaken

Microsoft's current powerful position and do little to discourage them from changing practices in the future. I find some public gestures, such as donating computer to schools, simply nauseating.

The penalties to be imposed do not provide for a fair, competitive environment for the computer industry going forward. Ample time must be given to have new companies time to blossom. Stringent agreements preventing software and hardware ties must be implemented. Microsoft's ability to work with and contract to third parties, in attempts to circumvent any proposed penalties, must be disrupted. I fully support the original decision to break up Microsoft into AT LEAST two companies. Finally, Microsoft must be harshly reprimanded for past wrongs. They have shown no remorse throughout this process, and have continually rebuffed the system. Only monetary penalties in the tens of billions of dollars range will get their attention.

The computer market has been stifled of creativity for nearly a decade. Please severely increase the tenure and amount of penalties against Microsoft to ensure a fair marketplace in the future.

—Steve  
\* Steve Gulyas \*  
\* E-  
mail:gulyas@alumni.carnegiemellon.edu \*  
\* URL: <http://www.orie.cornell.edu/gulyas>  
\*

**MTC-00002624**

From: Jim A. Kuypers  
To: Microsoft ATR  
Date: 12/3/01 4:56pm  
Subject: MICROSOFT SETTLEMENT  
Dear sir or Madam,

I feel Microsoft has abused its position in the computer industry. This has led to the mass marketing of mediocre software at prices specifically designed to beat out better products.

All of us have lost over this. I hope you will force Microsoft to make amends. No wrist slapping will help here; the cost to Microsoft must be just below what will cause them to implode.

thank you,  
Jim Kuypers

**MTC-00002625**

From: Warren  
To: Microsoft ATR  
Date: 12/3/01 5:41pm  
Subject: Re: Microsoft Anti-trust case

You asked for comments to help Judge Colleen Kolar-Kotelly to decide the case in the best interest of the consumer. I am a consumer who thinks that Microsoft got a bad rap from the beginning along with most everyone else in our area. I have been very satisfied with Microsoft products. The Companies and States who think the settlement is inadequate are just looking for something for nothing. Bill Gates just knew how to build a better mouse trap and stay ahead of his competition. Sure, maybe Gates has been a little too aggressive in the past, but his company hasn't hurt any consumer that I know of. This whole business from the beginning has been a case of "sour grapes".

Warren Scheweppe (retired)

Edmonds, Washington

**MTC-00002626**

From: James Worster  
To: Microsoft ATR  
Date: 12/3/01 5:26pm  
Subject: Breakup

Justice Department,  
Microsoft continues to build and maintain it's monopoly in the computer industry and should be broken-up. The proposed settlement with schools is a clear indication they have not changed. They will continue as they have in the past. A monopoly does more harm than good and the proposed settlement proposed by Justice is inadequate and ineffective.

I owe a PC as well as other computers and I use computers at work daily, so I'm not saying this to hurt Microsoft. I think they are a good company and a bigger monopoly will hurt them more in the long run. This can't go on forever. I think it's better to break them up now, as it will cause less problems than at some point in the future.

Please reconsider the Justice Departments' decision to let Microsoft off the hook. The only effective remedy is to break up the Microsoft monopoly, NOW!

Sincerely,  
James Worster  
3405 W. 16th Street #25  
Greeley, CO 80634  
jimolo@yahoo.com

**MTC-00002627**

From: hellums@yahoo.com@inetgw  
To: Microsoft  
ATR,hellums@yahoo.com@inetgw  
Date: 12/3/01 5:20pm  
Subject: MS Antitrust Suit

I appreciate that the DoJ is seeking new comments on the Microsoft antitrust situation. My insight and comments as a customer and proponent for holding Microsoft accountable are as follows:

Why does Microsoft build players, plug-ins, and applications that work on HP Unix, but not on Linux?

Netscape and Real Networks build applications that run on Unix, Linux, Windows, and NT, and they are significantly less well "heeled" than Microsoft ... Why does Microsoft not support file systems of other operating systems, such as Linux (ext2) or MacOS? Linux supports Microsoft file systems, and the open source movement has much less resources, funding, and corporate backing than Microsoft...

Why is Linux the last Unix-based operating system Microsoft targets for the few applications it decides to port to other OSes, when Linux is the most widely used of all Unix-based OSes? Netscape, Apple, and Real Networks offer releases on all these operating systems almost simultaneously...

Why do major vendors, such as Compaq, build their hardware to work specifically with a certain version of Windows, thus requiring a new PC purchase to obtain the benefits of a new Windows version? I can install all versions of Red Hat Linux on my Compaq laptop, but the BIOS explicitly prevents my modem from working with Windows 2000 (even though the PC is listed on the 2000 hardware compatibility list)...

Why do Windows operating systems not recognize partitions dedicated to other (competing) operating systems? Install Windows on a PC with Linux on it and you will generally lose your boot sector pointer to the Linux partition, while Linux during installation will notice Windows operating systems on partitions and seamlessly allow you to boot from and use those other operating systems...

Why is it that Microsoft has so easily been successful in preventing hardware vendors from openly supporting other operating systems? Up until a few years ago, you could not buy a Compaq or HP server or desktop with Linux installed on it, due to the exclusive license agreements they secured, and to this date most companies have a robust Linux offering even though it's generally well hidden within their site (in the /linux directory, etc., with little or no associated advertising or direct links to it from their main page)...

Why is it that when you buy hard drives and other peripherals, they explicitly say on the package that Windows 98 (or other Microsoft OS) is REQUIRED, or that it was "designed for" Windows? A hard drive is a hard drive, and I have had no problems installing any version of Red Hat Linux on any of these hardware devices, with or without Windows installed...

Why is it that the direct experience of countless IT shops (and off the record Oracle comments and opinions) is that Oracle on a Linux server, other hardware being equal, outperforms Oracle on NT/2000 by orders of magnitude, and yet there have been no industry efforts (especially by Oracle, who may be getting their arm twisted) to prove it using any of the many metrics they have for doing so? Instead, they continue to compare Oracle on HP or Sun to Oracle on NT/2000...

Why is it that Microsoft was successful in getting DoD to modify (water down) their DII-COE standards to allow NT to be certified, but there has been little or no effort to provide the same level of certification to Linux so they can get the all important "seal of approval" to compete against Microsoft in one of the most lucrative sectors of IT spending (the US government)? The Air Force has done studies proving that DII-COE compliance would be straightforward for Linux, but nobody is leading the charge to make it happen, so Microsoft maintains their stranglehold on the market...

Why is it that Microsoft is once again allowed to "embrace and extend (choke to death)" evolving standards, such as the Sharable Content Object Reference Model (SCORM) being pursued by the DoD? The SCORM standard is inherently non-OS and non-browser dependent, but along comes a well-heeled Microsoft-led consortium to develop a competing standard "CLEO" that, surprisingly enough, ONLY WORKS WITH MICROSOFT INTERNET EXPLORER!!!!...

The stranglehold Microsoft has on the market has resulted in some of the worst dichotomies of our times. The DoD loses hundreds of millions, possibly billions of dollars per year, due to down time and cleanup of Internet Explorer and Outlook related viruses that proliferate due to the widely known poor security models of

Microsoft products designed to be "user friendly" rather than secure. However, DoD continues to use both widely, rather than the much more secure and relatively trouble-free Netscape products. They have this stranglehold because the DoJ has been incapable, and recently unwilling (since the election and rise to power of our business-friendly Republican government), to hold Microsoft accountable.

Everyone in the marketplace knows Microsoft dearly deserves to have their ears slapped back some, and that in the long run the market will be much better off for it, despite any near-term impacts. Based on his direct quotes in the trades, and the fact that he brought forth a class action lawsuit, the Compaq CEO was clearly livid about the way his company was being manipulated in the early 90's by Microsoft, but his memory became extremely fuzzy on the issue during the trial—amazing how that can happen after you realize a few years later that being "in bed" with Microsoft is not exactly a bad thing for your company, its stock price, your stock options, etc. However, the lucrative nature of these relationships, and the ensuing unwillingness of those bringing suit to hold their course, should not prevent DoJ from attempting to do the right thing and hold Microsoft accountable for breaking the antitrust laws, where it can be proven they clearly are doing so.

Thanks,  
Duane Hellums  
IT guru, writer, and independent consultant  
MSIS, Hawaii Pacific University  
Author, "Red Hat Linux Installation and Configuration Handbook," "Frong Page Unleashed," and several  
Microsoft competitive white papers  
IT/IS Program Manager, Programmer, Network/System Administrator, Computer Security Manager

#### MTC-00002628

From: root@mets.tcimet.net@inetgw  
To: Microsoft ATR  
Date: 12/3/01 6:33pm  
Subject: Microsoft Settlement

I believe the Microsoft settlement is a political payoff to someone. This settlement is weaker than the one imposed on Microsoft for Windows 95. I personally am embarrassed to admit that I voted for the Republican party when they care so little for those of us without any substantial wealth.

#### MTC-00002629

From: Lu Timdale  
To: Microsoft ATR  
Date: 12/3/01 6:19pm  
Subject: Disagree with MS Settlement

How is it possible that a monopolist be able to set its own remedy; especially one which has a ton of loopholes. It is obvious that the senators who signed the settlement were paid off by Microsoft. Either that or they are incompetent or did not do a good enough job.

Thank You.  
Lu Timdale

#### MTC-00002630

From: david@wt6.usdoj.gov@inetgw

To: Microsoft ATR  
Date: 12/3/01 6:18pm

I have not been able to get the full text of the proposed Microsoft settlement. I am responding to the following quote from [www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html) Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

I agree with Red Hat Software's conclusion that allowing Microsoft to reduce restrictions by donating software is poor public policy. I would argue that one, such donations cost Microsoft far less than their stated value, and two, they encourage the very behavior the consent decree is intended to prevent.

Please consider banning Microsoft from including the values of their own products in the valuation of any donation made under the consent decree. This will encourage them to donate much-needed hardware without providing them with greater market share.

POINT ONE: Software production costs, far more than production costs for any other good, are almost entirely spent in development. As Microsoft itself has pointed out during complaints against software piracy, it costs perhaps five or ten cents to produce a copy of an existing disk. Furthermore, in most cases the actual disks are not included with new computers; the programs simply are copied to the new computer's disk. It is not inconceivable that in this case the production cost may, in fact, be well below a penny per computer.

If you will concede that a poor school is unlikely to purchase a new computer and is more likely to simply make do with donations, then software donations should not be viewed as lost sales.

Therefore, it can be concluded that software donations cost Microsoft almost nothing, and therefore do not, in themselves, punish Microsoft.

POINT TWO: Academia is one of very few areas where Microsoft is not the leading software provider. By donating large amounts of their software, Microsoft extends their market share, at no cost, while gaining a great deal of positive publicity. I am most concerned with the the market extension, since it will provide them with yet another foothold with which to maintain their monopoly.

#### MTC-00002631

From: Jeff Boody  
To: Microsoft ATR  
Date: 12/3/01 7:43pm  
Subject: DOJ/Microsoft Antitrust Settlement DOJ,

I believe that this settlement is a step in the right direction, however Microsoft is already several steps ahead. One example is Microsoft's MSN network. I currently use Qwest.net as my internet provider but recently received a letter from Qwest which announced that they had "formed an alliance with Microsoft Network (MSN)." The letter informed that I MUST transition my account

to avoid service interruption. In addition, the letter states that "MSN Internet Access is available to users of the Windows (R) 98 or later operating systems."

This action seems to have been taken without regard to users of non-Microsoft operating systems (except for Mac OS 8.6 or later ONLY). As a Linux user, I especially despise this action. Qwest has made no attempt to inform customers how to obtain an internet provider other than MSN. Hopefully one of their customer representatives will be helpful in resolving this problem.

I know that this is just one example, but I don't think that the current settlement will be very successful in resolving problems such as this.

Sincerely,  
Jeff Boody  
CC:jboddy@hotmail.com@inetgw

**MTC-00002632**

From: Michael Wang  
To: Microsoft ATR  
Date: 12/3/01 7:27pm  
Subject: MS's proposed remedy will fatten the beast further more?

Of course they will provide THEIR goods and THEIR services to stomp out the competition even more.

The penalty they pay must not benefit themselves.

"The goals of the government were to obtain relief that stops Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market. . ."

—DEPARTMENT OF JUSTICE I liked the idea of having them provide solutions where it compensate the competitors and consumers the damages and harms they have caused.

Red Hat Inc had brought up a very good point, that if Microsoft spends one million on hardware alone and let all other vendors provide the softwares, this would seem to be more beneficial for the under-privileged populations and allow more competitions in the market.

"This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70."

[http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)

Allow the willing vendors to place their softwares on those sytems and not that of Microsoft again, lest we worsen this problem for the future.

sincerely,  
System Administrator and QA Engineer  
Michael Wang

**MTC-00002633**

From: Stephen  
To: Microsoft ATR  
Date: 12/3/01 7:08pm  
Subject: Microsoft settlement inadequate

I implore you to fight the settlement offer tendered by Microsoft and the Department of Justice. Microsoft has again and again shown willingness to use its significant market power to shut other developers and platforms

out of the software and hardware market. As a loyal Apple user form many years, I have tried to resist the Windows monopoly only to find with increasing frequency, that the service or software are no longer available to non-Windows users.

For example, Intuit stops producing Quickbooks for the Macintosh because of the market size. Microsoft never published the Access Database software for the Mac. Why, because if the Mac does not have a Office bundled database, it will be viewed as an inferior platform and business will go with the Windows version of Office. Why has the Mac been able to read Windows formatted disk for over 10 years but a Windows computer cannot read a Macintosh formatted disk? It is not a hardware problem but a software problem. You can buy third party software to do this, but Microsoft has chosen not to include this software in Windows. The only reason again can be to cripple a competing computing platform.

Now I am finding websites on the internet that are using Microsoft only technologies that exclude non-Windows platforms. The web designers have a choice but Microsoft ties the features to their software. Example is Passport and Windows Media Player. Media Player is always a version or two behind in the Mac version, so the new features will not work. Passport is a nominous concept that has already locked non-Windows users out of sites that use it. I'm not talking about small hobby sites, I have even seen this on large catalog sites. Microsoft is already using its muscle to change internet standards consortium's set standards its way.

Through experience, Microsoft will continue its ways unless stopped. The settlement is extremely inappropriate as it continues with tying products. Microsoft will give \$1 billion in software, training and hardware (which will actually cost a small fraction of this after taxes and mfg. cost), so that schools will be required to use Microsoft product to teach new computer users because that is the only way they can afford to get computers in poor schools. They have billions in the bank and can make a billion in 6 months. The actual cost of the settlement can be made in a few months of normal business and they then are free to care on their marry old ways.

Behavior must be changed. Please do all that you legally can to stop Microsoft's continued monopoly behavior. Monetary punishment will not work, you must take markets away from them like the AT&T breakup removed local telephone service from AT&T markets. That way, competition will have time to develop and survive and the market evolve.

Thank you for your consideration and time.

Sincerely,  
Stephen Henry  
PO Box 9660  
Santa Rosa, CA 95405  
shlhenry@sonic.net

**MTC-00002634**

From: David Tarsi  
To: Microsoft ATR  
Date: 12/3/01 8:13pm  
Subject: Microsoft anti-trust suit

What Microsoft is proposing is absolutely insane. They already have a Monopoly, what are we trying to do encourage more of that monopoly? Right, encourage our young people to use the monopoly and train them in it. It is like letting the cat watch over the hamsters.

I can't believe that this is even being considered. What has happened to this country anyway? Why the hell are we letting corporations run our lives for crying out loud? Sure let microsoft give the schools computers, but if nothing else WITHOUT SYSTEMS ON THEM. Those computers should be loaded with Linux, or Unix so the students can learn what they will have to anyway. The Open Source Way is the epitome of the American way. It encourages competition and allows freedom. The Linux and Unix systems on the market today are far and above better than anything microsoft will ever come out with. By the time the grade school students of today get out in the real world they will be behind horribly if they do not know Linux or Unix.

Open your eyes, fools. Get somebody in there who knows computers and common sense.

Dave T.

**MTC-00002635**

From: Venkat Sonnathi  
To: Microsoft ATR  
Date: 12/3/01 8:09pm  
Subject: Please impose harder restrictions.

This settlement does not prevent. Please impose harder restrictions. This settlement does not prevent Microsoft from continuing its monopoly.

Thanks,  
—Venkat.

**MTC-00002636**

From: Chris Vaughan  
To: Microsoft ATR  
Date: 12/3/01 8:08pm  
Subject: Microsoft Proposed Settlement

The proposed settlement by Microsoft is not a good idea. I live in a town that would not be considered wealthy by any standard. I worked in the computer lab and I know first hand that with the grants that are available from our state and from others that our school district is not hurting for computers. My understanding is that the Technology Director is considering a move away from Windows to running an as yet unknown version of Linux for all of the desktop computers to save from having all of the licensing problems that go along with Microsoft.

Chris Vaughan  
Wolfe City, Texas

**MTC-00002637**

From: David McCrum  
To: Microsoft ATR  
Date: 12/3/01 7:44pm  
Subject: DOJ antitrust suite....

You guys have no teeth and have lost a great deal of respect. I respect Bill Gates to a degree and some of what he has built. But if you cannot see a monopoly when it is right in front of you, you need to change your line of work.

As to the schools getting mired into Microsoft. They cannot afford the upgrades

down the road. Let them have the money and do with it as they will. Personally I would have preferred to see two or three competing OS's that consumers paid for. Unfortunately, Microsoft has created a market where the only contender is created and distributed for free, and that is Linux. As to the few Linux companies, they are different business models based on a free OS that they package and support only. Apple can barely be considered a rival to MS.

I could say more, but all you have to do is go out and talk to the technicians and businesses.

David R. McCrum

**MTC-00002638**

From: macrus@papadocs.com@inetgw  
To: Microsoft ATR  
Date: 12/3/01 8:24pm  
Subject: Do not give in!

Please do not give into Microsoft's settlement. It will give them a continued advantage they did not earn. To give computer and software will unfairly establish them in an educational market.

**MTC-00002639**

From: Jimhandoc@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/3/01 8:47pm  
Subject: Microsoft "Settlement"

Ladies and Gentlemen:

It is my understanding that you have solicited public comment on the proposed settlement offer, particularly with respect to the plan to provide computers and software to schools.

I would simply say that I strongly object to this offer. It does not punish Microsoft in any way—it simply serves to promote their monopoly. I recognize that a monopoly is not illegal, but the means by which Microsoft has achieved their market share has been clearly anti-competitive. I have the utmost respect for true innovators and inventors, and Microsoft has been neither. Unfortunately, our patent laws have not been adequate to let the true innovators profit from their inventions, and now it appears that our laws will not protect the "little guys" who have been coerced to sell or have been driven out of business by the anti-competitive business practices. Our country and its competitive position in the world will ultimately suffer in the long term if this short term "fix" is allowed to stand. The fact that lots of investors and institutions in this country have investments in Microsoft stock is not a reason to prop up the company with this settlement. Please reject the settlement—Microsoft must answer for their past actions and be prohibited from similar actions in the future.

Thanks for the opportunity to voice my opinion.

James A. Lilla, M.D.  
5031 Jardin Lane  
Carmichael, CA. 95608

**MTC-00002640**

From: Robert Rockers  
To: Microsoft ATR  
Date: 12/3/01 9:42pm  
Subject: RedHats support of the Antitrust settlement

I have been very upset about the actions of the DOJ concerning the MS case. The proposed settlement will do NOTHING to affect the MS monopoly in the software OS industry. The only good thing I have heard come out of the proposal is a suggestion by RedHat Linux software. By letting another company, ANY COMPANY supply the software for the school, MS will be forced to pay actually money (instead of the 10 cents it costs to copy a cd of XP) and at the same time will not increase their already legally shown monopoly.

Robert Rockers  
Norman OK

**MTC-00002641**

From: Jesse Keville  
To: Microsoft ATR  
Date: 12/3/01 9:12pm  
Subject: MS Settlement

I heard that MS was planning to pay off part of their settlement by sending Microsoft software and instruction (instructors?) to schools. What a way for MS to turn a penalty into a fantastic advertising ploy! Don't let this happen!

J. F. Keville

**MTC-00002642**

From: Donald Patridge  
To: Microsoft ATR  
Date: 12/3/01 10:06pm  
Subject: Microsoft is NOT PUNISHED!!

Please say no to the settlement for Microsoft. What punishment is it? It will only help them get a better foot hold on the market. The give away to the schools is the real disaster. It helps force the competition out of the school market when schools get free stuff from Microsoft. Thanks.

Mr. Donald Patridge  
Industrial Technology Dept. Head  
F. L. Smart School  
Davenport, IA 52802  
563-323-1837  
Fax 563-323-3093  
email: patridged@mail.davenport.k12.ia.us

**MTC-00002643**

From: Sol Schumer  
To: Microsoft ATR  
Date: 12/3/01 10:22pm  
Subject: Red Hat's Counter Offer to MS Settlement

I think the proposed settlement offer by Microsoft is no punishment at all, since it would propagate their monopoly further, enhancing Microsoft's dominance. Red Hat's <<http://www.redhat.com/>> offer is great. I hope the government takes them up on it.

Sol Schumer  
4033 36th Street #4  
San Diego, CA 92104-2380  
RED HAT COUNTERS MICROSOFT'S  
EDUCATION OFFER

Microsoft has proposed settling over 100 private antitrust lawsuits by pledging to donate more than \$1 billion in hardware, software, services, and training to the poorest schools in the United States, but Red Hat has put forward a counter-proposal. It will offer its open-source Red Hat Linux operating system to all U.S. school districts free of charge, and has suggested that Microsoft concentrate solely on purchasing new hardware. In this way, more computers could

be made available to schools and Microsoft's monopoly would not be extended further into the education sector, says Red Hat CEO Matt Szulik. He estimates that over one million computers could be allocated to schools under the new proposal, compared to 200,000 under the old one. In addition, Szulik says that Red Hat will provide free software upgrades and license renewals in perpetuity, whereas Microsoft would only provide such services for five years. (eWeek Online, 20 November 2001)

**MTC-00002644**

From: Sammy Dadds  
To: Microsoft ATR  
Date: 12/3/01 10:17pm  
Subject: Microsoft class action suit and DOJ settlement

To whom it may concern:  
Class-action suit.

It seems in the class-action suit that Microsoft is really getting rewarded if it is allowed to put any of its software or related products into any of the school systems. Sure, the schools would benefit but students that use Microsoft's OS and products at school will certainly lean towards the same when not at school. This would give Microsoft a built in up and coming client base and further extend its monopoly.

A true punishment for Microsoft and even greater benefit for the schools would certainly be to have Microsoft provide all monies for hardware and competitors software. Apple, Mandrake, RedHat and many other software companies would surely provide a wealth of free or low cost software for the cause. DOJ settlement.

Since Microsoft will not be split into two companies why is there no provision to keep all operating system (OS) code separate from the application code. This is the major problem. As Microsoft prepares new features for the OS the applications are immediately prepared to take advantage of the features. Competitors (me) are not able to even start building applications until Microsoft releases an approved Application Programming Interface (API) (which does not include everything Microsoft is using) for the new features. This keeps competitors completely in the dark. Could Microsoft applications be made to wait before being able to develop for the new features? Maybe the panel of experts could look for this. The latest example is Microsoft Office XP being released months before Windows XP OS was released. Microsoft is a monopoly and has won this battle. I think the DOJ did the best they could under today's circumstances. I, however, am feverishly working with other OS's and developer tools to help equal the balance of power. Same thing when I vote, I like equal amounts of Democrats and Republicans.

Sincerely,  
Samuel F. Dadds III

**MTC-00002645**

From: Michael Sacco  
To: Microsoft ATR  
Date: 12/3/01 11:36pm  
Subject: College Student

Hi. I would just like to let you know that I use RedHat Linux on my computer, and use the office programs for my work at school. I

feel that linux would be great in the classrooms. First off, the Star Office suite offers productivity programs of the same quality as Microsoft. Also, they are fully compatible, by exporting file formats into Microsoft Format. Second, linux is a great learning tool of the computer, seeing as how it's source code is available for perusal by everybody. What better way to understand how an operating system is built than to look at the programming code? With Microsoft, you can't see the code, so the operating system is a mystery. I do not understand how that can teach kids. Third, linux has become a standard desktop for millions of people worldwide. The strides in ease of use have been phenomenal. A look at [www.kde.org](http://www.kde.org) will show you the effort made to make the operating system easy to use. Fourth, almost all software for linux is free! Almost all software for windows is not! By placing Windows OS on the computers, the schools will have no choice but to put a significant amount of money into them at a later date. Linux distributions offer their latest versions free for all. No limitations implemented. Fifth, since Linux source code is available to all, it is frequently being fixed and updated. With Windows, only employees get to browse the source code, so mistakes and improvements take much longer to fix. Using Windows on these computers simply allows Microsoft to continue its monopoly. However, using Linux gives these children the same working knowledge and use as Windows does, only the benefits will outlast the licenses of the Windows ball and chain. Thank you for your time.

Sincerely,  
Michael A. Sacco

**MTC-00002646**

From: Hipp, Michael (N-RCM)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/3/01 11:39pm  
Subject: Microsoft Antitrust Comment—GET THE MONEY BACK!!!

Microsoft stole money. Billions!

When someone steals money, you put them in jail and take back the money. Microsoft illegally profited by exploiting its monopoly position. They stole money! Maybe you can't put Microsoft in jail, but you should at least try to recoup the stolen money and reimburse the victims. Reimburse the consumers who were forced to buy Microsoft's inferior products and were overcharged in the process. Reimburse the shareholders of Microsoft's competitors who were drummed out of business or otherwise devastated by Microsoft's illegal tactics—Software Publishing Corp., for example. Your proposed "settlement" might, at the very best, compel Microsoft to steal a little less for a while. More likely, they will continue to pillage at a record pace knowing that maybe, just maybe after another six years and hundred billion dollars you might, once again, politely ask them to stop. But then, they'll still get to keep the money.

I'm sure other would be antitrust bandits are quaking in their boots.

M. Hipp  
Fremont, California

**MTC-00002647**

From: Ed Marks

To: Microsoft ATR  
Date: 12/3/01 10:58pm  
Subject: Insufficient remedy for Microsoft monopolistic practices

Dear sir/maam,

I want to express to you my dissatisfaction with the Microsoft settlement. I feel strongly that Microsoft should be broken up as was originally proposed.

Regards,

Eddy Marks

Home Phone: (619) 280-9742

Email: [ed@sandiegoyoga.com](mailto:ed@sandiegoyoga.com)

Address: 4704 East Mountain View Drive  
San Diego, CA. 92116

**MTC-00002648**

From: Mike Bair

To: Microsoft ATR

Date: 12/3/01 10:26pm

Subject: Microsoft's "settlement"

I am very, very disturbed that Microsoft's proposal to donate a huge number of computers to schools is being considered seriously as part of a monopoly settlement case. The only large market in computing that Microsoft does not completely dominate is the education market.

To allow the company greater inroads into this market as a "punishment" for abusive corporate methodology is an insult to the American people. It is a slap in the face of anyone who dares believe that Big Business does not pull the strings of the federal government (as if that government were just one more company to bully, threaten, and coerce). Microsoft's tactics here are as aggressive and obvious as their business practices.

As a taxpayer, I hope that the word 'monopoly' still has some meaning. Give Microsoft what it wants here, and you undermine the very concept of monopoly protection for your citizens.

As a veteran who served his country with distinction, I demand that my government act with honor. Please do not embarrass us all in the eyes of the world. . .

Very sincerely,  
Michael A. Bair

**MTC-00002649**

From: Scott Ashton

To: Microsoft ATR

Date: 12/3/01 11:43pm

Subject: Anti-Trust Settlement

To Whom It May Concern:

I do not believe that the settlement proposed by the Department of Justice provides a reasonable penalty for Microsoft. In fact it would appear that the Department of Justice is actually helping Microsoft to secure business within the education sector.

First and foremost, the software portion that Microsoft will be "giving away" isn't exactly a gift. In most cases, Microsoft will in fact be securing additional market share. By providing Microsoft operating systems and Intel based hardware to run their OS on, Microsoft will in essence have a captive audience.

Additionally, Microsoft will only provide technical support for three years, at which time they stand to generate even more revenue by selling support services.

Microsoft being ordered to "give-away" its software is like the tobacco companies being

ordered to install cigarette machines in schools.

Throughout the DOJ probe in fact Microsoft continued its monopolistic practices. In fact several months ago I was speaking to a sales representative at Gateway (a personal computer manufacturer that my company deals with on a regular basis) I was considering ordering our computers without an operating system, so that I could install an open-source operating system called Linux. I was told by the sales representative that they could ship the computers without the operating system, but we would still have to pay for the Microsoft operating system because they had a contract with Microsoft. The business that I work for is a non-profit hospital center in an urban environment. We recently replaced approximately six hundred computers. If we could have installed an open source operating system (at no cost) versus two hundred dollars per computer for Windows 2000, we would have saved one hundred and twenty thousand dollars.

Microsoft has damaged many businesses via its unscrupulous practices. I would propose that Microsoft have to provide non-Microsoft based systems (there are many viable alternatives) in order to fulfill the DOJ sanction.

Over the years companies like Apple (very popular among schools), Sun Microsystems, Netscape, and many others (quite a few no longer in business as a result) have been damaged by Microsoft. All of these companies offer hardware and or software that could be used as part of this settlement.

And what recourse for organizations such as mine that have been strong-armed by Microsoft? Certainly we can't afford to litigate against such a giant. Its sad, one hundred and twenty thousand dollars could have bought vital medical equipment, or underwrote desperately needed charity care. For the sake of my organization as well as so many others that have been harmed by Microsoft's illegal business practices I hope that the DOJ will make the right decision.

Thank you for your consideration.

—Scott Ashton  
[hs Ashton@optonline.net](mailto:hs Ashton@optonline.net)  
71 Cheverny Court  
Hamilton, New Jersey 08619

**MTC-00002650**

From: guzu

To: Microsoft ATR

Date: 12/4/01 12:45am

Subject: microsoft blackmail

we want microsoft stop blackmailing people all around the world. we will kill it if we can we will help it if we must. it is not a company based on good products, it's a company based on cheating and lying clients. they pay hackers to crack it's products so that anyone can use it. then, they come to the important companies and give them two choices: sign a contract to microsoft or go to jail. maybe you can stop them (honestly i don't think you can)

cornel panceac  
romania

**MTC-00002651**

From: Rod Ford

To: Microsoft ATR

Date: 12/4/01 12:04am

Subject: Microsoft Settlement

I believe the recent settlement agreement with Microsoft and the DOJ is one that does not punish Microsoft for its illegal actions, but rather rewards them. This settlement allows Microsoft to place its products into the local school systems where it currently does not exercise a monopoly. But this settlement will now give them a monopoly where once Apple and Open Source software could compete for desktop space.

I am further appalled at the language of the settlement that finds no wrong-doing by Microsoft. This language seems to ignore the monopoly and strong-arm tactics evident in this case. In my opinion the DOJ should come down much stronger against Microsoft, forcing the company to publish the source code for its operating systems, as well as:

- \* adhere to standards established by the W3C organization in the development of browser technology.
- \* integrate all browsers within the operating system
- \* provide consumers with some type of refund for exaggerated software costs
- \* provide businesses with a similar refund
- \* submit to review of all contracts with 3rd party developers, hardware manufacturers, etc.

The DOJ should also take a serious look at the proposal by Red Hat at [http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html). This proposal allows Microsoft to be punished financially while providing more equipment for schools. It also allows no one company to begin a monopoly in the school system, where people begin their computer experiences and become consumers of the future.

Rod Ford  
Florence, Ky  
859-371-7417

#### MTC-00002652

From: Budhy R. Budhyarto

To: Microsoft ATR

Date: 12/4/01 1:53am

Subject: Settlement

The settlement reached by the Justice Department with Microsoft is useless. It will not prevent Microsoft from continuing with its practice of bundling. The only remedy should be the splitting of Microsoft along the fields of Operating System and Application Software.

#### MTC-00002653

From: Rick Jenkins

To: Microsoft ATR

Date: 12/6/01 3:41pm

Subject: Microsoft monopoly

I'm not sure if you wish to take into account the opinions of a foreigner, but you can always junk this if not.

Microsoft has a long history of stealing the bulk of its software. Even the first version of MS/DOS was merely QDOS (Quick and Dirty Operating System), a microkernel developed for embedded applications, with disk drivers added by Bill Gates. Hence the emphasis placed on the disk drivers in the name MS/DOS (Microsoft Disk Operating System). As far as I am aware, the only company to win a lawsuit against Microsoft was Stacker, and

they were promptly taken over, lock stock and barrel, by . . . Microsoft. Few can afford to oppose a company with Microsoft's budget. Such theft hampers, or in most cases prevents, the development of competing software companies.

If mere theft and suppression of competition were the only issues, one might say that Microsoft was little worse than many other large corporations. A deeper issue is that the continuing monoculture of operating systems is a threat to the health of the software industry in general, and to all industries which rely on computers. Viruses targeted at Microsoft systems can do immense damage to the entire infrastructure of your nation, by damaging business records and hindering communication.

There exist no viruses which effectively attack Linux, because security was considered from the outset of the design, and because problems are rapidly tackled as soon as they are found; often, an effective patch is freely available on the internet within hours of the discovery of a problem. This demonstrates that an operating system, even a popular one, need not display the extreme vulnerability of Microsoft's systems.

Unless Microsoft can be spurred to improve its systems, particularly in respect of security, the U.S. will remain vulnerable. By encouraging their monopoly position, the D.O.J. is effectively encouraging them to continue to produce poor, insecure, and excessively vulnerable systems. It is likely that the U.S. national interest would be well served if real competition existed in operating system design, so that viruses targeting particular systems were less effective. At present, there appears some danger that Microsoft could collapse altogether under the weight of its own incompetence and complacency, leaving a vacuum which could be filled only by Linux. This would lead to another monoculture, admittedly of a much better quality system, but not necessarily much less dangerous.

I would urge you to reduce the power of Microsoft to dominate the operating system market, in order that Microsoft may survive.

Rick Jenkins <[rick@hartmantech.com](mailto:rick@hartmantech.com)>

Hartman Technica <http://www.hartmantech.com>

Phone +1 (403) 230-1987 voice & fax

221 35 Avenue. N.E., Calgary, Alberta,

Canada T2E 2K5

#### MTC-00002654

From: Tom Vilot

To: Microsoft ATR

Date: 12/6/01 3:40pm

Subject: Microsoft Settlement

I appreciate the Justice Department's attempts at coming to a speedy conclusion to the Microsoft anti-trust dispute.

However, I do not believe the proposed settlement is a sufficient remedy. In fact, in many ways I feel the "settlement" amounts to capitulation on the part of the Justice Department. The fundamental problem with Microsoft's \*illegally created\* monopoly and its continuing existence is the amount to which it is limiting competition in the computer industry. Companies like Apple, RedHat and Be have had an incredibly high barrier to entry simply in virtue of

Microsoft's "ownership" of the entire desktop market. While I applaud Microsoft's success in building a very successful business, I do not appreciate their strong-arm tactics which have made it near impossible for competitors to fight on an equal playing field. I want as much choice in free enterprise as our country can create and encourage.

Microsoft's contracts which preclude any modification of the boot loader, for example, inherently makes it impossible for any other operating system vendor to compete side-by-side with Microsoft.

Furthermore, the proposal in this settlement whereby Microsoft will "donate" hardware and software to the country's poorest schools is, at best, a tap on the wrist and at worst it actually \*extends\* Microsoft's monopolistic practice into yet another marketplace where Microsoft does not yet have dominance. Please reconsider your settlement. You are not doing us consumers and software developers any favors by failing to reprimand Microsoft for its illegal practices.

Thank you.

#### MTC-00002655

From: McMunn, Jerry

To: Microsoft ATR

Date: 12/4/01 8:27am

Subject: Opinion Regarding Microsoft Settlement

Greetings,

I am expressing this opinion as an individual and not speaking on behalf of my employer or anyone else.

I am of the opinion that you have not done enough to stop & reverse the monopolistic behavior of Microsoft. The recent changes in licensing along with the invasive nature of the Passport feature of Windows XP are examples. Also, notice the high prices of Windows XP and Office XP. These are exorbitant and would not exist if there was competition.

This company has proved that it cannot be trusted and it appears to me that your settlement shows that the DOJ is willing to look the other way and grant Microsoft a de facto license to continue along the path it wants. This is a bad deal for the public and holds us hostage.

Thanks for providing me the opportunity to express my opinion.

Regards,

Jerry A. McMunn, R.Ph.

Vice President, Technical Services

Phone: xxx-xxx-3148

Fax: xxx-xxx-4736

E-mail: [jerry\\_mcmunn@pipeline.com](mailto:jerry_mcmunn@pipeline.com)

#### MTC-00002656

From: BrkAtWrk@aol.com@inetgw

To: Microsoft ATR.consumer@mail.wvnet.edu@inetgw.uag@a...

Date: 12/4/01 9:00am

Subject: Please rein in Microsoft

Sirs:

Strong sanctions against microsoft are appropriate.

Controlling Microsoft is not just about their domination in the market place. Yes, they have good products, but compared to what? Compared to alternatives that have never

seen the light of day. But moreover, it is a matter of speech: Microsoft is media, and behemoth corporations are not a good thing for this country.

Yes, there can be other behemoths that might compete with them, but that is NOT the way to run a train. AOL-TimeWarner, Rupert Murdoch, Microsoft and someplace in there is the United States government, which is the representative of the people, growing relatively smaller and weaker and subject to influence of corporations that can run their states ragged. California knows the railroads, West Virginia knows the coal industry, and even the United States has known Standard Oil.

This is serious business. The only remedy for Microsoft is now structural: without an effective means of defining and enforcing consent decrees, that is all that is left.

Absent structural changes, we will see very unpleasant effects of Microsoft's dominance in the next 10 years that may remind us all of the one basket approach, in Ireland, when that basket held one kind of potato. Here, an overwhelming percentage of the population will have the same software, through which most of their information will flow but whose workings are unknown to us.

Gerald Berke  
Woodstock NY  
Computer Selections

#### MTC-00002657

From: Charles Yaker  
To: Microsoft ATR  
Date: 12/4/01 8:43am  
Subject: Antitrust

A judge has ruled that Microsoft violated the antitrust laws a view which has been painfully obvious for some time.

The current agreement however allows them to continue their predatory practices. This is wrong and will in the end inhibit inventors, developers and investors from working in any area that might be in competition with Microsoft. It doesn't make sense to invest in any application that Microsoft can integrate into its operating system.

When the World Wide Web first entered the scene Microsoft was caught napping they didn't believe that the Internet would be so popular. Yet by virtue of their control of the Desktop they quickly supplanted Netscape. Their New product XP with Windows Media Player and Active X is supplanting Real Radio Player and Sun's Java. Nothing has changed. Microsoft has continually disregarded consent decrees. What makes this one any different?

Without a strong deterrent or break up, which the current plan does not provide, Microsoft will continue with its predatory ways. Innovation and investment will be depressed and the public will be short changed not to mention the risk however small that new revolutionary technology could be developed outside of the United States and supplant our leadership.

#### MTC-00002658

From: Paul Ashford  
To: Microsoft ATR  
Date: 12/4/01 9:38am  
Subject: Microsoft Settlement

Dir Sir or Madam,

While the proposed settlement does do a lot to try and make a level playing field within the computer industry, I do not believe it goes far enough. Microsoft has shown us in the past, that it is a company that cannot be trusted. In the eyes of many people, Microsoft has done no wrong. The reason people believe this, is that they don't really have any direct involvement with the company, outside of the fact that they probably use there operating system and other products.

People don't realize that they could have a better computer "experience" if other companies could have competed with Microsoft. Case in point, being the BeOS, made by Be, Inc. This company is now going out of business. They had a truly great operating system, that was small, but powerful, and could do almost anything the Microsoft OS's could do. Some may say it was poor marketing on Be's behalf, that caused them failure. But, due to contracts Microsoft held with OEMs, they could not get their OS installed on manufacturer's machines. Making Microsoft open up the contracts a little to allow multiple OS's on a newly distributed machine, does not help out companies have been hurt in the past.

Especially now, that the only OS really around that can be used on an Intel machine, is Linux, and most people would not want to use that. Forcing of the API and related documents to be published by Microsoft will not help in any way. The current documentation that they release is dreadful, and I cannot expect that it would get any better. Forcing Microsoft to remove icons and and menu entries to their products does not mean those products are uninstalled. Microsoft has tied the Internet Explorer browser so tightly into their operating systems, that uninstalling them would mean a lot of work, but this would not be impossible. They may say that it is, but I tell you it is not. Nothing is impossible.

This should be a punishment, not a slap on the wrist. Microsoft has hurt a lot of people and businesses. Yes, they have helped in making computers more common place, but they did this while fattening their own pockets, and not allowing others to join in the rewards.

So, as you can see, I am against this settlement, and hope that it will be rejected. Microsoft should not be allowed to get "off" as easily as you are proposing.

Thank you,  
Paul Ashford

#### MTC-00002659

From: koby  
To: Microsoft ATR  
Date: 12/4/01 9:04am  
Subject: what to do with microsoft  
Microsoft has proven to be an anti competitive company. its actions benefit only microsoft.

I believe that:

1. linux should be brought to all of the schools in the U.S
2. microsoft should transfer a few bilion dollars to companys like Netscape (companies that they caused damage to by using the ms os monopoly)

3. there should be greater government support of open source companys (not only moral support...)

4. make companys that sell computers sell them with other operating systems.
5. restrict production of microsoft software.
6. give microsoft heavy fines.
7. take out the i/e from the os

#### MTC-00002660

From: Bill Benoit  
To: Microsoft ATR  
Date: 12/4/01 10:00am  
Subject: Comments on Microsoft and Settlement

(1) Is it true that companies had to pay Microsoft royalties for Windows even if they didn't put Windows on their machines? If so, Microsoft must be punished, and punished enough that the damage will get its attention.

(2) The idea that Microsoft is not able (= competent) to separate its Internet browser from Windows is, well, laughable. Their defense should be consider offensive to anyone with even marginal intelligence.

Again, they must be chastised in a way they cannot ignore.

William L. Benoit  
Professor of Communication  
University of Missouri

#### MTC-00002661

From: Henry Ammons  
To: Microsoft ATR  
Date: 12/4/01 10:55am  
Subject: Settlement  
Good day.

I would like to add my voice among those who disagree with the proposed settlement of Microsoft's antitrust suit. Education is the last (and fading) stronghold for Apple computer, and to have Microsoft place its products for free in schools would be the death of Apple. The only way this would work is to have Microsoft PURCHASE NEW APPLE EQUIPMENT with the fine \$'s and place it in schools—this being an actual punishment.

Think, please.  
Henry Ammons

#### MTC-00002662

From: Fenton Jones  
To: Microsoft ATR  
Date: 12/4/01 10:40am  
Subject: Microsoft Settlement

Hello. As a user of an Apple computer for many years, I have watched in dismay as we have been squeezed into a smaller and smaller corner. I don't think that people outside the field realize the tremendous pressure that Microsoft has put on everyone else.

The basic fact is that computers are interconnected. More and more interaction and complexity is the wave of the future. If one company has monopoly control of the standards, and control means any power to create incompatibility for others, then we will be looking at a 100% monopoly in the not too distant future.

It is only in education at the moment that Microsoft does not have a crushing monopoly. Allowing them to give their software to schools is not a punishment for them. It costs them almost nothing to give software to schools, especially to schools

which could not afford it otherwise, and they have money to burn in any case. It is control they are after. Only the government has the power to stop them at this point.

That in itself says something about their stranglehold on the industry. Please do not encourage them to expand their monopoly. That is not what this country is about.

Fenton Jones  
<http://fentonjones.com>  
 FM 101 tutorial series w/example files  
 Free files!  
 (619) 692-1529  
 San Diego, CA

**MTC-00002663**

From: John McGibney  
 To: Microsoft ATR  
 Date: 12/4/01 10:40am  
 Subject: microsoft settlement

I can't believe that the Dept of Justice is proposing a settlement where in you are extending Microsoft's Monopoly power! you are about to let them get a foothold into another area of commerce, namely the schools. This is the only area of the computer industry where Microsoft isn't in the majority. Don't you realize that even as their attorneys were negotiating with the DOJ that Microsoft was still bullying computer manufacturers over Windows XP. When will you learn that Microsoft doesn't play fair. Time and time again the expressed interest in one company and silently developed a competitive product after accessing their secrets and then dropping their offer to merge.

This proposed settlement is only another advance for Microsoft. A real settlement would be for them to donate millions or billions directly to the affected school districts and let the districts decide how to spend the money. Also give monies to the affected corporations named in the lawsuits so they can truly compete with "the Evil Empire" Microsoft.

thanks for reading this  
 John McGibney  
 165 Pearl St.  
 Ronkonkoma  
 N.Y., 11779

**MTC-00002664**

From: DONZIEHM@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 12/4/01 10:35am  
 Subject: MidroSoft Settlement

MicroSoft has proposed giving over a billion dollars worth of computer software and hardware to secondary schools. As one of the thousands of unemployed mainframe programmers, I suggest that instead of the school donation, MicroSoft set up retraining and reemployment programs for all these mainframers out of work. They would be doing a service to the very people who pioneered the IT industry and who actually allowed the IT industry to grow in its early days.

Sincerely,  
 Donald S. Ziehm

**MTC-00002665**

From: Bruce Jacob  
 To: Microsoft ATR  
 Date: 12/4/01 11:33am  
 Subject: Microsoft Settlement

Attached please find a manuscript in PDF format that relates comments on the Microsoft settlement.

Sincerely,  
 Bruce Jacob

Prof. Bruce Jacob-blj@eng.umd.edu—<http://www.ece.umd.edu/~blj/> Electrical & Computer Engineering, University of Maryland at College Park

It's Not About the Browser  
 Microsoft's Monopoly Derives from Microsoft's Ability to Control the Windows Interface

(Copyright ?? 2001, last mod: December 3, 2001 1:34 PM)

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One-Liner

A father/son lawyer/computer-engineer learn presents disturbing facts in the Microsoft case that the average person has never heard about, criticisms of the remedies proposed to date, and a novel analysis of the case that points directly to the only remedy that would prevent Microsoft from repealing its illegal behavior in the future.

Abstract

In this article we present an analysis of one of the main threads of the Microsoft "Browser War" and a proposed remedy that we believe is the most effective way to prevent Microsoft from repeating its illegal behavior in the future. Microsoft saw a combined threat to its operating system enterprise from the fusion of the World-Wide Web, Netscape's popular web browser, and Sun's cross-platform Java technology. Microsoft was so concerned about protecting its operating system monopoly that it put economic pressure on various corporations to harm Microsoft's competitors, and it subverted standards of compatibility to undermine the attempts of numerous organizations to increase the ability of computers to interoperate with each other. Reorganizing the company into two parts, akin to the "Baby Bell" break-up, will not prevent future repeats of Microsoft's more subtle maneuvers. Neither will the settlement agreement of November 2nd, 2001. Instead, we propose an open-standards measure to put Microsoft's most widely used computer interfaces into the public domain and their specification under the control of an independent body representing the public. This measure is based on the power of the United States District Court to enforce the antitrust laws of the United States.

Introduction

As the Microsoft antitrust case nears a close, it is becoming clear that one of the most significant aspects of the case is being overlooked. At issue is Microsoft's abuse of computer interfaces to harm others, a theme that is not mentioned directly in any of the court records and that is not fully addressed by any proposed remedy to date. All remedies proposed so far—from Judge Thomas Penfield Jackson's remedies to those

proposed in the latest settlement agreements between Microsoft and the United States Department of Justice—fall short of a complete solution to the problem. Neither breaking the company in two nor Jackson's interim provisions nor the watered-down remedies in the proposed settlement of November 2nd, 2001 would prevent Microsoft from behaving in a manner that is effectively identical to its past improper behavior. Moreover, the company's latest operating system release, Windows XP, violates the very same laws, and in the same manner, that the company was charged with breaking in the first place. We present an analysis of the facts in the case that ties together a string of seemingly unrelated actions. The main issue of the case is not whether Netscape's browser and Microsoft's browser should have equal access to the preloaded PC desktop, nor is it whether Microsoft should be allowed to embed browser technology into its operating system. The facts in the case are much more interesting, and far more insidious. Microsoft took on Netscape not because it felt its browser enterprise threatened (at the time, Microsoft had no browser enterprise whatsoever); Microsoft took on Netscape because Netscape's browser had the potential to make Microsoft's operating system enterprise irrelevant. Court records [1,2,3] show that Microsoft anticipated a combined threat against its operating system enterprise from the fusion of Netscape's popular web browser, Sun's cross-platform Java technology, and the open-standards communication protocols of the World-Wide Web. Microsoft diverted this threat by intentionally undermining the attempts of numerous organizations to make computers more compatible with each other. Where other companies and groups proposed and implemented open standards, Microsoft implemented its own proprietary and incompatible standards, and through its monopoly status was able to divert attention from and effectively neutralize several key software interfaces proposed by others. In this particular instance, had Microsoft tailed, and had the Java/Netscape vision achieved its potential (as seemed very likely at the time), computer users would have had the option to run whatever software they wanted, using whatever operating system and hardware platform they cared to use, rather than be tied to the Windows/PC platform.

It is crucial to understand that Microsoft maintained its monopoly status not only by bullying other companies (which is obviously illegal once a company is found to be a monopoly) but also by manipulating computer interfaces—both its own and those of others. It is this latter behavior that has been overlooked and which is not fully addressed by any remedies proposed to date; we will show that this manipulation of computer interfaces was just as effective a method for extending Microsoft's monopoly as bullying. Our conclusion is that the only way we can prevent future misconduct on the part of Microsoft is to require the company to not only disclose to the public its internal interfaces but also relinquish its rights to those interfaces and, furthermore, to adhere to existing open standards.

Note that this remedy goes one step further than Judge Jackson's interim provision that Microsoft fully disclose the details of its Windows operating system's interface 1. Microsoft has demonstrated in the past that it will target selected competitors and implement changes to the Windows interface that render the software of those targeted companies suddenly incompatible with the newest version of Windows. The ultimate effect of this behavior is obviously to reduce the market penetration of the targeted competitor's software. This behavior, we believe, violates the Sherman Act and must be stopped. Simply divulging the details of the Windows interface will not curb Microsoft's behavior, as we will discuss in more detail later. The only way to stop Microsoft's illegal behavior is to take away the company's right to manipulate the Windows interface at will; this is an interface that is so widely used that it has become the de facto standard for writing software in today's world-wide computer network, and any change to this interface affects potentially millions of people. Because Microsoft has a clear history of manipulating this interface to intentionally harm competitors, the company's behavior must be stopped.

1. Throughout this article we will be dealing with computer interfaces; when we use the term "interface" we mean "internal" computer interfaces, which should not be confused with the "user" interface. The user interface is the arrangement of words and diagrams that is drawn by the computer on a computer screen and with which a person interacts; the article is not about this type of interface. We will define in more detail what we mean by the term "internal" interface as this article progresses.

#### Sidebar: A Brief History of the Microsoft Case

In 1998 the Justice Department of the United States filed an antitrust action against the Microsoft Corporation, alleging that Microsoft was an illegal monopoly and was engaging in activities that violated the Sherman Antitrust Act. A number of states also filed federal antitrust actions against Microsoft. Those actions were joined with the suit by the Justice Department, and United States District Judge Thomas Penfield Jackson, of the United States District Court in the District of Columbia, was assigned to the case. Efforts were made to bring the government and Microsoft to a settlement, but those efforts failed. A trial was held, and Judge Jackson issued Findings of Fact on November 5, 1999 and Conclusions of Law on April 3, 2000, determining that Microsoft did violate the Sherman Act. Microsoft requested a hearing on the issue of the remedies that should be imposed, but Judge Jackson, disgusted with the behavior of Microsoft's defense during the trial, said a hearing was not necessary—because many of Microsoft's witnesses had perjured themselves or presented falsified evidence [24], and Jackson felt it was clear that the same would be true for any of Microsoft's future witnesses. Jackson issued his Final Judgment on June 7, 2000, and that judgment contained a bombshell—Jackson issued a structural remedy that split Microsoft into

two corporations: an operating systems business and an applications business, in addition to other remedies.

Microsoft appealed to the United States Court of Appeals for the District of Columbia. On June 28, 2001, that Court issued its opinion in the case. The Court upheld that portion of Judge Jackson's decision finding Microsoft guilty of violating the antitrust laws of the United States, but the Court modified the remainder of Judge Jackson's decisions. The Court stated that Jackson had erred in not providing Microsoft a hearing on the issue of remedies. Also, Jackson had made remarks to the press during the case which showed a bias against Microsoft on his part. The case was remanded to the District Court, and a new judge was to be assigned to the case to re-determine the remedies to be imposed against Microsoft.

Microsoft sought review of the decision of the Court of Appeals upholding the finding that Microsoft was an illegal monopoly, in violation of the Sherman Act. The Supreme Court, in October, 2001, rejected Microsoft's request.

The case is now before Judge Colleen Kollar-Kotelly of the District Court. She appointed a mediator in October 2001 to help the parties try to settle the case. Within a month, the Justice Department and nine of the states entered into a proposed settlement agreement with Microsoft while nine others of the plaintiff states refused to sign the agreement. Judge Kollar-Kotelly will have to decide whether to approve the settlement and will also have to resolve the pending suits by the nine states that have not joined in the agreement. A date of March 4, 2002 has been set as the beginning date for the hearing to determine what remedies should be imposed against Microsoft.

#### A Primer on the Computer's Internal Interfaces

##### Definitions and Clarifications

A computer interface is a language. It is a set of rules by which computer components, both hardware and software, interact. It is a contract between specific components that specifies the syntax and semantics of any and all interactions that involve those components. Interfaces are found at all points of contact between computer components, including application-to-application, application-to-operating-system, software-to-hardware, and hardware-to-hardware:

- Application-level interfaces dictate the level of compatibility and interaction between different software applications. Example: for a Netscape plug-in to work correctly, it must use the correct application-level interface to interact with the browser.

- The interface between computer programs and the operating system, often called the application programming interface (API), determines what services a program may request of the operating system. Example: for a computer program to work correctly on the Windows operating system, it must use the Windows API, the interface into the Windows operating system.

- Interfaces between software and hardware, called instruction sets, determine what operations a program can perform in hardware. Example: for software to run correctly on an Intel-based computer, it must

use the x86 instruction set, the interface that the hardware understands.

- Hardware interfaces that connect devices—including chip-to-chip interconnects such as PC-100 SDRAM, DDR SDRAM, Rambus Channel, and the Intel P6 bus, as well as peripheral bus or networking protocols, such as SCSI, PCI, USB, and Ethernet—specify how hardware components interact and, in the case of peripheral and networking protocols, also specify how software is to use the hardware to communicate. Example: for a computer to successfully talk to a USB device, such as a mouse or printer or disk drive, the operating system and the device must understand the USB interface, and the computer must have a USB connector.

- USB Keyboard/Mouse
- SCSI SCSI Hard Drive
- Browser Extension (e.g. Java Applet) Ideal
- Java API Browser (e.g. Netscape Navigator)
- Windows API Operating System (e.g. Windows)
- IP Internet
- AGP Graphics Accelerator
- x86 Instruction-Set Architecture (ISA)
- Microprocessor (e.g. Intel Pentium III)
- Intel P6 Memory Bus
- Main Memory, usually DRAM (e.g. PC-100 SDRAM)

Figure 1: The various interfaces found in a typical personal computer. Computer components are shown in light grey; the interlaces through which they interact are shown in darker grey. Components that are not separated via an interlace cannot communicate directly with one another. For example, the keyboard cannot write directly to the Internet—typed messages must go through the operating system. The interface between the browser and browser extension is labeled "ideal" because it does not exist exactly as drawn. Microsoft ensures that all software running on a PC must depend at least partly on the Windows API; Microsoft allows no piece of software to even partially supplant the Windows API, otherwise the importance of Windows might diminish.

Figure 1 illustrates examples of these interlaces as found in a typical personal computer. The figure shows a browser running on an operating system and a Java applet running within the context of the browser. The Java API between the browser and the browser extension is an application-level interface that allows a software program to use the services of another software program. The Windows API is the interface through which software programs request services from the operating system that they cannot perform by themselves. For example, the browser does not have direct access to the Internet and must ask the operating system to send network packets out on its behalf; typical programs do not have direct access to the keyboard and mouse and must ask the operating system for user input; and only the operating system can read and write the hard drive. The instruction-set architecture is the interface between hardware and software and consists of very simple requests such as add the following numbers, or multiply the following numbers, or store this value to memory, etc. As the figure shows, all software has direct access to the

microprocessor through this interface; for example, while the browser is running it interacts directly with the hardware until it makes a request that only the operating system can service (such as sending a network packet or retrieving user keystrokes from the keyboard or writing a file to the disk). Lastly, hardware-to-hardware interfaces such as the Intel P6 memory bus allow hardware components to interact directly, and peripheral busses such as USB (Universal Serial Bus) and networking protocols such as IP (the Internet Protocol) allow the operating system to talk to hardware devices connected to the computer and other computers across the Internet, respectively. One thing to note is that the operating system plays a critical role within the system, as it represents the crossroads of all activity: very little happens in a computer that is not under the direct control of the operating system.

Note that the Java applet is shown executing entirely within the context of the browser; in particular, the figure shows the Java applet executing without having to use the operating system directly. This is an ideal organization: in reality, due to the particulars of Microsoft's Java support, a Java applet is at least partly dependent on the Windows operating system. Nonetheless, this serves as a good example of what interfaces do and how they do it. Interfaces are designed to separate components from each other and thus simplify the business of developing complex computer applications. If the operating system supports a particular interface or device, then applications can use that interface or device without much additional effort. For example, if programmers want to use a certain graphics coprocessor, and the operating system supports that device, then the programmers can develop software that uses the graphics coprocessor without having to incorporate its interface into their software because that interface is already incorporated in the operating system. The flip side of this is that if the operating system does not support that particular device, the programmers are usually prevented by the operating system from interacting with the device at all—as the diagram shows, software programs are separated from hardware devices by the operating system.

As we have said, a computer interface (as opposed to a graphical user interface) is a language, and as with any other type of language, if either the syntax or semantics are disobeyed, even minutely—which can often happen by writing imperfect software code or building imperfect hardware—then communication between components fails. Similarly if two people are speaking the English language, but one occasionally uses the wrong tense for verbs or forgets to use articles or occasionally speaks in another language with which the second speaker is unfamiliar, then the second speaker will have enormous difficulty with the conversation.

The problem of violating computer interfaces is more serious than speaking human languages improperly, and this is why we have described computer interfaces as contracts as well as languages. Because computers and computer components tend to

be generally intolerant of errors, it is the case that even simple violations of an interface, such as swapping the order of two control statements (analogous to switching the order of subject and verb in a sentence), typically have devastating effects, such as a computer program running erratically or not at all, or perhaps the entire computer reaching a state that requires a reboot. To avoid such miscommunications, designers are very careful to be both precise and thorough when they write up the specification of an interface; such specifications are very complex and contain, among other things, all of the valid command codes of the interface, any expected responses, and semantics attached to each valid command code. To redefine the interface is to make changes to its specification. An open interface (often called an open standard) is one in which all of the details of the interface are made publicly known, often through documentation freely available on a widely publicized website. A public interface or public standard is one whose specification is open and controlled by an independent public organization (more on this later). A de facto standard interface is one that is widely used; de facto standards may be public, and they are usually open, but this is not always the case. The Windows API is an example of a de facto standard that is neither public nor open.

An interface is an abstract entity and must not be confused with the software codes or hardware mechanisms that implement it. Software codes and hardware mechanisms are concrete entities; they can be created, destroyed, held in the palm of your hand. Interfaces are like the terms of a contract—though you can define them on a piece of paper, burning that paper does not make the terms of the contract (or the details of the interface) disappear. Most importantly, because an interface is not the same thing as an implementation of that interface, one does not have to divulge the details of an implementation to divulge the details of an interface, and disclosing the details of an interface in no way compromises the security of any implementation of that interface. In the case of Microsoft's Windows operating system, the company can easily divulge the full details of the operating system's interface without having to make public the details of its implementation—i.e. the software code of Windows that implements the interface, and it would be impossible for even a computer expert to infer any details of Microsoft's software code just by looking at the interface specification.

A good analogy is the steering interface of a car. The car has a steering column that, if used properly, turns the wheels of the car and thereby changes the direction of the car's movement. The steering column's interface is relatively simple and can be described with the following specification.

**STEERING INTERFACE:** If the steering column is twisted clockwise, the car will turn to the right; if the column is twisted counter-clockwise, the car will turn to the left. How far the column is twisted determines how sharply the car turns. The car will continue to turn from a straight course until the steering column is returned to its original rest position in the center.

Though this may not sound much like a language or contract, it is: This interface specifies exactly what actions a driver may perform and exactly what the car will do in response to those actions.

This interface has numerous potential implementations. An obvious one is a wheel attached to the steering column; a driver grips the edge of the wheel to get better leverage on the column. Another implementation is a set of handle bars, such as one would find on a motorcycle. Another implementation is a rudder sticking out at right angles to the steering column. An ad hoc implementation similar to the rudder is a pipe wrench gripping the steering column directly. One could create a "power steering" implementation by attaching an electric drill to the steering column, such that pulling the drill's trigger twists the steering column, and the direction of the twist is determined by a setting on the drill. The alternatives are endless.

The important point to note is that each of these implementations is a concrete object and involves some degree of creativity and invention to construct. The interface specification applies to all the implementations and is embodied by them, but it is not a concrete thing. One can divulge the details of the interface without mentioning or implying any particular implementation of that interface (as is the case with the specification given above); and it would be impossible for even an expert engineer to infer any details of any particular steering implementation just by reading the interface specification (as is also the case with the specification given above).

In this analogy, the interface specification given above would correspond to the Windows API, and any one of the interface implementations (e.g. the rudder example) would correspond to the software code that implements the Windows operating system. One writes code to build a program that supports or uses a computer interface, just as one would build a steering wheel or set of handle bars to use the steering-column interface. Just as the paragraph above detailing the steering interface gives no hints as to how one would build a particular steering wheel, knowing the full details of the Windows API gives no hints as to how the Windows operating system is built.

The analogy extends even further. If the interface's specification were to change, then potentially all the implementations would be affected, meaning that they may or may not implement the new interface. For example, if the car's manufacturer redefined the interface to heat or cool the steering column (heating up the metal turns the car right; cooling it down turns the car left; magnitude of temperature change determines sharpness of turn; car moves in straight line if temperature of steering column is 75° ...), then all of the steering implementations above would suddenly no longer work with new cars using the new interface. Though the example might seem a bit whimsical, it uncovers one of the fundamental dangers of widely-used interfaces, as detailed in the next section.

**The Impact That Interfaces Have on the High-Tech Industry**

Because of computer interfaces and the highly structured ways in which computers

interact, there exist today modes of corporate behavior that were not possible a decade ago. It is now possible for a powerful corporation to exploit the way computers are made to injure others who build computers and computer-related products. Because the economy is heavily intertwined with the high tech industry, such actions today can adversely affect a large number of corporations, whereas such actions might have been little more than annoyances ten years ago. This mode of corporate behavior is something akin to twisting the rules (i.e. the specifications of widely-used computer interfaces so as to harm those who have no choice but to follow those rules. As we have indicated, internal interfaces are the languages, or sets of rules, that specify how computing components interact. If either side disobeys the rules (e.g. attempts to use a control signal that does not exist or is not recognized by the other component), then it is as if one side is speaking gibberish, and communications between components fails. Therefore it is of utmost importance that both sides adhere very strictly to the interface's specification. When an interface changes—for example, when it is time to “upgrade” the interface to include features that cannot be provided through any other means—then all products previously compatible with that interface must be redesigned to comply with the new specification, else they become out-of-date and quickly lose market share. Redesigning a product for a new interface specification is a substantial undertaking: Such redesign can require enormous amounts of money, time, and engineering effort, and oftentimes a company will simply give up on a product line rather than update it to comply with the latest interface specification, simply because of the cost involved.

As the members of the Court of Appeals mention in their opinion, “Once a product or standard achieves wide acceptance, it becomes more or less entrenched.” [1: p. 12] It is therefore extremely important to prevent that entrenched standard's misuse. We believe this is fundamental if we are to prevent monopolistic abuses in the high-tech industry, because through the manipulation of computer interfaces a monopoly can do much more damage than it could by simply offering competing products. These interfaces have wider impact because not only are end-products and therefore end-consumers dependent on them, but those hardware and software vendors that build compatible end-products are dependent on them as well. Modifying an interface makes potentially all products based on that interface instantly obsolete—because, as soon as the modification is made, those products affected by the changes no longer conform to the current interface, and an interface is ultimately more influential in its scope than any particular product that embodies it ... provided the new interface catches on. Because a monopoly is capable of successfully creating and promoting new interfaces at will, a monopoly controlling a widely used interface can, by manipulating that interface, dominate its direct competitors, its indirect competitors, and even those corporations that provide complementary products and do not compete with it in any way.

Given this depiction of the importance of interfaces and the economic impact of their re-definition, it is easy to understand that if a company is allowed to control an important interface, it can very easily change the shape of the computing world. Just such a situation is quite possible because many interfaces are proprietary, and therefore the developer of an interface can change its specification at will. Often, the owner of a proprietary interface can effectively prevent any other company from building or marketing products that use the interface: While interfaces are not patentable, many companies obtain wide-reaching patents for their implementations of those interfaces that make it difficult for any other company to build its own implementation of the same interface without infringing on the first company's patents. This is an unfortunate situation: An analogy would be the “developer” of the English language preventing others from speaking the language, or forcing them to pay royalties to do so.

In most instances, the owners of interfaces do not rapidly change the interface specifications, nor do they charge outrageous licensing fees or single out individual corporations and prevent them from using the interface. If a company were to do any of the above, other companies would most likely realize that dealing with this particular interface is more trouble than it is worth, and they would go find another interface or develop their own. However, if the interface in question is the de facto standard, if it is used by all other companies in the same industry, if support for this interface is expected by the end-user, and if there exists no practical alternative, then a company would be in serious jeopardy if it were to run afoul of the owner of that interface. This is exactly the situation in which many companies have found themselves. The interface in question is that of the Windows operating system, owned by Microsoft. Windows is the de facto standard of Intel-compatible operating systems:

Every year for the last decade, Microsoft's share of the market for Intel-compatible PC operating systems has stood above ninety percent. For the last couple of years the figure has been at least ninety-five percent, and analysts project that the share will climb even higher over the next few years. [2:• 35]

Any software company that wants a significant market share must write its software for Windows. Any hardware company that wants a significant market share must design its hardware to be interoperable with Windows. Perhaps the most important point of all is that the software companies know this, the hardware companies know this, and the officers of Microsoft obviously knew it as well.

The situation is particularly trenchant as it applies to alternative technologies—i.e., possible competitors to Windows. Because such an enormous portion of the world's computer users are dependent on Windows, any technology with the potential to compete with Windows must also be compatible with Windows, otherwise no significant number of computer users would ever use it (or even know it exists). Through its ability to change the Windows API, Microsoft has the power

to determine what software is compatible with Windows and what software is incompatible. Because of this, Microsoft can target any potential competitor and make its product incompatible with Windows for a long enough period of time to make consumer interest in that product wane; at that point, the product poses no more threat to Microsoft's monopoly. This article will describe Microsoft's use of that power to eliminate the potential threats of Netscape and Java.

The Facts of the Microsoft Case and Their Implications

Microsoft has a history of manipulating interfaces so as to harm other companies and maintain its monopoly status. Microsoft changed the Windows API substantially and rapidly so that other companies failed to keep up with the changes and so lost market share (example: IBM OS/2): Microsoft created small-scale changes to its Windows API so as to disable the software of targeted companies (examples: Netscape, Apple, RealNetworks, America On-Line): Microsoft divulged the details of its interfaces selectively so that the software products of targeted companies would become incompatible with Windows and remain so until Microsoft chose to divulge the details to the targeted companies (example: Netscape Navigator): and Microsoft watered down open or public interfaces by offering incompatible proprietary alternatives and using its monopoly status to lure (and in some cases force) developers away from the standard interfaces (examples: Java, HTML). The rest of this section gives the details of these examples. The effect of its manipulation of interfaces has been to destroy any newly developed, innovative software application that has the potential to compete with Microsoft's software. Because Microsoft is a monopoly, such tactics are illegal. And therefore Microsoft's practice of manipulating interfaces must be stopped.

The Netscape/Java Threat

In this article we discuss only one of the series of actions taken by Microsoft to protect its software monopoly. The opinion of the Court of Appeals and the Findings of Fact of the District Court contain many more examples, but this one is particularly enlightening because it illustrates Microsoft's extensive monopolistic activities concerning computer interfaces. The saga begins with a description of how technological advances tend to occur in the high-tech industry: The software industry in general is characterized by dynamic, vigorous competition. In many cases, one of the early entrants into a new software category quickly captures a lion's share of the sales, while other products in the category are either driven out altogether or relegated to niche positions. What eventually displaces the leader is often not competition from another product within the same software category, but rather a technological advance that renders the boundaries defining the category obsolete. These events, in which categories are redefined and leaders are superseded in the process, are spoken of as “inflection points.” [2: • 59]

In common parlance, these “inflection points” are “paradigm shifts” during which an entrenched company can be blind-sided by a new technology that renders the

company's particular segment of the industry unimportant. When this occurs, the company's dominance of that now-unimportant segment becomes irrelevant: Despite their position, the company becomes marginalized along with their segment of the industry. Given that only ten years ago, less than one household in one hundred recognized the word "Internet," yet today the Internet is given credit for the economic revival of the 1990's, it becomes clear that the rise of the Internet represents one of these paradigm shifts.

The exponential growth of the Internet represents an inflection point born of complementary technological advances in the computer and telecommunications industries. The rise of the Internet in turn has fueled the growth of server-based computing, middleware, and open-source software development. Working together, these nascent paradigms could oust the PC operating system from its position as the primary platform for applications development and the main interface between users and their computers. [2: • 60]

Internet-based computing was seen by Microsoft as a potential threat to the Windows operating system because the Internet represents the ultimate in computer compatibility: Any computer that speaks the language of the Internet—its interface, the Internet Protocol (IP, see Figure 1)—can speak to any other computer that speaks the same language, regardless of the computer's hardware class or instruction set or operating system controlling it. Such ease of interoperability posed a threat to Microsoft because if computers became more interoperable, especially if Internet-based computing allowed users easier access to run programs that interested them by making them available on any machine in the world that was Internet-compatible, this would make one's choice of underlying operating system unimportant. Any operating system would suffice, and competition among vendors of these systems would take place on a level playing field.

The primary question is how? How could a computer user take advantage of the Internet to run applications without regard to the particular operating system on his or her computer? The answer lies in the operating system's interlaces: Offering similar interfaces via some channel other than the operating system would eliminate the importance of using any particular operating system.

The channel that became available was the combination of Netscape and Java. By 1994, Netscape was becoming synonymous with the Internet, the company's browser was used by nearly all those who explored the World-Wide Web, and the browser ran on nearly every type of computer—not just those using the Windows operating system. Due to intense interest in all things Internet-related, many consumers were buying their first PC just to see what all the fuss was about. For many consumers, Netscape's browser was their portal to the networked world; it provided browsing, access to newsgroups, and email—and many consumers used their PCs to do little more than that. These consumers were in effect insulated from the

underlying operating system; because their primary interaction with the computer was through Netscape's browser, they could have been using any other operating system and would have been oblivious to that fact.

At the same time, Sun Microsystems was promoting a new development environment called Java that promised a "write once, run anywhere" level of compatibility. In other words, a computer programmer could write a program using Java and fully expect it to run on any computer anywhere, whether it was a Windows computer, an Apple computer, a Unix computer, or any other breed on which Java ran. In general, only those applications written for Windows run on Windows computers, only those applications written for Apple computers run on Apple computers, etc. Because Netscape ran on Windows, it was immediately available to that 90% of the consumer PCs that used Windows, and this widespread availability was one of the main factors that helped it succeed. For Sun's Java environment to succeed, it would need to run on Windows too, but, because Java was an obvious threat to Windows in that its goal was to make the choice of underlying operating system immaterial, it was unlikely that Microsoft would ship Java technology with the Windows operating system; moreover, Microsoft executives recognized early on the possibility that Java could erode Microsoft's position [2: • 75–76].

In May 1995, Netscape promised to integrate Java into its browser. This provided Java direct access to every machine on which Netscape's browser ran, and because of the popularity of the Internet, the Web, and Netscape's browser, this represented a large number of machines that would potentially run Java applications. For developers of computer programs, this meant that programs written in Java would run on nearly every desktop, laptop, and server computer in the world, and this would constitute an even larger market than the market for Windows desktops alone. In addition, Java incorporated abilities that supported computing over the Internet, including the ability to easily download new programs and run them locally, which would enable low-cost, effortless software distribution over the network (one small example of this is the running of Java "applets" that appear on many websites). The increased market for software and the low-cost distribution channel for that software made this environment an exciting potential for program developers.

If the Netscape/Java environment ever reached its full potential, program developers would be able to reach larger markets than before, yet with less cost overhead than before. Doing so would also free consumers to choose whatever operating system they wished, provided it supported Netscape's browser, which, as mentioned, already ran on nearly every operating system then in existence. This scenario would be exactly the kind of "inflection point" that would diminish the importance of Windows and displace Microsoft from its position as software market leader. Bill Gates saw this potential as soon as Netscape and Java merged:

In late May 1995, Bill Gates, the chairman and CEO of Microsoft, sent a memorandum entitled "The Internet Tidal Wave" to Microsoft's executives describing Netscape as a "new competitor 'born' on the Internet." He warned his colleagues within Microsoft that Netscape was "pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system." [2: • 72]

Netscape's "multi-platform strategy" was simply the fact that the browser ran on nearly every operating system existing at the time, not just Windows. This evidently worried Gates because it might make alternative operating systems attractive to consumers. The "key API" was the operating systems API being offered by Java, which could displace the Windows API, and "the client" into which it was being moved was Netscape Navigator itself. Doing so would enable computer users to run Windows or Windows-like applications from within Navigator, possibly over the Internet. Because Navigator ran on nearly every operating system in existence at the time, this would "commoditize" or make immaterial the underlying operating system: Any operating system would be a viable substitute for any other, provided only that it ran Navigator. Obviously, if one could run Windows or Windows-like applications on any operating system one cared to use, this would weaken the appeal of Windows. Users would perhaps start to shop around for operating systems using criteria such as ease of use, or compatibility with other systems, or system reliability (e.g. relatively infrequent crashes). A competitor with a product easier to use than Windows, or more reliable than Windows, could have taken away much of Microsoft's business and caused a reduction in the sales of Windows.

Microsoft's Actions to Remove the Threat  
In response, Microsoft took a number of complementary steps to eliminate the threat posed by the merger of Netscape's browser and Sun's Java technology. All but the first of these steps later would be found to have been illegal, when the courts declared Microsoft a monopoly. It is therefore important that any remedies decree should address these steps. Microsoft first attempted to dissuade Netscape from allowing its browser to execute other applications, Java or otherwise [2: • 79–87]. When this failed, Microsoft ran a campaign to erode Netscape's dominance in the browser market, subvert the ability of Java to run on all platforms equally, and weaken the compatibility levels that made the World-Wide Web so popular:

1. Microsoft created an alternative browser to Netscape's, called Internet Explorer.

2. Microsoft brought pressure to bear on OEM (Original Equipment Manufacturer, e.g. Dell, Gateway, etc.) and IAP (Internet Access Providers, e.g. America On-Line, Compuserve, etc.) channels, to ensure that they used Microsoft's browser and not Netscape's.

3. Microsoft changed its Windows API to make existing software incompatible; in particular, the API for its Windows95 release was structured so that Internet applications, e.g. Netscape's browser, would no longer work unless they used the new interface.

4. Microsoft selectively disseminated the details of its Windows API changes; in particular, Microsoft withheld key information about the Windows95 Internet-related interface from Netscape, which delayed the release of Netscape's Windows95-compatible browser until after the release of Microsoft's Windows95-compatible browser.

5. Microsoft subverted the Java interface standard, by creating a Java implementation for Windows that did not comply with the Java standard and thus undermined the portability of Java applications to and from the Windows operating system.

6. Microsoft attempted to subvert the HTML interface standard, by adding its own incompatible extensions to HTML (Hyper-Text Markup Language, the format of documents posted on the World-Wide Web) and building its own extensive web portal using this non-compliant HTML, thus ensuring that the web site would fail to work correctly for anyone using any browser other than Internet Explorer.

The following sections discuss each of these actions in more detail. Microsoft created an alternative browser to Netscape's. Microsoft only began to develop a web browser after it became clear that Netscape would not abandon its efforts at making a cross-platform program that was powerful enough to run applications directly (i.e. via the incorporation of Java technology). Microsoft knew that software developers would only write applications, or programs, for Netscape/Java if they believed that the Netscape/Java combination would emerge as a new widespread standard for Internet-based computing. Therefore, Microsoft sought to prevent the Netscape/Java combination from succeeding in the marketplace. Microsoft's initial goal in building Internet Explorer was simply to divert attention away from the Netscape/Java platform: If users believed Internet Explorer to be equal to or better than Netscape's browser, then Netscape would never reach the level of a widespread standard [2: • 133].

To reach this goal, Microsoft knew that it had to capture at least half of the browser market. "From 1995 onward, Microsoft spent more than \$100 million each year developing Internet Explorer," [2: • 135] and it spent an additional \$30 million per year marketing it [2: • 140]. Moreover, Microsoft never charged a single cent for its product: It offered the browser without license fee, either from users or Internet Access Providers (such as AOL), and, beyond offering the browser for free, "Microsoft actually paid AOL a bounty for every subscriber that it converted to access software that included Internet Explorer instead of Navigator." [2: • 139] Had Microsoft stopped at simply creating an alternative browser, it is likely that the company would have avoided legal trouble. The problems started when Microsoft used other avenues besides direct competition to win the browser war:

Decision-makers at Microsoft worried that simply developing its own attractive browser product, pricing it at zero, and promoting it vigorously would not divert enough browser usage from Navigator to neutralize it as a platform. They believed that a comparable

browser product offered at no charge would still not be compelling enough to consumers to detract substantially from Navigator's existing share of browser usage. This belief was due, at least in part, to the fact that Navigator already enjoyed a very large installed base and had become nearly synonymous with the Web in the public's consciousness. If Microsoft was going to raise Internet Explorer's share of browser usage and lower Navigator's share, executives at Microsoft believed they needed to constrict Netscape's access to the distribution channels that led most efficiently to browser usage. [2: • 143]

Microsoft brought pressure to bear on OEM and IAP channels. Because consumers rarely customize their PC desktops to the point of replacing software that comes with the computer by some other software that performs the same function, having one's software pre-installed by an OEM onto a computer is one of the most direct and cost-effective means to get consumers to use one's software. The other primary channel, at least for Internet-related software, is for Internet Access Providers to bundle that software with their product. In the case of a browser, the browser would be the primary access tool to the IAP's content. The District Court agreed that "no other distribution channel for browsing software even approaches the efficiency of OEM pre-installation and IAP bundling. The primary reason is that the other channels require users to expend effort before they can start browsing." [2: • 145] Therefore, the OEM and IAP channels were identified by Microsoft as the most important conduits to close down for Netscape if Microsoft were to ensure the failure of Netscape's browser.

Microsoft achieved this feat [(closing down the OEM channel)] by using a complementary set of tactics. First, it forced OEMs to take Internet Explorer with Windows and forbade them to remove or obscure it—restrictions which both ensured the prominent presence of Internet Explorer on users' PC systems and increased the costs attendant to pre-installing and promoting Navigator. Second, Microsoft imposed additional technical restrictions to increase the cost of promoting Navigator even more. Third, Microsoft offered OEMs valuable consideration in exchange for commitments to promote Internet Explorer exclusively. Finally, Microsoft threatened to penalize individual OEMs that insisted on pre-installing and promoting Navigator. Although Microsoft's campaign to capture the OEM channel succeeded, it required a massive and multifarious investment by Microsoft; it also stifled innovation by OEMs that might have made Windows PC systems easier to use and more attractive to consumers. That Microsoft was willing to pay this price demonstrates that its decision-makers believed that maximizing Internet Explorer's usage share at Navigator's expense was worth almost any cost. [2: • 241]

Microsoft knows that because of the popularity of the Windows operating system, the company has substantial control over what the OEMs pre-load and what they do not pre-load. "Microsoft knows that OEMs have no choice but to load Windows, both

because it has a good understanding of the market in which it operates and because OEMs have told Microsoft as much." [2: • 55]

"Without significant exception, all OEMs pre-install Windows on the vast majority of the PCs that they sell," [2: • 54] and Microsoft helps to ensure this "by advising OEMs that the, will be, charged a higher price for Windows unless they drastically limit the number of PCs that they sell without an operating system pre-installed." [2: • 58] In general, Microsoft "charges different OEMs different prices for Windows, depending on the degree to which the individual OEMs comply with Microsoft's wishes." [2: • 64]

Microsoft used this power to force OEMs to pre-load only Microsoft's browser, Internet Explorer, despite the fact that many OEMs and their customers preferred Netscape's browser, Navigator. Microsoft's first tactic, by making select changes to the Windows API, was to make it technically impossible to remove Internet Explorer from the operating system. Further, Microsoft built the operating system in such ways as to override the user's choice of "default browser" in many circumstances and to open up security holes for users who chose to use Navigator [2: • 155–198]. Some examples:

[I]n late 1995 or early 1996, Microsoft set out to bind Internet Explorer more tightly to Windows 95 as a technical matter. The intent was to make it more difficult for anyone, including systems administrators and users, to remove Internet Explorer from Windows 95 and to simultaneously complicate the experience of using Navigator with Windows 95. As [Microsoft official] Brad Chase wrote to his superiors near the end of 1995, "We will bind the shell to the Internet Explorer, so that running any other browser is a jolting experience." [2: • 160]

Microsoft's engineers ... [made] Windows 98 override the user's choice of default browser in certain circumstances. As shipped to users, Windows 98 has Internet Explorer configured as the default browser. While Windows 98 does provide the user with the ability to choose a different default browser, it does not treat this choice as the "default browser" within the ordinary meaning of the term. Specifically, when a user chooses a browser other than Internet Explorer as the default, Windows 98 nevertheless requires the user to employ Internet Explorer in numerous situations that, from the user's perspective, are entirely unexpected. As a consequence, users who choose a browser other than Internet Explorer as their default face considerable uncertainty and confusion in the ordinary course of using Windows 98. [2: • 171]

Microsoft's refusal to respect the user's choice of default browser fulfilled Brad Chase's 1995 promise to make the use of any browser other than Internet Explorer on Windows "a jolting experience." By increasing the likelihood that using Navigator on Windows 98 would have unpleasant consequences for users, Microsoft further diminished the inclination of OEMs to pre-install Navigator onto Windows. The decision to override the user's selection of non-Microsoft software as the default browser also directly disinclined Windows

98 consumers to use Navigator as their default browser, and it harmed those Windows 98 consumers who nevertheless used Navigator. In particular, Microsoft exposed those using Navigator on Windows 98 to security and privacy risks that are specific to Internet Explorer and to ActiveX controls. [2: • 172] Having multiple browsers on the machine would likely confuse users, and thus, Microsoft concluded, many OEMs interested in providing pleasant computing experiences to their users would opt to pre-install only Internet Explorer. However, Microsoft executives felt this step was not strong enough.

Decision-makers at Microsoft believed that as Internet Explorer caught up with Navigator in quality, OEMs would ultimately conclude that the costs of pre-installing and promoting Navigator, and removing easy access to Internet Explorer, outweighed the benefits. Still, those decision-makers did not believe that Microsoft could afford to wait for the several large OEMs that represented virtually all Windows PCs shipped to come to this desired conclusion on their own. Therefore, in order to bring the behavior of OEMs into line with its strategic goals quickly, Microsoft threatened to terminate the Windows license of any OEM that removed Microsoft's chosen icons and program entries from the Windows desktop or the "Start" menu. It threatened similar punishment for OEMs who added programs that promoted third-party software to the Windows "boot" sequence. These inhibitions soured Microsoft's relations with OEMs and stymied innovation that might have made Windows PC systems more satisfying to users. Microsoft would not have paid this price had it not been convinced that its actions were necessary to ostracize Navigator from the vital OEM distribution channel. [2: • 203]

OEMs customized the Windows desktops primarily "to make the experience of setting up and learning to use a new PC system easier and less confusing for users, especially novices. By doing so, the OEMs believed, they would increase the value of their systems and minimize both product returns and costly support calls. Since just three calls from a consumer can erase the entire profit that an OEM earned selling a PC system to that consumer, OEMs have an acute interest in making their systems self-explanatory and simple to use." [2: • 210] Because most computer users were familiar with Navigator, and because, at the time, Navigator was perceived by nearly all in the industry as superior to Microsoft's Internet Explorer, many of these OEMs included Navigator on their computers. To block this development, Microsoft imposed restrictions on OEMs through its licenses that forbade OEMs from customizing anything, despite the fact that doing so would ultimately provide for a far less satisfying computing experience on the part of the end user.

The several OEMs that in the aggregate represented over ninety percent of Intel-compatible PC sales believed that the new restrictions would make their PC systems more difficult and more confusing to use, and thus less acceptable to consumers. They also anticipated that the restrictions would increase product returns and support costs

and generally lower the value of their machines. Those OEMs that had already spent millions of dollars developing and implementing tutorial and registration programs and/or automatically-loading graphical interfaces in the Windows boot sequence lamented that their investment would, as a result of Microsoft's policy, be largely wasted. Gateway, Hewlett-Packard, and IBM communicated their opposition forcefully and urged Microsoft to lift the restrictions. Emblematic of the reaction among large OEMs was a letter that the manager of research and development at Hewlett-Packard sent to Microsoft in March 1997. He wrote:

Microsoft's mandated removal of all OEM boot-sequence and auto-start programs for OEM licensed systems has resulted in significant and costly problems for the HP-Pavilion line of retail PC's. Our data (as of 3/10/97) shows a 10% increase in W[indows]95 calls as a % of our total customer support calls .... Our registration rate has also dropped from the mid-80/(range) to the low 60% range.

There is also subjective data from several channel partners that our system return rate has increased from the lowest of any OEM (even lower than Apple) to a level comparable to the other Microsoft OEM PC vendors. This is a major concern in that we are taking a step backward in meeting customer satisfaction needs.

These three pieces of data confirm that we have been damaged by the edicts that [...] Microsoft issued last fall....

From the consumer perspective, we are hurting our industry and our customers. PC's can be frightening and quirky pieces of technology into which they invest a large sum of their money. It is vitally important that the PC suppliers dramatically improve the Consumer buying experience, out of box experience as well as the longer term product usability and reliability. The channel feedback as well as our own data shows that we are going in the wrong direction. This causes consumer dissatisfaction in complex telephone support process, needless in-home repair visits and ultimately in product returns. Many times the cause is user misunderstanding of a product that presents too much complexity to the common user....

Our Customers hold HP accountable for their dissatisfaction with our products. We bear [...] the cost of returns of our products. We are responsible for the cost of technical support of our customers, including the 33% of calls we get related to the lack of quality or confusion generated by your product. And finally we are responsible for our success or failure in the retail PC market. We must have more ability to decide how our system is presented to our end users. If we had a choice of another supplier, based on your actions in this area, I assure you [that you] would not be our supplier of choice.

I strongly urge you to have your executives review these decisions and to change this unacceptable policy.

Despite the high costs that Microsoft's demands imposed on them, the OEMs obeyed the restrictions because they perceived no alternative to licensing Windows for pre-installation on their PCs. [2:

• • 214–215] Microsoft engaged in similar tactics with Internet Access Providers to prevent Netscape from success in that channel [2: • • 242–310]: The company licensed Internet Explorer and related development kits to hundreds of IAPs for no charge (though those companies were all willing to pay large sums for the software), then entered into exclusivity contracts with the largest IAPs in exchange for valuable promotion within Windows, and even offered to pay back IAPs for any contractual obligations they had with Netscape.

The District Court summarized Microsoft's actions relating to the OEM and IAP channels: Neither the desire to bolster demand for Windows, nor the prospect of ancillary revenues, explains the lengths to which Microsoft has gone. For one thing, loading Navigator makes Windows just as Internet-ready as including Internet Explorer does. Therefore, Microsoft's costly efforts to limit the use of Navigator on Windows could not have stemmed from a desire to bolster consumer demand for Windows.

Furthermore, there is no conceivable way that Microsoft's costly efforts to induce Apple to pre-install Internet Explorer on Apple's own PC systems could have increased consumer demand for Windows. [2: • 141]

In other words, the only conceivable reason for Microsoft's actions was to maintain and extend its monopoly.

Microsoft's flagrant bullying of OEMs and IAPs succeeded in closing off distribution channels for Netscape's browser and therefore Sun's Java technology as well. However, Microsoft was not content with this—Microsoft further destroyed any chance of either Netscape's or Java's survival, with or without the OEM and IAP distribution channels. Microsoft did this by ensuring the incompatibility of both software packages with Windows and Windows-based software. Because Windows is the de facto standard operating system for the world's desktop computers, this tactic would ensure that only an insignificant portion of the world's computer users would use these two software packages. Therefore, the Windows monopoly would never be challenged by these alternative technologies.

Microsoft changed its Windows API to make existing software incompatible. Microsoft continually modifies the Windows API, and each of these modifications makes software written for Windows immediately out-of-date because that software no longer conforms to the latest specification of the Windows API. This applies to not only applications but hardware and compatible operating systems as well. "IBM discovered this to its dismay in the mid-1990s when it failed, despite a massive investment, to clone a sufficiently large part of the 32-bit Windows APIs. In short, attempting to clone the 32-bit Windows APIs is such an expensive, uncertain undertaking that it fails to present a practical option for a would-be competitor to Windows." [2: • 52]

The Windows API keeps changing, and software vendors are forced to keep up with the changes because Microsoft ensures that the latest version of the operating system is always being shipped. Microsoft takes pains

to ensure that the versions of its operating system that OEMs pre-install on new PC systems are the most current. It does this, in part, by increasing the price to OEMs of older versions of Windows when the newer versions are released. [2: • 57]

Therefore, computer users have no choice but to move onward to the latest version of the operating system, whether it is an improvement over the old version or not. Software vendors have no choice but to update their software to comply with the new operating system interface, if they expect to sell any software to those computer users who have recently purchased their computers and therefore have the latest version of Windows. It is through this rapid update mechanism that Microsoft keeps consumers and software vendors chained to the latest version of Windows: moreover, through this mechanism Microsoft can harm any software vendor it chooses.

Netscape's browser ran on the pre-Windows95 versions of Windows, but for the Windows95 release of the opt, rating system, Microsoft changed the API so that Netscape's browser would no longer work. This required a re-write of Netscape's browser if Netscape wanted their browser to run on the (then highly anticipated) Windows95 release. The following paragraphs illustrate the power that Microsoft wields over other companies through its ability to modify the Windows API:

Microsoft knew that Netscape needed certain critical technical information and assistance in order to complete its Windows 95 version of Navigator in time for the retail release of Windows 95. Indeed, Netscape executives had made a point of requesting this information, especially the so-called Remote Network Access ("RNA") API, at the June 21 meeting. As was discussed above, the Microsoft representatives at the meeting had responded that the haste with which Netscape received the desired technical information would depend on whether Netscape entered the so-called "special relationship" with Microsoft. Specifically, Microsoft representative J. Allard had told [Netscape CEO James] Barksdale that the way in which the two companies concluded the meeting would determine whether Netscape received the RNA API immediately or in three months. [2: • 90]

Although Netscape declined the special relationship with Microsoft, its executives continued, over the weeks following the June 21 meeting, to plead for the RNA API. Despite Netscape's persistence, Microsoft did not release the API to Netscape until late October, i.e., as Allard had warned, more than three months later. The delay in turn forced Netscape to postpone the release of its Windows 95 browser until substantially after the release of Windows 95 (and Internet Explorer) in August 1995. As a result, Netscape was excluded from most of the holiday selling season. [2: • 91]

As we have said, because the Windows interface is such a predominant feature in the high-tech industry any modification to the interface affects potentially every piece of hardware or software that is compatible with Windows. By changing the Windows API, Netscape's software was rendered

incompatible with the newest version of Windows and therefore essentially useless. Microsoft selectively disseminated the details of its Windows API changes. Simply modifying an API is only harmful to the extent that other companies need to expend possibly large resources to play catch-up and to update their products to be compatible with the new specification of the API. As the quotes from the previous section show, the power to modify APIs becomes devastating when those APIs are not public information—i.e. when information regarding those APIs may be handed out selectively. Because Microsoft withheld crucial information from Netscape, Microsoft was able to finish their browser ahead of Netscape, and Netscape was not able to release their Windows95-compatible browser until months after Windows95 was released. Microsoft behaved in similar ways in most of its other dealings with Netscape.

Microsoft similarly withheld a scripting tool that Netscape needed to make its browser compatible with certain dial-up ISPs. Microsoft had licensed the tool freely to ISPs [Internet Service Providers] that wanted it, and in fact had cooperated with Netscape in drafting a license agreement that, by mid-July 1996, needed only to be signed by an authorized Microsoft executive to go into effect. There the process halted, however. In mid-August, a Microsoft representative informed Netscape that senior executives at Microsoft had decided to link the grant of the license to the resolution of all open issues between the companies. Netscape never received a license to the scripting tool, and as a result, was unable to do business with certain ISPs for a time. [2: • 92] It is well known that Microsoft implements numerous "undocumented" features in its operating system, usually to the benefit of its own software. "Microsoft has special knowledge of its own products, and it alone chooses which functionalities in its products are to be documented and which are to be left undocumented." [2: • 179] Furthermore, Microsoft frequently enters into agreements with some software developers in which those developers are granted "preferred" status and are therefore given access to more (but not necessarily all) information about the undocumented features of the operating system [2: • 84].

Because software running on a PC cannot use any hardware feature without the consent of the operating system, restricting access to the operating system cuts off the ability of software to do anything useful. Microsoft's dealings with Netscape are simply one example that demonstrate the enormous power that Microsoft wields and the extent to which the company has used that power to stifle individual corporations and to reward others. Microsoft subverted the Java interface standard. As mentioned, Java is a technology that enables computer programmers to write programs that will run on any operating system, and any hardware, anywhere. The fundamental concept behind Java is the idea that such interoperability is far more valuable than the ability to execute programs quickly, because the performance of computer hardware is improving at an astounding rate, and this will more than

make up for any lack of performance seen in Java. Therefore, developers who write Java code are typically those who are willing to give up a small amount of performance in return for a larger market in which to sell their software.

However, this is not what Microsoft wants—Microsoft is best served if all software that is compatible with Windows is completely dependent on Windows:

For Microsoft, a key to maintaining and reinforcing [the difficulty of potential competitors to create an alternative to Windows] has been preserving the difficulty of porting applications from Windows to other platforms [e.g. operating systems], and vice versa. In 1996, senior executives at Microsoft became aware that the number of developers writing network-centric applications in the Java programming language had become significant, and that Java was likely to increase in popularity among developers. Microsoft therefore became interested in maximizing the difficulty with which applications written in Java could be ported from Windows to other platforms, and vice versa. [2: • 386]

Microsoft set out not to restrict Sun's ability to sell Java technology, but to extinguish the entire Java phenomenon. Microsoft recognized that the best way to do this would be to ensure that a significant portion of developers wrote Java code that would not, in fact, run on any operating system, any hardware, anywhere—Microsoft ensured that Java written to be compatible with Windows ran correctly only on Windows, and not on any other operating system. The District Court investigated and analyzed Microsoft's campaign against Java: Specifically, the District Court found that Microsoft took four steps to exclude Java from developing as a viable cross-platform threat: (a) designing a JVM incompatible with the one developed by Sun; (b) entering into contracts, the so-called "First Wave Agreements," requiring major ISVs to promote Microsoft's JVM exclusively; (c) deceiving Java developers about the Windows-specific nature of the tools it distributed to them; and (d) coercing Intel to stop aiding Sun in improving the Java technologies. [1: p. 52]

"JVM" stands for Java Virtual Machine and is the primary component that is required to be present on a computer if that computer is to run Java programs. By creating a JVM that was incompatible with Sun's and ensuring that a substantial fraction of developers used it and not Sun's, Microsoft went far beyond denying Sun a market in which to sell its own JVM—Microsoft ensured that Java itself would fail.

On March 12, 1996, Sun signed an agreement granting Microsoft the right to distribute and make certain modifications to Sun's Java technologies. Microsoft used this license to create its own Java development tools and its own Windows-compatible Java runtime environment. Because the motivation behind the Sun-sponsored effort ran counter to Microsoft's interest in preserving the difficulty of porting, Microsoft independently developed methods for enabling "calls" to "native" Windows code that made porting more difficult than the

method that Sun was striving to make standard. Microsoft implemented these different methods in its developer tools and in its JVM. Microsoft also discouraged its business allies from aiding Sun's effort. For example, Gates told Intel's CEO in June 1996 that he did not want the Intel Architecture Labs cooperating with Sun to develop methods for calling upon multimedia interfaces in Windows. [2: • 388] Sun had already developed a JVM for the Windows operating system when Microsoft began work on its version. The JVM developed by Microsoft allows Java applications to run faster on Windows than does Sun's JVM. Findings of Fact p 389, but a Java application designed to work with Microsoft's JVM does not work with Sun's JVM and vice versa. Id. p 390. The District Court found that Microsoft "made a large investment of engineering resources to develop a high-performance Windows JVM," id. p 396. and "[b]y bundling its ... JVM with every copy of [IE] ... Microsoft endowed its Java runtime environment with the unique attribute of guaranteed, enduring ubiquity across the enormous Windows installed base." id. p 397. As explained above, however, a monopolist does not violate the antitrust laws simply by developing a product that is incompatible with those of its rivals .... In order to violate the antitrust laws, the incompatible product must have an anticompetitive effect that outweighs any procompetitive justification for the design. [1: pp. 51–52]

The Court of Appeals found that simply creating this non-standard JVM was not in violation of antitrust laws. However, the Court also stated that "to violate the antitrust laws, the incompatible product must have an anticompetitive effect that outweighs any procompetitive justification for the design." It is our position that this is exactly the case here. The fundamental point of Java is to promote cross-platform compatibility. Any computer engineer knows that one can sacrifice generality for better performance; such trade-offs are trivial to make. and it is little wonder that Microsoft was able to create a high-performance JVM by sacrificing compatibility. However, doing so outweighs the procompetitive justification for the design, because, as we have said, the fundamental purpose of Java is not to achieve the highest possible performance but to provide generality—i.e. compatibility with all operating systems and all hardware platforms. Had Java developers known what Microsoft was doing, it is quite possible that they would have opted for Sun's JVM implementation over Microsoft's. In addition, Intel had built a high-performance JVM that did comply with the Java standard, and it is likely that the Java developers would have chosen this over either Microsoft's implementation or Sun's implementation. However, Microsoft prevented either from happening.

First, Microsoft entered into agreements with numerous independent software vendors (ISVs) in which it forbade the ISVs from using any Java technology offered by Sun.

Recognizing ISVs as a channel through which Java runtime environments that

complied with Sun's standards could find their way onto Windows PC systems, Microsoft induced ISVs to distribute Microsoft's version instead of a Sun-compliant one. First, Microsoft made its JVM available to ISVs separately from Internet Explorer so that those uninterested in bundling browsing software could nevertheless bundle Microsoft's JVM. Microsoft's David Cole revealed the motivation for this step in a message he wrote to Jim Allchin in July 1997: "[W]e've agreed that we must allow ISVs to redistribute the Java VM standalone, without IE. ISVs that do this are bound into Windows because that's the only place the VM works, and it keeps them away from Sun's APIs." [2: • 400]

Microsoft took the further step of offering valuable things to ISVs that agreed to use Microsoft's Java implementation. Specifically, in the First Wave agreements that it signed with dozens of ISVs in 1997 and 1998, Microsoft conditioned early Windows 98 and Windows NT betas, other technical information, and the right to use certain Microsoft seals of approval on the agreement of those ISVs to use Microsoft's version of the Windows JVM as the "default." Microsoft and the ISVs all read this requirement to obligate the ISVs to ensure that their Java applications were compatible with Microsoft's version of the Windows JVM. The only effective way to ensure compatibility with Microsoft's JVM was to use Microsoft's Java developer tools, which in turn meant using Microsoft's methods for making native calls and (unless the developers were especially wary and sophisticated) Microsoft's other Java extensions. Thus, a very large percentage of the Java applications that the First Wave ISVs wrote would run only on Microsoft's version of the Windows JVM. [...] The record contains no evidence that the relevant provision in the First Wave agreements had any purpose other than to maximize the difficulty of porting Java applications between Windows and other platforms. [2: • 401]

Nonetheless, developers, especially those "wary and sophisticated," might have chosen to use JVMs written by a party other than Microsoft. However, Microsoft assuaged potential fears of developers by essentially committing fraud: The company deceived developers as to the portability of code written for its JVM.

Microsoft's "Java implementation" included, in addition to a JVM, a set of software development tools it created to assist ISVs in designing Java applications. The District Court found that, not only were these tools incompatible with Sun's cross-platform aspirations for Java—no violation, to be sure—but Microsoft deceived Java developers regarding the Windows-specific nature of the tools. Microsoft's tools included "certain 'keywords' and 'compiler directives' that could only be executed properly by Microsoft's version of the Java runtime environment for Windows." Id. p 394; see also Direct Testimony of James Gosling p 58, reprinted in 21 J.A. at 13959 (Microsoft added "programming instructions ... that alter the behavior of the code."). As a result,

even Java "developers who were opting for portability over performance ... unwittingly [wrote] Java applications that [ran] only on Windows." Conclusions of Law, at 43. That is, developers who relied upon Microsoft's public commitment to cooperate with Sun and who used Microsoft's tools to develop what Microsoft led them to believe were cross-platform applications ended up producing applications that would run only on the Windows operating system.

When specifically accused by a PC Week reporter of fragmenting Java standards so as to prevent cross-platform uses, Microsoft denied the accusation and indicated it was only "adding rich platform support" to what remained a cross-platform implementation. An e-mail message internal to Microsoft, written shortly after the conversation with the reporter, shows otherwise: [O]k, I just did a followup call.... [The reporter] liked that i kept pointing customers to w3c standards [(commonly observed internet protocols)].... [but] he accused us of being schizo with this vs. our java approach, i said he misunderstood [—] that [with Java] we are merely trying to add rich platform support to an interop layer.... this plays well.... at this point its [sic] not good to create MORE noise around our win32 java classes, (instead we should just quietly grow j++ [(Microsoft's development tools)] share and assume that people will take more advantage of our classes without ever realizing they are building win32-only java apps.

GX 1332, reprinted in 22 J.A. at 14922–23.

Finally, other Microsoft documents confirm that Microsoft intended to deceive Java developers, and predicted that the effect of its actions would be to generate Windows-dependent Java applications that their developers believed would be cross-platform; these documents also indicate that Microsoft's ultimate objective was to thwart Java's threat to Microsoft's monopoly in the market for operating systems. One Microsoft document, for example, states as a strategic goal: "Kill cross-platform Java by growling] the polluted Java market." GX 259, reprinted in 22 J.A. at 14514; see also id. ("Cross-platform capability is by far the number one reason for choosing/using Java.") (emphasis in original). [1: pp. 55–56]

It is interesting to note, in the last excerpt, that even Microsoft officials recognized that Java's strength lay in its cross-platform interoperability.

Lastly, Microsoft killed Intel's high-performance JVM, which was fully compliant with the Java standard and could therefore easily have overtaken Microsoft's JVM.

The District Court held that Microsoft also acted unlawfully with respect to Java by using its "monopoly power to prevent firms such as Intel from aiding in the creation of cross-platform interfaces." Conclusions of Law, at 43. In 1995 Intel was in the process of developing a high-performance, Windows-compatible JVM. Microsoft wanted Intel to abandon that effort because a fast, cross-platform JVM would threaten Microsoft's monopoly in the operating system market. At an August 1995 meeting, Microsoft's Gates told Intel that its "cooperation with Sun and Netscape to develop a Java runtime environment ... was one of the issues

threatening to undermine cooperation between Intel and Microsoft.” Findings of Fact p 396. Three months later, “Microsoft’s Paul Maritz told a senior Intel executive that Intel’s [adaptation of its multimedia software to comply with] Sun’s Java standards was as inimical to Microsoft as Microsoft’s support for non-Intel microprocessors would be to Intel.” Id. p 405.

Intel nonetheless continued to undertake initiatives related to Java. By 1996 “Intel had developed a JVM designed to run well ... while complying with Sun’s cross-platform standards.” Id. p 396. In April of that year, Microsoft again urged Intel not to help Sun by distributing Intel’s fast, Sun-compliant JVM. Id. And Microsoft threatened Intel that if it did not stop aiding Sun on the multimedia front, then Microsoft would refuse to distribute Intel technologies bundled with Windows. Id. p 404.

Intel finally capitulated in 1997. [1: pp. 56–57]

The downfall of Java is important because, at the time, Java represented a potential competitor to the Windows hegemony. Currently, most software developers write code for the Windows platform because it represents the largest possible market for their software. As we have mentioned before, code written for one operating system does not run on another without considerable effort in re-writing that code so that, instead of using the first operating system’s interface, it uses the second’s interface. This rewriting of a software program is called “porting” the code and represents a substantial undertaking. Java offered developers a way to increase the size of the market for their software, by allowing developers to write software that would run not only on Windows but on every operating system and hardware platform imaginable. As the Court’s records show, in the mid-1990’s developers recognized this benefit and were moving in large numbers to use Java [2: • 386]. However, the high-tech industry is very fickle, a byproduct of its highly dynamic nature, and if a technology fails to catch on the first time around, it has a difficult road ahead of it. By taking away the main benefit of Java—its promise of universal compatibility—Microsoft allowed developers to become cool to the idea, and Ibis essentially killed it.

Had the Java vision been realized, it would have offered competition in the PC operating systems market. Microsoft waged its campaign against Java for exactly this reason: Had the Java vision come true, it would have weakened the stronghold of Windows, because a user’s choice of underlying operating system would have become less important. This would have increased the likelihood for computer users to consider alternative or “fringe” operating systems such as Unix, Linux, BeOS, Mac OS, etc. Microsoft’s successful subversion of Java took much of the momentum out of the Java movement and in so doing ensured that neither Java nor Java-enabled operating systems would present any significant competition with Windows in the PC operating systems market.

Microsoft attempted to subvert the HTML interface standard. Microsoft attempted a

similar destruction or undermining of the HTML standard (the language of the world-wide web), by creating its own incompatible “extensions” to the language and forcing as many developers as possible to use those extensions. As early as 1995, Microsoft had developed HTML control words that were incompatible with all browsers but its own Internet Explorer. For computer users viewing the web through any browser but Microsoft’s, web pages using these control words would either display incorrectly or fail to display at all. Evidently, Microsoft hoped that, if it could make Internet browsing a confusing and irritating experience for enough people (those not using Internet Explorer on Windows), the popularity of the Internet would wane, and the “inflection point” that the Internet represented would not have the potential to injure Microsoft. Microsoft entered into numerous agreements to spread its non-standard HTML. For example, in 1997, the company set up agreements with website developers (also called Internet Content Providers, or ICPs):

[T]he agreements required the ICPs, in designing their Web sites, to employ certain Microsoft technologies such as Dynamic HTML and ActiveX. Some of the agreements actually required the ICPs to create “differentiated content” that was either available only to Internet Explorer users or would be more attractive when viewed with Internet Explorer than with any “Other Browser.” For example, the agreement with Intuit provided: “Some differentiated content may be available only to IE users, some may simply be ‘best when used with IE,’ with acceptable degradation when used with other browsers.” [2: • 322]

In addition, Microsoft began forcing even OEMs, such as Compaq, to put non-standard HTML features into their websites.

When Compaq eventually [capitulated to Microsoft’s wishes], it did so because its senior executives had decided that the firm needed to do what[ever] was necessary to restore its special relationship with Microsoft. [...] Compaq agreed to offer Internet Explorer as the preferred browser product for its Internet products and to use two or more of Microsoft’s hypertext markup language (“HTML”) extensions in the home page for each of those products. [2: • 233] Microsoft targeted software developers as well:

Microsoft also targeted individual ISVs [Independent Software Vendors] directly, extracting from them commitments to make their Web-centric applications reliant on technology specific to Internet Explorer. [2: • 337]

In dozens of “First Wave” agreements signed between the fall of 1997 and the spring of 1998, Microsoft has promised to give preferential support [...] to important ISVs that agree to certain conditions. One of these conditions is that the ISVs use Internet Explorer as the default browsing software for any software they develop with a hypertext-based user interface. Another condition is that the ISVs use Microsoft’s “HTML Help,” which is accessible only with Internet Explorer to implement their applications’ help systems. [2: • 339]

By exchanging its vital support for the agreement of leading ISVs to make Internet

Explorer the default browsing software on which their products rely, Microsoft has ensured that many of the most popular Web-centric applications will rely on browsing technologies found only in Windows. [2: • 340]

Despite Microsoft’s efforts, consumer interest in the Internet did not wane, and irritation at the inability to view certain web pages did not drive users to forgo browsing the web. It is likely that Microsoft’s failure in this particular campaign was due to the fact that Microsoft attempted to subvert the standard only once it was already in wide use—i.e. once it had already succeeded. In comparison, Java was killed in its infancy, before it had reached a critical mass of support. It is important to note that these are not isolated incidents chosen simply to disparage Microsoft. The record shows that Microsoft saw similar threats from other quarters and responded to them in much the same manner as the maneuvers described above. The following are three examples of how Microsoft responded to quash the development of either direct competitors to Windows or “middleware” for Windows, as well as a brief look at Microsoft’s latest anticompetitive action. Middleware is a type of software program that serves to hide the particulars of the underlying operating system, Java being one example of a middleware system. The very nature of middleware makes it a threat to Microsoft’s operating system enterprise because it has the potential to make Windows obsolete:

A middleware product written for Windows could take over some or all of Windows’s valuable platform functions—that is, developers might begin to rely upon APIs exposed by the middleware for basic routines rather than relying upon the API set included in Windows. If middleware were written for multiple operating systems, its impact could be even greater. The more developers could rely upon APIs exposed by such middleware, the less expensive porting to different operating systems would be. Ultimately, if developers could write applications relying exclusively on APIs exposed by middleware, their applications would run on any operating system on which the middleware was also present. [1: p. 18] In the early 1990’s, Intel created multimedia features in their hardware that would enable computers to play movies and high-resolution computer games, but Microsoft refused to make these hardware features available through its operating system. Typically, as shown in Figure 1, hardware devices and other sophisticated hardware features are available to software only through the operating system, and if the operating system fails to support the hardware, no software running on that system can access that hardware. Intel began developing software called Native Signal Processing that would allow programmers to use the new multimedia features without having to go through Windows, so as to encourage software developers to write multimedia programs. In response, Microsoft threatened to terminate compatibility with Intel’s chips if Intel persisted in offering programmers a way to run software on its hardware without having to use Windows. Intel was ultimately forced

by Microsoft into giving up its software experiments. Five years after the fact, Microsoft finally integrated into Windows most, but not all, of the multimedia capabilities that Intel had developed. The Court's explanation for Microsoft's behavior was a "fear at Microsoft that the NSP software would render ISVs, device manufacturers, and (ultimately) consumers less dependent on Windows. Without this fear, Microsoft would not have subjected Intel to the level of pressure that it brought to bear in the summer of 1995." [2: • • 94–103]

IBM expended enormous effort to reverse-engineer the Windows API and thereby build their own, fully interchangeable, version of the Windows operating system. IBM's operating system was called OS/2 Warp, and, because IBM faithfully reproduced a substantial portion of the Windows API, OS/2 Warp was able to run Windows applications directly. The operating system was billed with the advertising slogan, "A Better Windows Than Windows," which by all accounts was true: The operating system was faster than Windows, it was more reliable than Windows (it did not crash nearly as easily), and it ran most Windows applications flawlessly.

Because it was faster and more stable than Microsoft's operating system, it had the potential to weaken the appeal of Windows. In response, Microsoft swiftly changed the Windows APIs, leaving OS/2 Warp offering an obsolete version of the operating system interface. IBM could not keep pace with the interface changes and ultimately gave up on OS/2 Warp as a PC operating system. [2: • 52, • • 115–132]

Apple created its QuickTime standard to be a multimedia authoring tool and audio/video publishing format that would run on any computer, whether Macintosh-based or Windows-based. Microsoft saw this as a threat because QuickTime enabled software developers to write multimedia programs that would run on Windows but that did not depend directly on Windows. Microsoft developed its own multimedia standard (DirectX) and threatened to develop multimedia content-development software that was incompatible with Apple's and to expend every resource available to ensure that it won out over QuickTime, unless Apple ensured that QuickTime would not run equally well on all platforms. Microsoft's proposal was for Apple to make their Windows-based QuickTime software entirely dependent on Windows. "[Apple's CEO Steve] Jobs reserved comment during the meeting with the Microsoft representatives, but he explicitly rejected Microsoft's proposal a few weeks later. Had Apple accepted Microsoft's proposal, Microsoft would have succeeded in limiting substantially the cross-platform development of multimedia content." [2: • • 106–109]

Windows XP is Microsoft's latest version of the Windows operating system, released in November 2001 in the midst of the trial's conclusion. The operating system flouts the very same laws that Microsoft was charged with violating in the first place. The operating system disables the software of competitors—including Apple's QuickTime

media player, AOL Time Warner's America On-Line version 6.0, and RealJukebox from RealNetworks [23]—and supplants them with Microsoft's proprietary alternatives. Note that these are the very companies with which Microsoft had similar run-ins previously [1,2]. Not only is the browser tied to the operating system, but so is nearly every aspect of the computer user's experience, from Internet content to popular multimedia formats. The writing on the wall is very clear: No software vendor is safe—Microsoft can destroy any competitor's software it chooses and replace it with its own.

#### Solutions to the Problem

According to the Supreme Court, there are four primary goals for an antitrust remedy. "The Supreme Court has explained that a remedies decree in an antitrust case should 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.'" [1: pp. 99–100] We propose a multi-part remedy that addresses each of these goals.

#### Most Importantly: Prevent Future Monopolization

We treat the last goal first because we believe it to be the most important. The first three goals—to restore competition, to terminate the illegal monopoly, and to deny the illegal monopoly the fruits of its misconduct—are addressed in the next section. As the Supreme Court indicates, an antitrust remedy is not sufficient if it merely returns us to the status quo [9,10]. An appropriate remedy must also seek to prevent future monopolization. We believe that the best way to prevent future misconduct from Microsoft is to look at those of its actions that are problematic and devise a remedy that prevents similar maneuvers in the future. The list, again, of Microsoft's actions:

1. Microsoft created an alternative browser to Netscape's. Action #1 alone is an example of behavior that is perfectly legal and should remain so: A monopoly clearly should not be prevented from competing in a market just because of its status as a monopoly. The rest of the actions, however, are objectionable:
2. Microsoft brought pressure to bear on OEM and IAP channels.
3. Microsoft changed its Windows API to make existing software incompatible.
4. Microsoft selectively disseminated the details of its Windows API changes.
5. Microsoft subverted the Java interface standard.
6. Microsoft attempted to subvert the HTML interface standard. It is this second group of tactical maneuvers, numbers 2 through 6, that we will explore for direction, and doing so leads us to further remedial steps to prevent future misconduct. Action #2, pressuring OEMs to pre-load only Internet Explorer, and action #4, selectively disseminating information on its changes to the Windows API, are both obvious violations of the Sherman Act. For instance, as detailed earlier, Microsoft's manipulation of the Windows API harmed both IBM and Netscape, and therefore action #2 is part of the illegality. The other actions represent very serious and very effective abuses of

power, and Microsoft violated the Sherman Act when the company used its abilities to harm other companies through these actions. For instance, Microsoft's undermining of the Java standard harmed Sun, and therefore action #5 is part of the illegality. Clearly, it is imperative to prevent all of the listed behaviors if we are to prevent future monopolistic abuses by Microsoft.

Microsoft undertook these anticompetitive actions because it believed its Windows API—its operating systems interface—to be threatened by other technologies that could potentially supplant it. As we have said, like contracts, interfaces are extremely powerful things. Compared to a tangible product, an internal interface differs in its impact on economic systems because not only are end-consumers dependent on it, but other hardware and software vendors that build products compatible with the interface are dependent on it as well. Furthermore, the effect of modifying an interface on which competing companies depend is markedly different from the effect of simply developing a competing product: Whereas a new end-product simply offers consumers an alternative to the competitor's product that will have to stand the test of the marketplace, modifying an interface can make the competing company's products instantly obsolete—because as soon as the modification is made the other company's product no longer conforms to the interface, and an interface is ultimately more influential in its scope than any particular product that embodies it. Therefore it is clear that a monopoly controlling a widely used interface is perfectly capable of controlling its direct competitors, its indirect competitors, and even those corporations that provide complementary products and do not compete with it in any way.

The obvious conclusion is that monopolies should not be allowed to control widely used interfaces. We propose two remedies that would prevent future misconduct: A. Microsoft's widely used interfaces (in particular the Windows API) should be turned over to the public—i.e. Microsoft should give up its right to modify at will those of its interfaces that have become de facto standards. The authors would prefer to see the interfaces handed over to the IEEE (the Institute of Electrical and Electronics Engineers), as the IEEE is an independent, non-profit body already involved in the specification of many public computer interface standards, both hardware and software. However, the choice of a governing body is a matter of opinion.

B. Microsoft should adhere to existing de facto standard interfaces: The company should not develop or fund the development of any interface that provides substantially similar function as an existing standard but that is incompatible with that standard.

Note that remedial step A differs from Judge Jackson's interim provision in which Microsoft was compelled to provide all information about the Windows API to all developers in a timely manner and equally to all [13]. His Final Judgment stated that, until full implementation of the divestiture plan which he imposed, among other things the following was to be required of Microsoft:

b. Disclosure of APIs, Communications Interfaces and Technical Information. Microsoft shall disclose to ISVs, IHVs, and OEMs in a Timely Manner, in whatever media Microsoft disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable—

i. Microsoft applications to interoperate with Microsoft Platform Software installed on the same Personal Computer, or

ii. a Microsoft Middleware Product to interoperate with Windows Operating System software (or Middleware distributed with such Operating System) installed on the same Personal Computer,

or

iii. any Microsoft software installed on one computer (including but not limited to server Operating Systems and operating systems for handheld devices) to interoperate with a Windows Operating System (or Middleware distributed with such Operating System) installed on a Personal Computer.

To facilitate compliance, and monitoring of compliance, with the foregoing, Microsoft shall create a secure facility where qualified representatives of OEMs, ISVs, and IHVs shall be permitted to study, interrogate and interact with relevant and necessary portions of the source code and any related documentation of Microsoft Platform Software for the sole purpose of enabling their products to interoperate effectively with Microsoft Platform Software ... [13] Judge Jackson's judgment essentially makes the previously "undocumented" features of Windows openly available to all 2, and the judgment prevents Microsoft from withholding key information as it did to delay Netscape's offering of a Windows95-compatible browser. Our proposed remedy A would push Judge Jackson's judgment a step further—our proposed remedy would take the Windows API from Microsoft's control and hand it over to an independent body as a public interface. Note that this does not mean that Microsoft would have to divulge any source code to the public; only the Windows API would become public.

2. The "undocumented" features of Windows are those features that exist in the operating system but that are unavailable to all but a select group by virtue of the fact that the features are not specified in any publicly available document.

Public interfaces, often called public standards, are those that are not proprietary, are controlled by an independent body (such as ANSI, the American National Standards Institute; IEEE, the Institute of Electrical and Electronics

Engineers; IETF, the Internet Engineering Task Force; etc.), and are typically designed to make computers of different types compatible with each other. Generally, all who wish to participate in the specification of a public standard are allowed to contribute to the effort: Because of the public nature of such discussions, no one is prevented from playing a part. Conversely, no individual or corporation is allowed to make unilateral decisions about the standard. A perfect example of a public interface is the World-Wide Web: It uses the Internet Protocol—a public standard—to transmit documents

written in HTML—also a public standard—from web servers to web browsers, using yet another public standard called HTTP (hypertext transmission protocol) that runs on top of the Internet Protocol. Any computer anywhere that supports these standards can browse the web, whether it is Windows-based or PalmOS-based or Macintosh-based or Unix-based or BeOS-based or Linux-based, and the fact that the standards are public increases the chance that any particular operating system will support them. The fact that the web uses nothing but public standards is one of the characteristics that attracted developers to the web in the first place: Any programmer can build a web server or web browser and know that it will work with the web; moreover, because the standards are public, the programmer need not pay any royalties to anyone; lastly, because the standards cannot be changed by any one person or company acting alone, the programmer can be assured that his work will not suddenly become obsolete due to unannounced changes to the various interfaces.

A monopoly should certainly be allowed to help define these public computing interfaces—who better to help realize the future of computing than a company with years of experience in the computer industry? However, a company should not be allowed to use its monopoly status to do an end-run around an existing public standard and undermine the efforts of others to make computers more compatible with each other, more useful, and easier to use. These two proposed remedial steps together would prohibit Microsoft from doing just this: Together, they would ensure that Microsoft will not be able to create, either directly or indirectly (i.e. by persuading smaller companies to do its bidding), new products that undermine public standards. Moreover, Microsoft's own primary interface, the Windows API, would become a public standard, which would prevent Microsoft from modifying that interface at will, as the company has done in the past to ensure that Netscape's browser would fail to work with Windows95 and to ensure that IBM would not be able to keep up with its reverse-engineering effort that made OS/2 possible.

Unfetter the Market from Ant/competitive Conduct, Terminate the Illegal Monopoly, and Deny Microsoft the Fruits of its Misconduct

As mentioned in the previous section, the court, in fashioning remedies, should go beyond merely restoring the status quo. The court should impose a remedy that will cure the effects of the illegal conduct and, at the same time, prevent the continuation of the misconduct and prevent the violator from reaping benefits in the future from their conduct [9, 10]. Because the "relevant market" for a monopoly is defined as including all products that are "reasonably interchangeable by consumers for the same purposes" [1: p. 15], a monopoly exists by definition if there are no such products available. No product currently exists that is reasonably interchangeable with the Windows operating system, and Microsoft's present monopoly will not be terminated until one does exist. The solution is rather

clear: Microsoft eliminated the threat of potential competitors to its Windows operating system by exclusionary tactics, and therefore it should bear the responsibility of funding the production of such a competitor. Or perhaps more than one. Doing so would introduce competition into the market, would end Microsoft's monopoly, and would deny Microsoft the fruits of its anticompetitive behavior.

We propose the following additional remedial steps, in addition to those already discussed:

C. All non-compliant Java technology developed by Microsoft (its Java Virtual Machine and its development environment) should be destroyed, and Microsoft should be prevented from distributing it in the future, either directly or indirectly.

D. Microsoft should pay Intel to finish the development of its high-performance Java Virtual Machine, and Microsoft should also pay at least the initial costs of marketing the product.

E. The non-compliant Java Virtual Machine in Microsoft's browser should be removed and replaced with Intel's compliant and high-performance JVM.

F. Microsoft should pay Sun Microsystems to finish development of Java technologies and market the product. In particular, the marketing of Java technologies should be handled in much the same way as Microsoft's "evangelizing" of the Windows platform (Microsoft spends hundreds of millions of dollars per year inducing independent software developers to write applications for Windows [2: • 43]). Microsoft should pay Sun a large one-time sum, perhaps equal to a year's worth of Windows evangelizing, to be used by Sun to seed development of Java applications by independent software vendors.

G. Microsoft should pay IBM to update OS/2 to be compliant with the latest version of the Windows API (e.g. Windows XP), so as to provide an alternative operating system to Windows. Because Microsoft's ability to manipulate the Windows API at will is what drove OS/2 out of the PC market last time, such manipulation should be regulated in the future for OS/2 to remain a reasonably interchangeable alternative. Thus, remedial steps A and B are necessary.

H. Microsoft should make its browser and MSN portal compatible with the World-Wide Web Consortium's HTML, HTTP, and XML interface standards. In particular, the MSN portal should not shut out access by browsers other than Internet Explorer, as it presently does [25]. These remedies would create two alternatives to the Windows operating system. The first alternative is based on Java middleware, which could be disseminated by itself or bundled with a browser. As the appellate court stated in its opinion, this is one of the ways in which to make the PC operating-systems market competitive:

If a consumer could have access to the applications he desired—regardless of the operating system he uses—simply by installing a particular browser on his computer, then he would no longer feel compelled to select Windows in order to have access to those applications; he could select an operating system other than

Windows based solely upon its quality and price. In other words, the market for operating systems would be competitive. [1: p. 29]

Remedies C–F provide for the Java alternative. This would create a layer of middleware that is truly cross-platform. If it is marketed well, the average end-consumer might become familiar with it, thereby making it a viable alternative to Windows. If Microsoft were to be prevented from undermining the Java standard, software developers could write applications and know that their software would run on any operating system equally well, from Windows to Mac OS to Unix to Linux to BeOS, etc. This would create larger markets for the developers' software (as opposed to writing software that runs on only one operating system) and could also raise consumer interest level in alternative operating systems—provided that enough developers begin to write compelling Java applications, such as a reasonably interchangeable alternative to Microsoft's Office suite. Fundamental to the scheme is a truly cross-platform, high-performance environment, which is what Intel was attempting to help Sun deliver. Therefore, it is crucial that Intel's high-performance JVM take the place of Microsoft's incompatible JVM, and all of Microsoft's non-compliant Java technology be kept off the market and thus out of circulation and unavailable for public consumption.

Because the future widespread availability of Java applications that rival their Windows counterparts in features and sophistication is merely speculative, even with seed funding from Microsoft, it is best to provide a second alternative as well: a full-blown operating system having the same features as Windows and able to run Windows applications. Remedy G provides for the OS/2 alternative: a truly interchangeable alternative to Windows. This was the promise of OS/2 before Microsoft changed the Windows API more rapidly than IBM could reverse-engineer it. With Microsoft funding its development, IBM should be able to bring OS/2 up to the WindowsXP API in a very short time (in software development, emulating an existing product is much simpler than creating something new from scratch).

Remedy H simply ensures that Microsoft would be required to maintain open standards, rather than undermining them.

To avoid simply returning to the status quo, Microsoft must be prevented from performing future acts that mirror its previous acts. If Java compatibility is ensured by the eradication of the non-compliant technology, Microsoft should be prevented from building future incompatible Java technology, else history will be repeated. If there is a revival of OS/2, Microsoft should not be allowed to manipulate the Windows API so as to make the new version of OS/2 instantly obsolete, as it did in the mid-1990's to eliminate the threat of OS/2 Warp. Remedial steps A and B together prevent future monopolistic abuses of this type.

#### Discussion

Making the Windows API a public standard owned by an independent

organization separate from Microsoft and preventing Microsoft from manipulating the interface as it sees fit are both essential if the remedial steps in the previous section are to work for any length of time. If Microsoft has free reign to modify the Windows API, it could very quickly make Intel's JVM non-compatible with Windows, and, if OS/2 were to become again an alternative to the Windows operating system, Microsoft could quickly make OS/2 obsolete again simply by changing the Windows API. If Microsoft retains control of the Windows API, it can target any company's software and make it instantly obsolete by appropriately modifying the API. By the time the company re-writes its software to reflect the changes, Microsoft could modify the Windows API even further, and thereby ensure that the targeted company would never have a software product that is compatible with the latest version of Windows.

For example, Microsoft's Passport system is a software package bundled with WindowsXP that handles the financial side of e-commerce transactions, and it provides Microsoft with a small fee charged to the user for every e-commerce transaction Passport handles. If e-commerce is to become as pervasive as predicted, Passport represents future revenues that dwarf the revenues Microsoft currently receives from Windows and Office combined: Because Windows-based PCs represent 80–90% of the world's desktop computers, one can expect that 80–90% of the world's e-commerce transactions will be handled through Passport. If a competitor to Passport arises, Microsoft can simply change the Windows API in a matter of minutes, release the new version of the operating system to OEMs, and in so doing make the new e-commerce software incompatible with Windows—which will temporarily bar that competitor from the Windows desktop. It will take time for the new company to build and release a new version of their software that is compatible with the newer version of Windows, and during this time Microsoft will be able to make further modifications to the Windows API that will render the competitor's revision out-of-date. By allowing Microsoft to own the Windows API, we give Microsoft the ability to arm any targeted company indefinitely. Microsoft has already demonstrated that it is willing to use this power: Remember that Netscape's browser ran perfectly well under Windows 3.1, but Microsoft's changes to the API made Netscape's browser incompatible with Windows95. Remember also that Microsoft's latest version of Windows, WindowsXP, makes numerous software packages by its competitors incompatible. There is every reason to believe that Microsoft will continue to use this ability in the future to harm potential competitors in any promising market, and it is therefore critical to any remedies decree that this ability, to modify the Windows API without the permission of its constituents (i.e. independent software and hardware vendors as well as the public consumer), be stripped from Microsoft.

An argument against this remedial step is that it could stifle competition by preventing Microsoft from creating new features at

will—by curbing Microsoft's ability to “innovate.” In rare cases, new features do require changes to interfaces, but the vast majority of new features tend to work quite well with the old interfaces. For instance, assuming the company is not prohibited from doing so, Microsoft could easily integrate its browser into the Windows operating system without having to change the operating system interface at all. The Unix file I/O interface is an extremely potent example of an interface that has not changed in the decades since its inception yet is still allowing innovation to this day. The interface was defined to allow software to open, read, write, and close files stored on disks. Numerous features have been added to the Unix operating system using the same interface, and—just to name a few examples—software programs can now send messages on the Internet, interact with other programs, use input devices such as mice and drawing tablets, and even talk to smart cards using the same, unchanged, interface as reading and writing files on disks. Clearly, innovation is not at all stifled by restricting changes to interfaces, while this entire article illustrates numerous potent examples of stifling innovation by allowing such changes. Changing the nature of Microsoft's competition with other companies would not hinder its ability to innovate; it would simply force Microsoft to pay more attention to interoperability, ease-of-use, performance, and reliability, as these would be the characteristics on which their products would be judged in the marketplace.

Note that the proposed remedies would still guarantee Microsoft the opportunity to participate in the specification of any given public interface, including Windows, by virtue of the fact that the interface would be public. Microsoft certainly would be allowed to build products that comply with a given public interface—as would all companies, by virtue of the public character of that interface. The only thing Microsoft would be prevented from doing is undermining the public interface by watering it down (making slightly incompatible products) and/or drawing attention away to a proprietary alternative (as it did when it encouraged Java developers to use its own non-standard version of the Java runtime environment).

In addition, this proposal would increase competition in the marketplace by allowing other companies to offer compatible products. By making Microsoft's Windows API a public standard owned by an independent entity other than Microsoft, any company would be allowed to create alternative products that offer the same functionality. Moreover, by virtue of the interface being controlled by an independent body, Microsoft would not be allowed to change the interface more rapidly than other companies could develop new products; changes to the interface would occur at a pace decided by the independent body and contributing members of the public. How could this suggested remedy—that those of Microsoft's computer interfaces that have become de facto standards be made public and that Microsoft be prevented in the future from changing them at will—be enforced against Microsoft? The answer is that the

District Judge Kollan-Kotelly, as part of her decision imposing remedies against Microsoft, could retain jurisdiction over the case rather than closing it completely when she issues her decision. If Microsoft should violate any of the terms of her judgment in the case, the Justice Department could call this fact to the attention of court and ask for a contempt order against Microsoft or other relief, thereby compelling Microsoft to continue to abide by the judgment of the District Court.

Could this proposal put Microsoft out of business or make the company a minor player in the computer industry? We do not think so. Microsoft has three major strengths on its side that no other firm in the world has: (1) the ability to shift markets as it pleases, (2) an astounding number of talented software developers who know how to build system-level software, and (3) the deepest pockets in the computer industry. In addition, Microsoft spends a large amount of its revenue on research, which endows the company with excellent perspective on the future of computing; though this last point gives the company an edge over many of its competitors, it by no way gives Microsoft an exclusive edge. Our proposal would only take away one of Microsoft's strengths: the ability to shift markets as it pleases. The company would still have financial resources and human resources that outweigh any competitor, and its commitment to research should keep the company abreast of any new technologies. Moreover, there is a perfectly good precedent to turn to: Intel makes the computer chips on which Windows runs, and the company has several competitors that manufacture compatible chips. Though Intel has had to face fierce competition, it has responded with rapidly increasing processor performance and thus has continued to own a lion's share of the PC-chip market. One could argue that the performance increases of the last decade would have been far less dramatic than they have been, had Intel faced no competition. If our proposed remedy is implemented and competition is returned to the PC operating systems market, it is likely that Microsoft, like Intel, will have a "brand name" advantage in that it will create the gold standard by which all reasonably interchangeable products will be judged. After all, any Windows-compatible operating system would be judged on its ability to emulate Windows, while the reverse would not be true.

Could a small company abuse this proposed remedy? Could it build a product, declare its product's interface to be the de facto standard, and thereby prevent any form of competition from Microsoft? Not really: One cannot mandate that one's product be a standard; it must be demonstrated to be the most popular interface among alternatives for a given function. Even if the interface were the de facto standard, Microsoft would still be allowed to offer compatible products that comply with the interface. Non-monopolies would be allowed to build and market products with alternative interfaces, and this would certainly happen if the original interface was a poor design and became the standard simply by being the first to market. If any alternative interface superseded the

original public one, then that alternative would become the de facto standard, and Microsoft would be allowed to build compatible products for it. Could Microsoft ever be put in the position wherein the de facto standard for some function is proprietary, the interface is protected in some way by intellectual property rights, and the owner of that interface chooses not to license its technology to Microsoft? This is conceivable—but the authors are aware of only two companies that frequently and selectively deny access to computer interfaces that are proprietary and de facto standards; both of those companies are monopolies; and one of the companies is Microsoft itself (the other is Intel).

Our proposed remedy prevents a monopoly from subverting public interfaces. It does not prevent a monopolistic company from competing in the marketplace; in fact, it encourages competition on the basis of good product design. The proposed solution would simply prevent a type of competition that currently allows large corporations to make small ones irrelevant instead of having to compete head-to-head with them.

#### Non-Solutions to the Problem

Given this list, then, it is easy to evaluate potential solutions to the problem, producing a number of potential fixes that would not actually solve anything:

- Reorganize the company into an operating systems company (responsible for Windows) and an applications company (responsible for all other Microsoft software, e.g. Office, Visual Basic, Passport, etc.). It is likely that this will not happen anyway, due to the current direction of the case. This remedy was ordered by Judge Jackson of the District Court probably because it would tend to slow down the rate at which the Windows API changes—this would be the case because Microsoft's applications company would not be able to exploit those changes any more quickly than other companies. Therefore, the proposal would likely eliminate abuses stemming from action #3. However, the remedy would not prevent abuses stemming from Microsoft's actions #5 or #6—subverting the Java interface standard and attempting to subvert the HTML standard.

- Shorten the length of time a technology patent is in effect. This is not satisfactory because Microsoft's behavior #3—changing the Windows API to make existing software incompatible—would still be legal. In addition, any patent-holder, including Microsoft, could periodically change its product with the intent to acquire a new and different patent on the product's implementation, effectively extending the lifetime of a patent indefinitely. This remedy would also not prevent actions #5 or #6.

- Force Microsoft to divulge all (hidden) interfaces. This addresses behavior #4—Microsoft's decision to selectively disseminate its Windows API changes—and is covered by Judge Jackson's interim provisions. However, a company such as Microsoft can adhere to the letter of the law and still disobey its spirit by changing its interface more rapidly than other companies can keep up, and Judge Jackson's Judgment would not prevent this from continuing to occur. With a large programming staff,

Microsoft can breed new interfaces faster than other companies—especially smaller companies with modest-sized staffs of programmers—an write software for the old ones. This would keep a targeted company in the perpetual state of being prevented from releasing software for the latest version of Windows. This remedy would also not prevent actions #5 or #6.

- Force Microsoft to pay a simple fine (e.g. to government agencies). Clearly, this would merely be a slap on the wrist to the world's most powerful software company.

- Force OEMs to include alternative browsers and/or office software on the computers they ship. This would still allow Microsoft to produce hidden features in its operating system directed at its own browser and/or office applications, giving them an advantage over the applications of other companies. It would prevent none of the abuses we have described.

- Prevent Microsoft from embedding its browser technology into its operating system. Like the other non-solutions, this would not solve the problem. It would ensure that competition exists to a degree in the browser market, but this competition would only exist insofar as Microsoft is prohibited from the maneuvers #3, #5, and #6. Moreover, it would do nothing to foster competition in the operating system market.

Sidebar: Why Version 7.0 of Internet Explorer Won't Work, But Version 7.0.1 Will  
The settlement agreement of November 2nd, 2001 and the revised agreement of November 6th contain a number of proposed remedies that are also obvious non-solutions to the problem. There are so many ways that Microsoft can adhere to the letter of the agreement but still perform acts of monopoly-continuation identical or nearly identical to those of the Browser War that their descriptions would fill an entire article by themselves. Here are, very briefly, a few of those loopholes.

The strongest remedy in the settlement agreement is an attempt to force Microsoft to divulge fully and equally to all the Windows API so that (a) there remain no "undocumented" features of the operating system and (b) no party is excluded from learning the particulars of the API so as to hinder product development or product release. The wording of the requirement is as follows: "Microsoft shall disclose ... for the sole purpose of interoperating with a Windows Operating System Product, ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product." This simple remedy has been watered down by so many mechanisms that it is all but useless:

- "For the sole purpose of interoperating with a Windows Operating System Product" means that Microsoft does not have to divulge the APIs to anyone who intends to write their software for other platforms.

- The only portion of the Windows API that Microsoft must divulge is that portion used by "Microsoft Middleware." Microsoft Middleware has been defined in the document to mean software that is distributed separately from Windows. Therefore those APIs used by any software

shipped with the operating system need not be divulged. Very little of Microsoft's software is shipped independently of the operating system.

The only portion of the Windows API that Microsoft must divulge is that portion used by "Microsoft Middleware." Microsoft Middleware has been defined in the document to mean software that is "Trademarked." Trademarked has been defined to exclude all software that has the name "Microsoft" or "Windows" in it. Therefore, Microsoft must divulge APIs only for Microsoft software that does not include the name "Microsoft" or "Windows," so those APIs used by Microsoft Internet Explorer need not be divulged.

The only portion of the Windows API that Microsoft must divulge is that portion used by "Microsoft Middleware." Microsoft Middleware has been defined in the document to mean software that provides the same function as a "Microsoft Middleware Product." Microsoft Middleware Product has been defined to include only the following software products, most of which are shipped with the operating system: Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, and Outlook Express. The list specifically does not include Microsoft Office; therefore, that portion of the Windows API used by Microsoft Office need not be divulged, unless it is used by the other products as well. Moreover, Microsoft can craft its "Middleware" software so as to use an arbitrarily small portion of the operating system's interface, in particular avoiding that portion used by Office, so that no software vendor could attempt to write a software product that competes with Office.

The only portion of the Windows API that Microsoft must divulge is that portion used by "Microsoft Middleware." Microsoft Middleware has been defined in the document to include code that controls Microsoft Middleware—in other words, Middleware is defined in terms of itself. Therefore, a good lawyer could argue that Middleware is a meaningless term, and, by implication, Microsoft would therefore be required to divulge none of the Windows API whatsoever.

Lastly (this is the personal favorite of the authors), "Microsoft Middleware" has been defined in the document to mean all the above, subject to the following: "Software code ... shall not be deemed Microsoft Middleware unless identified as a new major version." This means that, even if Microsoft is thwarted from exploiting all of the other above loopholes, the company need only divulge that portion of the Windows API that is used by version 1.0, version 2.0, version 3.0, etc. of its Middleware. Therefore Microsoft can ship a crippled version of Internet Explorer 7.0 that uses none of the Windows API, along with similarly crippled versions of all its other Middleware products, and then ship an immediate bug fix in version 7.0.1 that uses the entire API. Microsoft would not have to divulge any of the Windows API at all.

Again, the agreement is riddled with holes such as this—these holes are all found in one paragraph alone, so one can imagine how

useless and unenforceable the entire agreement is. Perhaps the most telling feature of the agreement is one of the document's last lines in which "Windows Operating System Product" is defined thusly: "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." In other words, if Microsoft wants to put a ham sandwich into Windows, it has free license to do so.

#### Legal Precedents

The federal government has the power, and has used it in the past, to regulate an industry in such a way as to require common standards of interoperability, rather than allowing individual corporations to create their own incompatible standards. Allowing the creation of incompatible standards allows one company in an industry to eliminate the availability of reasonably interchangeable services, thereby precluding direct competition. There are many examples, but, for illustration purposes, one is the setting of standard rail specifications.

#### Rail Track Width

The Constitution of the United States grants to the federal government the power to regulate interstate commerce. Congress therefore has authority to legislate in this area, and, among other things, Congress may regulate competition that takes place in interstate commerce. Congress has enunciated the "rail transportation policy" of the United States to include, among others, the following goals:

(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail. ...

(5) to foster sound economic conditions and to ensure effective competition and coordination between rail carriers and other modes [of transportation]. ...

(12) to prohibit predatory pricing and practices, ... [6, section 10101] The construction of a second or duplicate rail line may be prevented when it is not necessary and when it would depend for its revenue on taking traffic away from the preexisting line [4]. Competition in such a case would not be beneficial to the health of the national rail system. Allowing the duplicate line would create a different sort of competition as would be the case if the different carriers were forced to provide service over the same rails.

Congress may act on its own in regulating commerce, or it may delegate to a federal agency the power to regulate a particular industry. The railroad industry, for example, was placed under the jurisdiction of the Interstate Commerce Commission when that agency was created in 1887. In 1995, Congress abolished the ICC as such but established a new agency, the Surface Transportation Board, and transferred to that new agency much of the authority over the railroad industry that previously had been exercised by the ICC.

The Supreme Court of the United States held [5] that, under the Interstate Commerce Act, a railroad carrier owed to shippers of freight in its possession destined for points beyond the limit of its line, a duty to deliver that freight to a connecting line for further

transportation to reach its destination. Also, the connecting line has a corresponding duty to receive and to carry that freight to the next carrier or to its ultimate destination if that destination was along that rail line. The Court indicated that, under that Act, the federal government could require the interchange of traffic between respective railroad lines and could require that those lines establish connections where such interchange may take place.

A rail carrier is required to provide facilities for the interchange of traffic and freight. The Supreme Court has declared that the ICC (and now the STB) has the authority to require the interchange of traffic, including not only trackage, but terminal facilities as well [7]. Congress also has required facilities for the interchange of traffic:

A rail carrier providing transportation subject to the jurisdiction of the Board ... shall provide reasonable proper and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding and delivery of passengers and property to and from, its respective line and a connecting line of another rail carrier ... [6]

Title 49, section 11102(a) of the United States Code provides that the Surface Transportation Board "may require terminal facilities, including main-line tracks for a reasonable distance outside of a terminal ... to be used by another rail carrier if the Board finds that use to be practicable and in the public interest without substantially impairing the ability of the rail carrier owning the facilities ... to handle its own business ..." Section 11102(c) provides that the Board "May require rail carriers to enter into reciprocal switching agreements ... where necessary to provide competitive rail service."

Title 49, section 11103 reads as follows: On application of the owner of a lateral branch line of a railroad, or of a shipper tendering interstate traffic for transportation, a rail carrier subject to the jurisdiction of the Board shall construct, maintain, and operate, on reasonable conditions, a switch connector to connect that branch line or private side track with its railroad ... when the connection

(1) is reasonably practicable;

(2) can be made safely; and

(3) will furnish sufficient business to justify its construction and maintenance.

Before 1862, railroads in this country ran on tracks of different widths, or gauges. We quote from a letter received from an official of the Federal Railroad Administration: At the beginning of the U.S. Civil War there were 7 different gauges in use in the U.S. and Canada. Standard gauge accounted for 53% of the total, with 4'10", 5'0", 5'6", and 6'0" accounting for significant mileage. The Civil War brought to everyone's attention the problems associated with transferring people and freight from one rail system to another. The Northeast rail systems of the U.S. had used standard gauge from the beginning, because they had imported Stephenson Locomotives from England. [27]

In 1862 Congress enacted legislation to make possible the construction of the first transcontinental railroad, "for Postal, Military and Other Purposes." One of those

“other purposes,” obviously, was to facilitate interstate commerce. In section 12 of this statute, adopted on July 1, 1862, Congress provided as follows:

... The track upon the entire line of railroad and branches shall be of uniform width, to be determined by the President of the United States, so that, when completed, cars can be run from the Missouri River to the Pacific Coast; ... [14]

Congress was not satisfied with President Lincoln's decision with regard to the gauge of tracks for the transcontinental railroad [15], and on March 3, 1863, enacted another statute, which stated: Be it enacted ... that the gauge of the Pacific railroad and its branches throughout their whole extent, from the Pacific Coast to the Missouri River, shall be, and hereby is, established at four feet eight and one-half inches. [16]

This Act thus established four feet eight and one-half inches as the North American Standard Gauge [27].

The Surface Transportation Board has adopted many pages of detailed regulations on the subject of tracks. Many of these are for the purpose of setting a standard or uniform width between rails for railroads in interstate commerce and therefore under the Board's jurisdiction. These requirements specify that the rails must be no less than 4 feet 8 inches apart and no more than 4 feet 10 and one quarter inches. This makes it possible for any rail car to fit any tracks. See, e.g., 49 Code of Federal Regulation • • 213.51 and 213.323. The stated purpose of these particular regulations is safety, but since the government has power, under the Interstate Commerce Clause, to prevent monopolistic practices, and to ensure fair competition, such regulations also could have been enacted for those reasons as well.

Let us now describe two examples to aid in making our point.

Ex. 1: Suppose, hypothetically, that there is a very well-known railroad company that owns a large fraction of the world's rail lines but that does not own the rail line connecting Boston and New York. By the fact that this company owns so many rails, it has the “brand-name” advantage of being known to nearly all railway passengers and shippers.

Suppose this company recognizes that running its cars on the New York-Boston route would increase its profits substantially, but the company does not want to pay the owner of the line for the right to use its tracks. Suppose that the large company has bought a right of way between New York and Boston and is beginning to construct tracks on the right of way. The company will depend for its revenue on taking traffic away from the preexisting line, and there is little doubt that the large company will be successful in doing so, because it is a well-known rail carrier, and, given the choice between a rail carrier that one is familiar with and a carrier that one has never heard of, any given passenger or shipper is likely to choose the familiar name. As mentioned before, the federal government has the power to stop the construction of the duplicate line [4].

Ex. 2: Suppose, hypothetically, that there has been no rail line for many years directly connecting Boston and New York, and rail

traffic must pass through other cities and travel in a roundabout way for several hundred miles more than the direct route, to carry freight or passengers from one of these two cities to the other. Many years ago there was a direct line connecting the two cities, but it has been abandoned for many years.

Suppose that the large company from the previous example has just bought the old right of way and is beginning to construct tracks on the right of way. However, instead of building rails that are the standard gauge of 4 feet, 8 and one-half inches apart, this company is placing its rails six feet apart. The company may claim that their reason for doing this is efficiency or better service, but the direct and obvious effect is to make it impossible for railroad cars of other companies, which are built for standard-width tracks, to run on the newly constructed line. Other carriers will have to unload freight and passengers and reload them on cars built for the non-standard tracks (owned by the large company), and this will make it possible for that company to earn more revenue and greater profits.

Can there be any question as to the government's authority to block the company from building wide-gauge tracks? Clearly, the government has power to require that the rails be standard width. The government has authority to prevent the construction of non-standard-gauge tracks, also to prevent monopolistic practices or anticompetitive practices, which the construction of such a line would represent. After all, railroads in interstate commerce are subject to the Sherman act, which prohibits conduct that extinguishes competition. [11, 12]

The adverse effect of monopolistic practices over several hundred miles of railroad track is infinitesimal compared to the effect that a monopolistic practice by Microsoft has on our economic system. The repercussions throughout the economy are much greater when Microsoft performs anticompetitive acts, but these hypothetical examples can be useful in explaining Microsoft's actions and their impact on competitors.

The Microsoft interface-abuse analogy is the combination of these two examples: It is as if (1) a railroad company were to build a duplicate set of tracks that (2) are also incompatible with preexisting tracks. If Microsoft were to offer compatible, alternative software, that software would compete head-to-head with other alternatives. However, by building and promoting alternative software that uses incompatible interfaces, Microsoft offers an alternative that depends for its revenues on taking business away from other companies' products, by preventing software by those other companies from competing head-to-head with Microsoft's software. This is the case because, by virtue of the fact that Microsoft's software is incompatible with that other software, a customer must choose one or the other and cannot (easily) have both. For example, developers writing software for Microsoft's implementation of Java cannot then run that software on the Sun JVM. Developers creating websites using Microsoft's incompatible HTML control statements are forced into the situation where

their website works correctly only for Microsoft's web browser.

As we have shown in the railroad example, the government is justified in forcing companies to adhere to standards of compatibility if doing so furthers fair competition. The government is similarly justified in forcing Microsoft to adhere to standards of compatibility—doing so would not only further competition, but it would also prevent Microsoft from repeating many of its recent anticompetitive actions.

#### Intellectual Property Considerations

Copyrights and patents constitute property in the holder of the copyright or patent, and such property normally should not be taken away by the government except for good reason and should not be taken without providing compensation to the owner for the loss of that property. There is some authority to the effect that even if the owner of intellectual property has violated antitrust laws, the courts cannot take the intellectual property away from that owner [17]. May Microsoft and other companies in the computer industry claim the protection of our copyright or patent laws for their interfaces, even when those companies have violated the antitrust laws of the country? Computer programs may be copyrighted, and innovations in the workings of computers can be patented. Some user interfaces apparently can be copyrighted if at least some literary creativity has been used in the development of that user interface [18, 19, 20]. What about the “internal” interfaces that have been the focus of this article? Are these copyrightable, patentable? Judge Jackson, in his Final Judgment, had no difficulty in imposing his interim remedies against Microsoft, in requiring Microsoft to disclose its internal interfaces (the Windows API) to the public [13]. Copyright and patent law posed no barrier to requiring Microsoft to give up control of its interfaces, as far as he was concerned.

Even if internal interfaces are copyrightable, they cannot be used in such a way as to violate the nation's antitrust laws. In a case involving the Morton Salt Company [21], a competitor company was using a patent as a means of restraining competition, in violation of the antitrust laws. That company sought injunctive relief against Morton Salt, to restrain the latter from allegedly violating the patent. The court ruled in favor of Morton, reasoning that a patent should not be enforced where the patentee has used its monopoly power and the patent as a means of illegally restraining competition. Microsoft has used its Windows API, its most widely used computer interface, in ways that have violated the antitrust laws, and therefore the company should not be allowed to claim the protection of our patent or copyright laws to prevent the interface from being made public property.

The author of an article in the Stanford Law Review, written in 1993, before the advent of the current Microsoft case, said in that article that although the user interface may be copyrighted, since it may involve some literary or artistic creativity, an internal interface must not be copyrighted or patented. In that article, the author foresaw the problem that has arisen in the Microsoft

case. He predicted that antitrust problems would occur if such interfaces receive copyright or patent law protection:

[N]ew hardware manufacturers may find themselves compelled to use a computer's internal interface in order to make their machines compatible with software already independently developed for the competitor's computer. Without compatibility with preexisting software, the costs and possible limited availability of software will make consumers hesitant to buy the new hardware, even if it is superior. Thus, a copyright over an internal interface may yield a monopoly over computer hardware .... As one commentator suggests, copyright protection for elements necessary to achieve compatibility would encourage large, established firms to create incompatible products in an effort to set new standards, which they could then monopolize. Yet the public may embrace these new standards not because they are objectively preferable to either the previous standard or alternatives possessed by smaller firms, but because of the large firms' "penetration pricing" strategy or powerful brand name recognition.

[T]he law must be cautious about protecting elements necessary to achieve compatibility because even though such protection may, in some cases, serve innovation, it risks granting far-reaching, unjustified monopolies. Any intellectual property regime that covers interface elements necessary for compatibility must be able to weigh these factors in order to protect only those elements that are truly innovative enough to warrant protection .... Given the potential monopoly effects and the ambiguous innovation effects, not protecting elements necessary for compatibility, while imperfect, is preferable to overbroad, long-lived protection. Specifically, copyright should leave the following elements of software unprotected: (1) elements dictated by efficiency; (2) internal interface elements required to achieve compatibility; and (3) elements of user interfaces that have already become de facto interface standards. [22]

The author of the Stanford Law Review article foresaw clearly that internal interfaces must not be copyrightable or patentable, else serious abuses of the antitrust laws, such as those perpetrated by Microsoft, are likely. An internal interface that has become the standard for the industry should be considered public properly. Otherwise, problems such as those caused by Microsoft in the current case before the District Court are inevitable.

#### Our Position

To summarize, we propose two remedial steps that would prevent future misconduct on Microsoft's part. In remedial step A we propose that those of Microsoft's most widely-used interfaces, especially the Windows API 3, should be made public and should be made universally available, without the threat of Microsoft's manipulating those interfaces to injure competition in the future. Furthermore, remedial step B proposes that Microsoft be prevented from undermining public interfaces so as to prevent future acts similar to fragmenting the Java interface.

3. A similar argument would suggest that the Office file formats be included in this list as well. To restore competition to the marketplace, we propose the largely monetary remedial steps C-H. These are aimed at redressing Microsoft's illegal, anticompetitive behavior towards Sun, Netscape, Intel, and others. Clearly the United States District Court has authority within current antitrust laws to impose those remedies against Microsoft.

Whether the District Court has the power to impose steps A and B as part of the package of remedies against Microsoft under current antitrust laws is not entirely clear. The United States Court of Appeals, in its June 28, 2001 opinion, did not mention this as a possibility, and these steps were not included as a remedy by Judge Jackson in his decision. It can be argued that declaring the Windows interface public is beyond the power of the courts under present antitrust laws, and that such a remedy can only be imposed through future legislation by Congress or through administrative regulation or adjudication under future statutory authority from Congress. On the other hand, it can be argued that the District Court does have the authority to declare the interface public as part of the array of judicial remedies against Microsoft in the case now before it. Antitrust law, after all, consists of federal statutes and the case law interpreting those statutes, particularly the body of case law generated by the Supreme Court of the United States over many years of antitrust litigation. These cases provide the District Court with a wide range of possible remedies and with a great deal of flexibility to address the problem at hand. The Supreme Court has said that in imposing remedies for antitrust violations the trial court is not limited to merely restoring the status quo. That court should compel the violator to take actions that will cure the ill effects of the violation or violations and also should take steps that will prevent the violations from continuing into the future and should deny the violators any future benefits from their wrongdoing [9, 10].

Arguably, the United States District Court has authority under present law to make the interface public as part of the remedies to be imposed against Microsoft in the present case. But, if not, Congress should enact legislation giving a federal administrative agency the authority to adopt regulations giving it the power to hold hearings regarding interfaces and the power to declare interfaces public when they become so widely used that commerce would be adversely affected if they are not declared public properly.

#### Conclusion

Computers fail to work when their internal interfaces, the rules by which computers and computer components operate and interact with one another, are disobeyed. These interfaces are essentially sets of rules, and we have shown that simply changing these rules can have significant economic impact. It is our contention that when one is in the position of writing the rules—any rules that affect a significant number of people—then one is obligated not to manipulate those rules to further one's own selfish interests.

The computer industry is similarly bound to the rules by which computers interoperate,

and therefore any company with the ability to manipulate rules that affect a significant number of corporations has the ability to bend the behavior of those corporations to its will. Microsoft's ownership of the Windows API represents such an ability, because a substantial fraction of the world's hardware and software is dependent upon the specification of the Windows interface, the Windows API, and, when that API changes, all affected must update their hardware and/or software to remain compatible with Windows. Microsoft has demonstrated in the past that it is willing to use this ability to harm individual companies, and there is no indication that it will refrain from this behavior in the future. Therefore, to prevent future anticompetitive behavior from Microsoft, the ability to change the Windows API without limit to scope or timetable must be taken from the company. This is best done by making the Windows API a public standard and handing it to an independent standards institute (such as the IEEE, ANSI, etc.) to control, and to not allow Microsoft to change the API in its own products except under guidelines established by that institute. Microsoft could be prevented from suddenly changing the interface for its products so as to stamp out competition.

The effect of Microsoft's anticompetitive behavior is that the company retains its position as industry leader not by offering the most innovative, reliable, user-friendly products available, but by ensuring that any competing software product that shows the potential to be more innovative, reliable, or user-friendly than Microsoft's products is killed in its infancy.

Ultimately, it can be argued that Microsoft is cheating every computer-user in the world out of a better computing experience by holding back innovation in the computer industry and thereby keeping consumers' expectations of its own products artificially low. Judge Jackson ended the Findings of Fact expressing exactly this sentiment, and the excerpt summarizes Microsoft's behavior towards its constituents very plainly:

Most harmful of all is the message that Microsoft's actions have conveyed to every enterprise with the potential to innovate in the computer industry. Through its conduct toward Netscape, IBM, Compaq, Intel, and others, Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of Microsoft's core products. Microsoft's past success in hurling such companies and stifling innovation deters investment in technologies and businesses that exhibit the potential to threaten Microsoft. The ultimate result is that some innovations that would truly benefit consumers never occur for the sole reason that they do not coincide with Microsoft's self-interest. [2: • 412]

We have shown that Congress has the power to enforce industry-wide standards of interoperability and that Congress has used this power in the past. We have also shown that the regulating of its corporate behavior with regards to computing standards is the only way to prevent Microsoft from performing nearly identical acts of

anticompetitive behavior in the future as it did during the mid 1990's. Were Microsoft's Windows API to be named an open standard and the company to become regulated with respect to open standards, Microsoft would not be allowed to stifle and destroy other software vendors using its demonstrated ability to shift markets by manipulating the Windows API and undermining popular interfaces; the company would instead, for the first time in a long time, be forced to compete entirely on the strengths of its product.

Microsoft has engaged in violations of the antitrust laws of our country and continues to violate those laws. Judge Thomas Penfield Jackson's Findings were accurate—they showed just how relentless Microsoft's actions have been, and his decision showed that strong remedial steps are necessary to ensure compliance with the Sherman Act. The Court of Appeals agreed with his decision in its important aspects—that Microsoft was a monopoly and had violated the Sherman Act, and that preventive steps needed to be taken by the District Court, although by a different District Judge.

But Bill Gates kept denying and denying that Microsoft had done nothing wrong. He and other Microsoft officials kept denying the truth for a long enough period of time for another political party, the Republican Party, a party generally more favorable to big business than the Democratic Party, to come into power in January, 2001. President Bush appointed a new Attorney General to head the Justice Department and had the opportunity to appoint a new set of Assistant Attorneys General. So, one of the most powerful corporations in this country, a business founded and headed by a man who happens to be the wealthiest person in the world, with tremendous power and influence, and with the capacity to contribute substantially to political parties and the candidates he favors, violated the law but repeatedly denied any wrongdoing over a long enough period of time to enable another political party to come into power, with a new set of lawyers in the Justice Department, lawyers with an obviously different viewpoint when it comes to enforcing the antitrust laws.

Then the economy, in 2001, went into a serious downturn, and on September 11, 2001, our country was attacked by terrorists. In October, 2001, the newly staffed Justice Department entered into a proposed settlement with Microsoft that does not address the problems created by Microsoft's activities of the past several years and which will not prevent it from continuing to engage in the same kinds of illegal conduct in the future.

Hopefully the proposed settlement will not be signed by the states that, as of this writing, have refused to join with the federal government in attempting to settle the case. Also, hopefully Judge Kollar-Kotelly will refuse to approve and accept the proposed settlement and instead will impose meaningful and effective remedies against Microsoft. We hope that the suggestions in this paper, which would make the Windows API public property, owned and controlled by the public—will be included in any set of remedies imposed in the case.

The facts of the Microsoft case show unfortunate behavior on the part of Microsoft and its officers, and if they are not stopped from continuing to engage in that conduct, our system for regulating antitrust violations will have broken down. The facts of the case, as outlined in the Findings of Judge Jackson, require that significant, effective remedies be imposed. If this is not done, the system will have miscarried because Gates and Microsoft refused to admit to wrongdoing, even though it is clear that violations took place; because a different political party, with a different approach to antitrust law won the November, 2000 election and was able to replace the Attorney General with another; because the economy faltered, thereby placing pressure on the Bush administration to ease up in pursuing antitrust violations; and because the September 11, 2001 terrorist attacks required the full attention of the Justice Department and left little time for battling Microsoft. Thus, instead of reaching a decision based on the facts as developed by Judge Jackson, the District Court will have made a decision based on extraneous factors that have nothing to do with the merits of the case. Our system of justice will have failed.

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27. Letter to one of the authors, dated October 24, 2001, from Mark E. Yachmetz, Associate Administrator for Railroad Development of the Federal Railroad Administration, which is part of the United States Department of Transportation.

#### The Authors

Bruce L. Jacob is an Assistant Professor of Electrical and Computer Engineering at the University of Maryland, College Park. He received his Ars Baccalaureate, *cure laude*, in Mathematics from Harvard University in 1988, and his M.S. and Ph.D. in Computer Science and Engineering from the University of Michigan in 1995 and 1997, respectively. In addition to his academic credentials, he has extensive experience in industry—he designed real-time embedded applications and real-time embedded architectures in the area of telecommunications for two successful startup companies: Boston Technology (now part of Comverse Systems) and Priority Call Management (now part of the Sema Group). At Priority Call Management he was employee number 2, the system architect, and the chief engineer. He built the first working prototype of the company's product, and he built and installed the first actual product as well. His systems architecture helped the company grow from start-up to a \$200 million leader in its segment of the telecommunications industry. In academic research, Jacob was responsible for the cache and memory-management design of the DARPA-funded PUMA processor, which demonstrated the viability of software-managed caches for use in general-purpose systems. His work in advanced DRAM architectures is the first comparative evaluation of today's memory technologies, and he recently received the prestigious CAREER Award from the National Science Foundation for this research. He has authored papers on

computer architecture and memory systems, low-power embedded systems, distributed computing, and astronomy.

Bruce R. Jacob began his career in 1960 as an Assistant Attorney General for the State of Florida. There he represented the respondent in the United States Supreme Court in the landmark case of *Gideon v. Wainwright*, 372 U.S. 335 (1963). Upon leaving that office, he engaged in the private practice of law in Barrow and Lakeland, Florida, in the firm of Holland, Bevis & Smith, now Holland & Knight. Following the completion of his LL.M. degree at Northwestern University, Professor Jacob joined the faculty of Emory University School of Law, where he established the Legal Assistance for Inmates Program at the Atlanta Penitentiary. He was appointed by the Supreme Court as counsel for petitioner in *Kaufman v. United States*, 394 U.S. 217 (1969). He received his S.J.D. at the Harvard Law School. While at Harvard, he served as a Research Associate in the Center for Criminal Justice, assisted in the establishment of the Harvard Prison Legal Assistance Project, and supervised the work of law students in the defense of criminal cases and in the representation of indigents in civil matters in the Community Legal Assistance Office, Cambridge, Massachusetts. Jacob subsequently served as Professor and Director of Clinical Programs at The Ohio State University College of Law, as Dean and Professor of the Mercer University School of Law and as Vice President of Stetson University and Dean of Stetson College of Law from 1981 through 1994. Presently he is Dean Emeritus and Professor of Law at Stetson. He is an author and co-author of articles on Criminal Law and Procedure, Civil Rights and Civil Liberties, and the Administrative Law of Corrections. While on sabbatical leave during 1994-95, he took courses in the LL.M. program in Taxation at the University of Florida College of Law, and received that LL.M. in 1995. He has taught courses in criminal law as well as in tax law, administrative law, and state constitutional law. Copyright ?? 2001, Bruce L. Jacob and Bruce R. Jacob

**MTC-00002666**

From: rick strzelecki  
To: Microsoft ATR  
Date: 12/4/01 11:27am  
Subject: Proposed Microsoft settlement  
Renata Hesse, trial attorney, Antitrust Division

Dear Ms. Hesse:

Thank you for giving consumers an opportunity to respond to this proposed settlement. As a teacher, I had access to a computer lab from the early 1980's until my retirement in 1995. During that time we progressed from Commodore 64's to MAC's and the more sophisticated PC's. Whenever given a choice, I always opted for Microsoft software because the subject selection was excellent, it was user friendly and the price was reasonable. The very small budget we were given to work with made it imperative to put a price on value. I was impressed through the years that while both content and user friendliness continued to advance, the prices remained reasonable. The limit on my budget, needless to say, had not advanced.

After retirement I continue to watch my grandchildren from tots on up develop, improve and enrich skills with software that is affordable; and I am delighted with the capabilities of my PC.

Therefore, based on my very positive experiences as a consumer, I would like to see this settlement stand. I think it is time to put an end to all of the time, energy and money that has been expended on this case. Surely future time, energy and money can be put to better use by all parties concerned.

Thank you again for considering my response.

Sincerely,  
Adelaide Bodoia  
2317 Dublin Dr. NW  
Olympia WA 98502

**MTC-00002667**

From: Gordon Tillman  
To: Microsoft ATR  
Date: 12/4/01 11:02am  
Subject: Microsoft's Proposal  
Howdy Folks,

Just want to offer my two-cent's worth... I feel very strongly that Microsoft's proposal is a blatant attempt by the company to extend its monopoly even further.

They should be heavily penalized for their crimes. The Justice Department should take the money and use it to help defray the expenses that our federal government has incurred in helping to bring up the level of technology in the schools.

Regards,  
Gordon Tillman  
Senior Software Development Specialist  
AGS/Lindy Software

**MTC-00002668**

From: nelson@sass165.sandia.gov@inetgw  
To: Microsoft ATR  
Date: 12/4/01 11:58am  
Subject: Help Benefit Students

I believe Redhat's idea of offering their O/S and software freely that Microsoft may donate more hardware is an excellent idea. Allowing Microsoft to provide students with all and only their software, hardware, etc. will only increase Microsoft's monopoly in the long run. Students will be forced and will become accustomed to Microsoft products. Don't allow Microsoft to secure their future through what should be a punishment. Thank you for your time.

[http://www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)

**MTC-00002669**

From: Peter G. Robertson  
To: Microsoft ATR  
Date: 12/4/01 11:53am  
Subject: Microsoft vs DOJ settlement

I am a shareholder in several companies that have been injured by the monopolistic practices of Microsoft. As a result, I, too, have been injured by Microsoft. As an injured party, I am opposed to the DOJ settlement because the settlement in no way punishes Microsoft for its past practices for which it has already been found guilty. How can a party be found guilty and not be punished for its criminal activities?

The proposed Settlement undermines our whole governance by Rule of Law. As for the settlement preventing future transgressions, I

call your attention to code written into Microsoft's Office X for Macintosh which limits the life of the product to one year unless the user pays Microsoft an annual fee even though the user paid full price initially for the product. The only reason Microsoft has not activated the code is because it didn't want to jeopardize the DOJ settlement. It will do so once the settlement is finalized. That certainly smacks of a "Predatory Practice" to me especially since businesses that use the Macintosh platform have to be able to interface with others that use the Wintel platform that is dominated by Microsoft software. Please re-establish the Rule of Law by making Microsoft at least pay retribution to the Companies it injured or drove out of business. The DOJ has not even considered the injury caused to shareholders. You need to factor that into your Settlement decision as well.

Thank you for allowing the injured public a chance to comment on such an important matter.

Respectfully yours,  
Peter G. Robertson

**MTC-00002670**

From: WJ Cornelius  
To: Microsoft ATR  
Date: 12/4/01 11:45am  
Subject: More anti-competitive, pro-Microsoft propaganda from Intuit.

Hello DOJ.

The snip below is from this web page which appeared 12/4/01:

<http://www.macintouch.com>

Intuit is the maker of Quickbooks and Quicken financial management software. See what Intuit supervisors are telling the employees about a Microsoft competitor.

MacInTouch reader Paul Taylor wrote about a recent experience with Intuit sales:

"I just received an unsolicited phone call from Intuit to sell me TurboTax. The agent [...] finished her sales pitch, and I agreed to purchase TurboTax. I have used MacInTax (now known as TurboTax for Macintosh) for many years now and believe it to be a good product.

"When I informed [her] that I used a Macintosh, not a Windows machine, she informed me that the price would be \$10 more than she had been quoting. She had said the Windows version was \$39.95, and the Mac version would be \$49.95. When I asked why the Mac version was \$10 more, she said she had been told by her supervisors that the "Macintosh was an outdated computer," and that "it ?????? was more expensive to produce [TurboTax] for [the Mac]. There are more Windows computers."

Thank you for listening.  
M. Clark

**MTC-00002671**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR, antitrust@ftc.gov@inetgw, Ralph@essen...

Date: 12/4/01 12:02pm  
Subject: Microsoft Hegemony: "Electricity? Who needs it?"

CC: letters@latimes.com@inetgw, letters@sjmercury.com@i...

Re: Microsoft Advises Workers on Deal  
Microsoft Corp. this week outlined for employees the requirements of the

company's proposed settlement with the Justice Department and urged them not to discuss the plan via e-mail.

Microsoft, the Software Arm of America, Inc., declines the efficiencies of internet email in it's development of the world's communications infrastructure, to prevent our holding it accountable in the future for it's tightening stranglehold over us. Fanatically asinine, Uncle Sam... show us your @\$@ once again, it's so pretty.

Previously, the software giant was seriously hurt in different courts by electronic correspondence that was exhumed as part of the litigation process.

Why not disconnect the phones too? And build a moat around the fortress? "Electricity? Who needs it?"

#### MTC-00002672

From: Hoffman, Timothy S  
To: Microsoft ATR  
Date: 12/4/01 12:00pm  
Subject: DOJ/Microsoft Antitrust Settlement

The settlement that has been reached between the DOJ and Microsoft will do nothing more than strengthen Microsoft's monopoly of the PC/OS industry. I am ever amazed by the inability of our Government to control Corporation's such as Microsoft. Any half-educated person should be able to deduce that if Microsoft is allowed to replace software in our school's, which is still a large part Mac (non-Microsoft), with their software this will doing nothing more than eliminate the competition completely. This will be done by seducing our students into becoming familiar with their products and when released into the 'real-world' they will have no experience with any other technologies other than 'MS Windows'. Though this is not a forum for technical opinions and/or debate, most knowledgeable IT "guru's" agree that Microsoft continually produces inferior products. On the surface appearing more user friendly and available while beneath the scenes threatening our very Security. If the DOJ had been thinking they might of come up with something like Red Hat's offering which I have included below. Consider what will happen in 5 years when Microsoft is allowed to charge these schools for renewing their licenses.

Timothy S. Hoffman  
Distributed Computing Consultant  
Core Services/Central Support  
ALLTEL Information Services  
501.220.6893  
RESEARCH TRIANGLE PARK, N.C.-  
(BUSINESS WIRE)-Nov. 20, 2001-Red Hat, Inc.

(Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement.

Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States.

Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software. The Red Hat's alternative proposal includes the following:

\*Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

\*Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

\*Red Hat will provide online support for the software through the Red Hat Network.

\*Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

#### A Win-Win Approach

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly," said Matthew Szulik, CEO of Red Hat.

"Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools."

#### MTC-00002673

From: Marv Watkins  
To: Microsoft ATR  
Date: 12/4/01 2:10pm  
Subject: Opposed to proposed Microsoft settlement

Dear Sirs:

I wish to express my opposition to the proposed anti-trust settlement with Microsoft. Microsoft has, through illegal means, driven many good software companies out of business. This often repeated behavior has directly reduced the choices available in the software marketplace.

Microsoft's illegal behavior has directly increased the cost of that software which we

can buy. oreover, Microsoft's monopoly has indirectly increased the cost of maintaining that software by forcing shoddy, low quality software on the public as its only choice. The proposed settlement will, in my opinion, do nothing to change or curtail Microsoft's illegal predatory business practices. Therefore, I do not believe that the proposed settlement is in my best interest nor that of the general public.

I respectfully request that you set aside the proposed settlement and that the Federal Government pursue a more substantial punishment against Microsoft.

Sincerely,  
Marvin Watkins  
16960 Cypress Way  
Los Gatos, CA 95030  
marvw@best.com

#### MTC-00002674

From: david faibish  
To: Microsoft  
ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 12/4/01 1:17pm  
Subject: DOJ/ms penalty—edu/pc vs mac free choice

Since anti-competitive behavior is a core issue in the doj/ms case, may I please suggest that any penalty imposed on MS which results in ms underwriting the cost of pc and software—especially in the education marketplace—be constructed such that the either the recipients are given an equal and unencumbered choice of a mac vs a wintel box, or indeed that a portion (fixed, or indeed perhaps all) go to macs. since ms makes lots of money from its mac business unit, t should in principal be indifferent as to which platform it spends its money on. therefore, in the interests of preserving competition in the education market (which is very key for apple), the settlements should not have the perverse effect of actually further limiting competition in the edu marketplace.

Thus the settlement should provide an opens system that lets edu users (predominately institutional buyers) chose for themselves, or in fact mandate the whole thing be mac—in order to actually increase competition (or at least diversity) in the edu marketplace.

regards:dlf

#### MTC-00002675

From: Matthew Stokes  
To: Microsoft ATR  
Date: 12/4/01 2:33pm  
Subject: Microsoft Antitrust Settlement Comments

For years now computer buyers and sellers have had to deal with Microsoft, Buyers were saddled with Windows whenever they purchased a new system regardless to whether or not they really wanted the operatinging system. Further more the product itself was generally shipped with known flaws which Microsoft took it's own time to finally get around to fixing often times requiring upgrades to newer versions of their code which the consumer then had to pay for. It is time that the monopolistic practices of this behemoth be stopped. I applaude the court system for finding Microsoft in violation of the law.

Unfortunately though, it seems that the penalty does not fit the crime. Allowing Microsoft to be kept in tact and furthermore to force feed schools with more of it's operating system and software does little to curtail what it is already doing. It amounts to a slap on the wrist and the government looking the other way while Microsoft goes merilly on it's way continuing to violate the law. Other than breaking up Microsoft, the only other solution that may help is the recent response from RedHat to provide the OS and support for the systems that Microsoft would purchase for the schools. This would impose a monetary penalty on Microsoft having to foot the bill for the computers while stopping it's continued in roads into the schools.

Do something about this problem and don't just look the other way. We need this practice to stop and a true penalty to be imposed not just a wink of the eye after a mild scolding...

**MTC-00002676**

From: mash@arizonaaha.org@inetgw  
To: Microsoft ATR  
Date: 12/6/01 3:38pm  
Subject: MS Settlement

Windows XP now prohibits users from changing hardware at random. (if you test software and hardware products, you now have to go through the bureaucratic nightmare of having to ask Microsoft for a new license Key after changing hardware a couple of times.)

You wanna tell me how a software manufacturer has the legal right to tell you, (simply because you modified your hardware) you can no longer use what you already paid for? (unless you invest more time and money dealing with their licensing department)

CONGRATULATIONS: DOJ, THE MONOPOLY LIVES ON, BUT ITS OK BECAUSE ALL OF YOUR MASTERS ARE GETTING SUBSTANTIAL CAMPAIGN CONTRIBUTIONS. (I love this country!)

**MTC-00002677**

From: dennis.kaminski@rapistan.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 3:45pm  
Subject: Settlement

Gentlemen,  
Microsoft was a monopoly is still a monopoly and based on the settlement, will continue to be a monopoly. Microsoft does not follow most standards but leaves things out or adds a twist to make itself and other systems partially incompatible.

Through software changes and bundling they have driven out most of the competition.

Computer systems have been my career for over 25 years. I believe the operating system should be separated from the applications. As long as the operating system and applications come from the same company, Microsoft will be a monopoly.

Thank you  
Dennis Kaminski  
Manager Technical Support  
Siemens Dematic, Rapistan Division  
(616) 913-6431

**MTC-00002678**

From: Dylan R. Tullberg

To: Microsoft ATR  
Date: 12/4/01 2:35pm  
Subject: Remarkable

Just like the FTC to support monopolies. Microsoft and Verizon should both be FTC subsidiaries. And the DOJ their lawyers.

Dylan Tullberg

**MTC-00002679**

From: Bill Parish  
To: rickbe@microsoft.com@inetgw,  
steveb@microsoft.com@i...  
Date: 12/4/01 2:44pm  
Subject: Microsoft Scheme Collapses Enron  
and Excite at Home bcc: leading business  
journalists, regulators, pension managers  
and academics

Hello Steve.

This week I posted a series of "raw notes" regarding activities at Microsoft in the billparish.com report.

The report, a work in progress, is now available on my website at www.billparish.com. This report is an excellent way for readers to get a genuine inside look at some of your not yet disclosed business strategies. The report also includes seven specific recommendations to help energize the technology sector and the economy in general.

I continue to be optimistic that you and Bill will want to get together and share a few ideas regarding how you might adopt a more win/win oriented approach and help stabilize the pension system. Please do not think that, given the strong tone of this report, I am unwilling to talk. This will be the first in a series of 10-13 reports.

One area examined in the report is your brilliant use of Paul Allen's enterprises to pry your way into new markets. It is astonishing that the DOJ did not consider any of this activity given that Allen is Microsoft's 2nd largest shareholder. One such Allen entity, Charter Communications, is the nations 4th largest cable company and already positioned to convert most software and support to MSN based relationships.

Similarly, Qwest has already converted all its high speed DSL in 14 Western States and renamed it MSN Broadband. Imagine that while at the same time you are using Cox, Comcast, Rogers Cable in Canada and other foreign cable entities to destabilize and either directly or indirectly take over AT&T broadband, the nations largest cable system. How could a judge possibly approve the DOJ settlement with such activity occurring?

Due to the significance of the cable system, Parish & Company now formally supports a government bail out of AT&T broadband with the objective of maintaining competition in this most important industry.

This would be an excellent point for a leading journalist to make. It is almost silly to be talking about a bailout of Enron, a company that should clearly be allowed to fail.

Other topics include discussions involving Microsoft's circles of influence and how your pyramid scheme is collapsing major companies in a variety of industries, in addition to being the root cause of the current economic slowdown. It can't be long before even Alan Greenspan starts seeing the staggering cost to productivity created by all

the Windows based viruses such as "I love you", etc. And this product liability issue is but one small issue regarding your overall scheme.

One common sense strategy here regarding viruses would be for the states to organize and initiate massive product liability actions designed to recover support costs and force you to re engineer your products to prevent such viruses. You must be genuinely surprised that few of your competitors have realized that this is indeed your real vulnerability, not anti-trust actions. Please do let me know if take exception to anything in the report Steve. Best regards.

Sincerely,

Bill

Bill Parish

Parish & Company

10260 SW Greenburg Rd., Suite 400

Portland, Oregon 97223

Tel: 503-643-6999

Website: www.billparish.com

Email: bill@billparish.com

CC:robert.t.parry@sf.frb.org@

inetgw.radm@sec.gov@in...

**MTC-00002680**

From: Garry Dufresne  
To: Microsoft ATR  
Date: 12/4/01 2:39pm  
Subject: regarding Microsoft settlement

To whom it may concern;

I want to express my extreme displeasure with the settlement proposed between the Federal Government and Microsoft. This settlement is far from adequate to address the damage done by Microsoft's monopoly with in the computer industry. I believe far more severe sanctions should be imposed to assure that Microsoft does not continue it's overly aggressive and illegal actions which stifle real competition and enterprise within the computer industry.

GARRY DUFRESNE

Seattle, WA

**MTC-00002681**

From: Blaize Clement  
To: Microsoft ATR  
Date: 12/4/01 2:56pm  
Subject: Microsoft

Just one example of how Microsoft has an unfair advantage is that as a freelance writer, I am not able to submit work to many publications or internet sites because I use a Mac. I should not be forced to use a Windows-based program to sell my work when I prefer the more efficient Apple system. Please don't let Microsoft control my personal choice and that of a lot of other writers.

Thank you,

Blaize Clement

**MTC-00002682**

From: James J. Stewart  
To: Microsoft ATR  
Date: 12/4/01 2:54pm  
Subject: Comment—Against the proposed settlement

We consumers have overpaid for Windows and Office, due to lack of sufficient, price-restraining competition. That's why Microsoft has \$36B in short-term reserves, per today's WSJ.

Please toughen the settlement to truly undo this abusive monopoly. One way would be to declare Microsoft source code in the public domain.

Best regards  
James J. Stewart  
mailto:ProfStewart@csi.com  
http://ourworld.compuserve.com/  
homepages/ProfStewart  
permanent tel: +49 711 677 1261  
mobile tel: +49 171 141 6360  
permanent fax: +49 711 677 1262  
-Sie k?nnen jederzeit Deutsch sprechen  
-Usted puede hablar espa?ol en cualquier momento

**MTC-00002686**

From: Stephen Woolverton  
To: Microsoft ATR  
Date: 12/4/01 5:22pm  
Subject: Microsoft AntiTrust Settlement  
Sirs:

The proposed Microsoft donations to schools is a free path for Microsoft to oust Apple from it's position in our schools.

Stephen  
Stephen Woolverton  
Marathon Computer, Inc.  
1619D Elm Hill Pike  
Nashville, TN 37210  
615/367-6467  
615/367-6468 fax  
www.marathoncomputer.com

**MTC-00002687**

From: rage  
To: Microsoft ATR  
Date: 12/4/01 4:53pm  
Subject: Microsoft case...

They are obviously a monopoly. Break them up..

**MTC-00002688**

From: Robert Remington  
To: Microsoft ATR,  
mcarona@ocsd.org@inetgw,  
rremington@w...

Date: 12/4/01 3:23pm  
Subject' 11/28/2001 Intentional Food Poisoning

My family has once again prepared food that has been poisoned with an agent that solidifies waste products in the area between the small and large intestine, making elimination almost impossible.

The agent was prepared in a home made pastry on Wednesday, November 28, 2001. I ate the pastry after I had returned from the studio audience tapings of the Tonight Show and Late Friday at NBC Studios in Burbank. Once again, video surveillance of my home as well as next day newspaper feedback from the Orange County Register's Horoscope section as well as a few of the comics confirm the attack and subsequent discomfort. The PAC of Disney and Disney affiliated people along with their business partner, Mc Donald's Restaurants of suburban Chicago continue to harass me, targeting me because of the influential essays on their continued subversion, obstruction of justice, illegal use of funds, and assaults.

A large land transaction in Orange County with the Irvine Company as well as Major League Baseball's contraction negotiations in Chicago are part of the scenario. It plays like this: ML Baseball has announced that 2 teams

will be eliminated from the League in a year or so due to unprofitable business. The most likely of the teams are the Minnesota Twins, Florida Marlins, Montreal Expos, as well as the Tampa Bay Devil Rays. The MLB contraction game also involves millionaire owners who will shuffle properties. It has been suggested by many in the media that the Marlin's owner will sell the team and purchase the Anaheim Angels from Disney Corporation and the Expos will be purchased by all of MLB, and then eliminated in a year or so. The new Marlins owner would then move the Florida Marlins to the Washington DC area where MLB has been missing since the Washington Senators left town years ago.

The other team that would fold would then be the Minnesota Twins, although after the Tuesday Chicago meeting of baseball's owners, the Minnesota Legislature drafted legislation to keep the Twins in Minnesota, thwarting the MLB owners' efforts at contraction. So, where does it stand now, and why are people so mad to attempt assaults and subversion???? Millions of dollars in concessions from the Disney Corporation as they try to put a public relations spin on Uncle Walt's 100th birthday celebration last weekend (designed to coordinate with the gift of private land to the public by the Irvine Company last week) without resolution on the necessary sale of the losing NHL Mighty Ducks Hockey Team and Anaheim Angels. Since the Microsoft Anti-Trust Trial has been placed on indefinite permafrost, the other large 'Power Kite' was the transfer of money and ownership between MLB owners and Disney as Disney tries to assimilate the 5.2 billion dollar purchase of the FOX / Haim Saban Power Rangers—FOX Family Channel deal.

So, MLB places the team transfers on hold for a year, while Minnesota enacts legislation to keep the Twins in Minnesota. MLB owners have to buy out the Expo's owner and run the Expos. Disney's hopeful sale of the NHL Mighty Ducks and MLB Anaheim Angels is stuck in neutral for a year ... good! All of their stalling on my settlement for over ten years is now beginning to receive a message about fair business practices. The OC Register and LA Times mentioned how so many people are extremely upset because the MLB baseball swaps did not go down as planned.

The 12/4/2001 Randolph Itch 2 A.M. cartoon in the OC Register sums up the intestinal poisoning ... and the Leo Horoscope details one of the remedies I used, large Sunsweet Prunes with pits as opposed to the family's Sunsweet Pitted Prunes kept in the refrigerator. The comment went to my sister, a Leo, saying that her pitfall was not knowing I purchased a new version. The Get Fuzzy cartoon also mentions a muffin today ... the actual pastry was a home made coffee cake. My three visits to NBC—Burbank and follow-up on employment applications at KNBC-TV and the NBC Network were no more than a continued search for legitimate employment at a company I have visited since 1977, Otherh especially archrival AOL / Time-Warner, with a major studio down the street from

NBC, and Disney, with their corporate HQ only blocks from NBC in the opposite direction from Warner Studios, see my visit

as a challenge to their 'supreme' right to decide 'other's' careers. Most of these characters have fancy titles at large corporations, however most of them have little legal experience, backed by the large corporate staffs that may be ignorant of their actions. These challengers are no more than smoke and mirrors, in fact they have acted in totally illegal manners without prosecution from the Justice Department or local authorities. Bringing it all together, and closer to home ... the business relationships my brother-in-law, A1 Rex and my sister Bonnie have with A1's corporate employment at McDonald's regional offices in Irvine as well as my family's sentimental attachment and brainwashing with Disney 'magic' have caused my immediate family to continue to subvert my efforts to obtain a satisfying career, stalling the replacement of money that was stolen from me, and invested in real estate and stocks without my consent.

The fact that I am fighting for my rights, and that previous investigations by the US Department of Justice and the Orange County Sheriffs Department have proven my allegations to be correct, is the reason for this message. Please instruct these people to cease all of the food poisonings, and return all of my stolen money to me with interest, or in the event that your polite messages are again refused, freeze their bank accounts as terrorists for many years without prosecution, and rightfully return my money to me as well as interest and penalties for uncovering federal and state corruption, as provided by law.

Thank you, Robert Remington

**MTC-00002689**

From: jromie@divsol.com@inetgw  
To: Microsoft ATR  
Date: 12/4/01 6:38pm  
Subject: slap on the wrist

Gentlemen,

I think the DOJ—MS settlement is a sham. Judge Jackson was correct in concluding that MS was unrepentant, and in denial that they ever did anything wrong. How can they be expected to police themselves? Youve given them any number of vague escape clauses, such that they can thread the entire company thru the loop-holes provided.

**MTC-00002690**

From: Ed Noonan  
To: Microsoft ATR  
Date: 12/4/01 6:11pm  
Subject: Microsoft Settlement

Hello

Though I'm from Michigan, a state that settled with Microsoft, I am outraged that this state and the Federal government did so. I am a retired attorney, former consumer affairs specialist, computer science educator and a computer expert, who feels strongly that consumers are the losers in the proposed settlement. By this settlement, Microsoft gets away with flagrant antitrust violations thereby undermining confidence in the very nature of our government. If Microsoft isn't a monopoly worthy of breakup, there is no substance to the entire Sherman Act. Thousands of industrious computer software developers have been harmed by Microsoft's predatory and wholly illegal practices.

Instead of being offered quality software products, Microsoft's tactics have restricted consumer choices to the detriment of all consumers. Microsoft must be brought to justice. The company must be dismantled. Please do all you can to kill the proposed settlement.

Ed Noonan  
3988 Beeman Rd  
Williamston MI 48895  
(517) 655-2761  
Torchbearer, 2002 Olympics.  
CC:miag@ag.state.mi.us@inetgw.uag@att.state.ut.us@ine...

**MTC-00002691**

From: matt shipley  
To: Microsoft ATR  
Date: 12/4/01 6:05pm  
Subject: Microsoft woes...

I think they should be broken up. I see NO reason for every piece of software I own to be written by the same monopolistic company. I don't understand the reason the government is unable to do such a thing. Please, for the sake of ALL of us, break them down into smaller, more effective companies that will allow greater competition.

-matt shipley

**MTC-00002692**

From: Jean  
To: Microsoft ATR  
Date: 12/4/01 6:04pm  
Subject: Microsoft anti-trust trial settlements and penalties

To whom it may concern,  
I am very dissatisfied with the state of settlements and penalties applied to Microsoft for the crime Bill Gates and his company perpetrated against the the software and computer industries. By eradicating his competitors in the most unfair fashion, Mr. Gates robbed us, the computer users from the benefit of better and more creative software and destroyed the income of other creative software developers in the name of greed.

I feel that the proposed settlements and penalties are very inadequate. They are too weak and do not fit the crime. They do not assure deterrence and prevention of any future recurrence of such unfair practices. They also do not address the damage done to everyone, users and developers. We must send a message that "Greed does not pay", Microsoft/Bill Gates should pay back in a way that serves every community around the states ... Mr. Gates is one of the richest man on the planet because of it, and we can't let him get away with it. He must pay the appropriate penalty and make amend in a meaningful way.

Thank you for your continued fight for justice.

Mr. Jean "de Galzain"  
P.O. Box 2404  
Oceanside, CA 92051  
E-mail: vava@cts.com

**MTC-00002693**

From: John Hunt  
To: Microsoft ATR  
Date: 12/4/01 8:59pm  
Subject: Microsoft Settlement  
Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice

601 D Street NW  
Suite 1200  
Washington, DC 20530-0001

Dear Ms. Hesse,

I am writing this to offer my support for the settlement as it is now written. While I have been against this case from the beginning (both on merit and for economic issues) and feel STRONGLY that the DOJ in its unconsidered actions has precipitated the economic downturn that we must all now live through.

I hope the careers of those responsible for pursuing this case are damaged as much as my business has been by the current economic climate (you can credit 5 unemployed people from my company alone to this).

It is time to end this case and get back to rebuilding our digital economy. Next time I hope the government is more considerate of collateral damage when they start a case such as this one.

Sincerely,  
John Hunt  
Hunt Interactive, Inc.  
13218 NE 20th St.  
Bellevue, WA 98005  
425-746-7880

**MTC-00002694**

From: Maurice Leverault  
To: Microsoft ATR  
Date: 12/4/01 8:51pm  
Subject: Sellout to MSN is poison!

Inovators and creative small startups are only fodder for the rapacious robber barons, Bill Gates and Ballmer. Sellout by the DOJ is defined as good. My opinion matters little when our Attorney General with the blessings of our Pres. & VP of our USA, allow this monster to grow tennacles, rob and rape. These are powerful wealthy men wielding influence and power employing their ill-gotten goods to litigate! In an effort to control confidential data and communication via eNet is poison. This is dangerous territory! Will we stand by and watch this happen right under our nose? With impunity, they squeeze and blackmail until they win. Our monopoly laws are a farce only proven in this MSN case!! If we allow this to continue, we deserve it. What a big business disappointment with our present administration. mal

**MTC-00002695**

From: Allen Davis  
To: Microsoft ATR  
Date: 12/4/01 8:45pm  
Subject: DOJ vs microsoft

I believe the settlement is a fair one

**MTC-00002696**

From: Kdjrdenon@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/4/01 8:12pm  
Subject: Microsoft settlement

It is my opinion that the Microsoft settlement is just. I feel that Microsoft has earned their market share, and has not acted as a monopoly, because it is not a monopoly. The consumer chooses the software they want to use.

**MTC-00002697**

From: root@wt6.usdoj.gov@inetgw

To: Microsoft ATR  
Date: 12/4/01 10:31pm  
Subject: Doj-Microsoft settlement

I would like to say that I don't agree with the current settlement that is proposed by Microsoft. I don't understand how a corporation convicted of monopolistic business practices is allowed to settle by paying a minimum amount.

Also, why should they be allowed to buy their way into another source of future revenue? Isn't that what this was all about in the beginning. Allowing Microsoft to settle with a slap on the hand is not sufficient. It just goes to show others that the one with the big wallet has their way over the rest of us. I don't believe that allowing them off the hook is going to bring back the tech sector.

The only thing that will come back is Microsoft's guaranteed income and not the rest of ours. This is just an excuse to allow them to implement technology that they want on their terms. (monopoly).

Thanks for taking the time to read this.  
Richard H. Quaes

**MTC-00002698**

From: Rick Alexander  
To: Microsoft ATR  
Date: 12/4/01 9:36pm  
Subject: Comments on proposed settlement  
The proposed settlement of the Microsoft suit is inadequate and unfair. It gives Microsoft an easy path into the only market it still does not monopolize...education. Also, the settlement is inadequate for the crime and the size of the company.

Sincerely,  
Rick Alexander  
P.O. Box 1325  
Blue Hill, ME 04614

**MTC-00002699**

From: LAZ0002  
To: Microsoft ATR  
Date: 12/4/01 9:00pm  
Subject: Microsoft Settlement

Dear Sirs,  
Your recent settlement agreement with Microsoft falls way short of what anyone I know would call fair.

How can it be fair when they continue to "bundle" extra software and call it an "operating system"?

A case in point would be their latest release, Windows XP. It contains CD "burning" software that allows you to make music or data CD's. A company call Roxio also makes this type of software, called EasyCD Creator 5. Since you have to have an operating system to run a program like EasyCD Creator 5 and the Windows O.S. already has such software in it, why would anyone pay for the something twice?

The only thing that would be fair would be to force Microsoft to unbundle all of it's software and prohibit it from forcing, in any way, computer manufactures or customers to buy something that they don't want to get something that they do.

That way, a customer would be able to pick and choose the software that best fits there needs without having to purchase unwanted software. And since this would force Microsoft to display their individual software products side by side with their competitors, competition would be greatly improved.

In this way a customer would be better served by making the choice entirely theirs.  
Thank you for your time.  
C. Lazarich  
Kent, WA.

**MTC-00002700**

From: tom poe  
To: Microsoft ATR  
Date: 12/4/01 10:41pm  
Subject: Settlement Comment  
Hello:

Schools need computers. Microsoft stands in a position to provide some \$1 Billion in computers for schools. This settlement provides nothing but a cheap [beautifully packaged], exclusive marketing campaign to a "captured" underage audience. This settlement is a sham and disgrace to all parties involved. You have Open Source software with unlimited technical support, free updates, local, state, and national Users' groups ready and willing to assist, software that out-performs Microsoft on every level for "no cost", yet you continue to press for "justice" through some perverse reward system designed to benefit Microsoft in a way that lottery players can only dream about?

Tom Poe  
2044 Plumas  
Reno, NV 89509

**MTC-00002701**

From: John Craven  
To: Microsoft ATR  
Date: 12/4/01 10:33pm  
Subject: Suggestion

To whom it may concern:

The proposed settlement does not prevent Microsoft from continuing its monopoly. It's nothing more than a slap on the wrist. Companies may be given the ability to load other operating system on the boxes they sell, but now that Microsoft is in control of 90%+ of the market, there is no incentive for those sellers to expend much effort to in doing so. It would only cause them more support headaches and costs.

I imagine there are a significant number of users that would love to rid themselves of Microsoft, but cannot since they feel compelled to be compatible with their co-workers around the country/world that use Microsoft's office suite, even if those other workers themselves are wanting the same thing. Kind of like lemmings rushing to the sea :). Simply put: many people of the country/world are being forced to buy an operating system, when all they really want is to be compatible with a word processor!!!!

So, how about forcing Microsoft to disclosing its file format's for Word, Powerpoint and Excel. These have become de facto standards (read: monopolized) because of their operating system monopoly. By doing this other developers can create office suites that are cheaper, faster and with a different feature set than Microsoft has deemed obligatory. Their file format's could be the start of a new ANSI standard that could then be cussed and discussed by all interested parties. For the good of all, not just Microsoft.

Respectfully yours,  
John R. Craven  
jrcraven55@yahoo.com

**MTC-00002702**

From: Andrew Parfomak  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/4/01 10:32pm  
Subject: Microsoft. . . why bigger isn't better (!!)

I'd like to point out that Microsoft has, in the eyes of this long-time computer user, had a strong history of (a) crushing promising software companies from developing truly better products, or (b) buying out promising companies, and often redirecting the promise of these companies into ways which primarily benefit Microsoft's long term goals, and not necessarily improve the software 'landscape' and the types of products available to consumers.

I've long since been a fan of a once-strong contender, Borland Inc. which historically produced better products and had them available months or years prior to Microsoft's own offerings. The most comprehensive spreadsheet program first available on a Windows platform was QuattroPro, . . . and not Excel which appeared somewhat later. More significantly, Borland's relational database software program, Paradox (for Windows) by far is still the most powerful, easiest to use, most attractive to configure and most elegant to program product in the single-user or small network market. Microsoft's product, Access, to this day doesn't boast half the functionality, or elegant interface designability which Borland's product, (now several years old) can provide. Borland's story is a classic example of Microsoft's strategy. Other software companies have, like Borland, also long since fallen under Microsoft's chariot wheels and have been excluded from the race to develop better products.

Microsoft, in my view, should at least be required to open up its sourcecode, as well as open up its proprietary file formats in which it stores data (such as documents in WORD, or spreadsheets in EXCEL) to the programming community, and without any hampering of the use of these file formats. By virtue of their hidden code, and hidden file formats, as well as Microsoft's continued resistance to have it widely available for review and understanding by independent programmers, have they thwarted real and independent advance by third party programmers which would have borne fruition in the form of better, faster and more creative software products available to the public. This has not happened, as their market dominance which is in no small part protected by their hidden sourcecode and proprietary file formats (i.e., Word, Excel, etc.) which have unfairly denied other software developers from producing truly useful and truly compatible products. Instead, we are stuck with a Microsoft dominated view of personal and organizational computing ... whether we agree with Microsoft's views or

Microsoft's implementation ... or not.

Thank you for your attention to my opinion.

Andrew N. Parfomak  
parfomak@fr.com

**MTC-00002703**

From: Doug Tarlow

To: Microsoft ATR  
Date: 12/4/01 11:46pm  
Subject: Microsoft

I think that this case should be settled and actions that are too drastic may hurt business. Microsoft is a building block of the electronics community. Hurting them hurts everyone else. Settle.

Thanks  
Doug Tarlow

**MTC-00002704**

From: Jr.  
To: Microsoft ATR  
Date: 12/4/01 11:34pm  
Subject: Microsoft Settlement

Another example of "hip-pocket 'justice'" on the part of our government which benefits big business at the expense of the consumer.

Two thumbs down to the Masters of Greed and their co-conspirators at the USDOJ.

**MTC-00002706**

From: Rob Brown  
To: Microsoft ATR  
Date: 12/5/01 10:42pm  
Subject: Settlement

Dear sir or madam,

I think the microsoft settlements seem to be nothing more than a slap on the wrist, if even that. I cannot believe that this latest settlement is giving them a way to extend their monopoly further, into schools. This is absolutely absurd. Furthermore, it allows them to claim they are giving hundreds of millions of dollars away, when in reality software has almost zero marginal cost so it costs them next to nothing to give away software. I am really tired of the aggressive tactics that microsoft uses. I am sick of them leveraging their products to extend their monopoly further. It is unfair, and it stifles competition. I am not a competitor of microsoft, just a user who is sick of having products I don't want rammed down my throat, only because I need to run Windows to survive and be compatible with everyone else. I thought the DOJ was going to do something about this, and I am disgusted about how they now have dropped the ball on the case that they first had appeared to have won.

Thank you,  
Rob Brown  
21 Caire Terrace  
San Francisco CA 94107

**MTC-00002707**

From: dougc@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/5/01 12:09am  
Subject: RedHat/Microsoft proposal

I just read the alternative proposal offered by RedHat for providing computer systems and software to schools.

As a professional in the computer industry, I have seen the impact of Microsoft's monopolistic practices in ways that were not even addressed in the recent litigation. I have seen a generation of people entering the field of information technology that are poorly equipped to keep that industry moving ahead. They have been poorly equipped by a lack of exposure to development platforms, operating systems, and applications that do not originate from Microsoft Corporation. Microsoft has not only held back the industry

through monopolistic business practices with their products, but has created a generation of people who are indifferent to alternatives.

The technology industry needs to be freed of the restraints that have been placed on it directly or indirectly by Microsoft. RedHat's proposal for providing the open source Linux operating system to school children can offer exposure to technology that may open new doors to a different future. By providing access to a platform of open technology and standards, tomorrow's workers and leaders in the technology business may be able to think beyond the boundaries that have been erected by Microsoft.

I hope you will seriously consider the alternative that has been offered by RedHat, as well as any others that fall along those lines.—

Doug Carman  
pdp11@bellsouth.net

**MTC-00002708**

From: M S F  
To: Microsoft ATR  
Date: 12/5/01 12:02am  
Subject: Let us decide

I have been using computers since 1963, when I started on an IBM 7090 using FORTRAN.

Thru all these generations of computing power, even including IBM, when they were broken up by the DOJ, I have never seen anyone quite as arrogant as Microsoft. They do NOT speak for consumers when they build their products. The ONLY innovation they are responsible for is innovation in restrictive contracts.

Instead, Microsoft has won out by purchasing technology (including, I remind you, the original version of MS-DOS itself) or by stealing it (Xerox PARC, Apple, Intuit, Netscape, ...) and encapsulating it into a take-it-or-else bundle. They have NEVER listened to the desires of the end consumers. I never wanted Internet Explorer forced onto my desktop! Where did they get that? I never wanted Windows Media Whatsit—I use RealNetworks. Why can't I choose? Why do I have to take one size fits all from EVERY computer manufacturer out there. Give me the option of a basic OS on which I can place the applications I like—that is what competition is for!

They have killed many fine products over the years when they have been unable to buy them out—Novell DOS, WordPerfect, and Netscape come to mind as superior products effectively pushed out of the market. They have prevented innovation by requiring outside developers to work with their bloated software and requiring manufacturers to install exactly what is shipped, with no changes, no matter how bad it is. Indeed, Windows 98 is widely recognized as the bug fix for Windows 95, but you have to pay for it. It is always amazing to me when I see Linux loading essentially the same apps as Windows but in ¼ of the time and twice as robustly. If anything, the FTC (or whoever) should have issued a recall notice and consumer alert on anything as badly broken as their early releases. But remember, we are FORCED to take them—no choice. It would be a real miscarriage of justice to allow them to continue under the remedies proposed by

the US Attorney General. Can you say rewards—where does the proposal have Microsoft compensate us for our lack of freedom of choice?

Bill Gates has to be even more iron-willed than I thought—otherwise he would be unable to avoid laughing out loud in public about this settlement.

Good grief guys—open your eyes and look at what they are doing to us—is this ACCEPTABLE?

Mike

**MTC-00002709**

From: Frank Bulk  
To: Microsoft ATR  
Date: 12/5/01 12:01am  
Subject: Comments on Microsoft Antitrust suit

It's my personal (not the college's) belief that Microsoft needs to have several restrictions placed on itself:

1. Fair/open contracts with OEM's that don't limit OEM's right to put additional software/icons on the PC's.
2. Microsoft ought to open up ALL it's Window API's up to all developers so that Microsoft's developers (of other product) don't have a heads up over others. Microsoft has enough of a lead and market share with other products that this would help level the playing field.

Regards,  
Frank Bulk  
bulkf@dordt.edu

**MTC-00002710**

From: Jeff Nelson  
To: Microsoft ATR  
Date: 12/5/01 12:38am  
Subject: Microsoft antitrust settlement

Dear Department of Justice,

I am dissatisfied with the proposed Microsoft antitrust settlement, particularly with the lack of any clause requiring Microsoft to reveal its proprietary file formats. This affects me directly because I mainly use non-Microsoft, competitive products such as Star Office to do my office tasks. When colleagues send me a file in a Microsoft Office format during the next several years, I want to know that I will be able to open it in my software of choice. Because Microsoft also controls the market for office software, they could at present change their file formats and keep them secret to prevent competitors' products from interoperating. While the proposed settlement has language requiring Microsoft to reveal its middleware APIs, which is good, there should also be a clause requiring Microsoft to reveal its application file formats.

Sincerely,  
Jeff Nelson  
915 W 2nd  
Weiser, ID 83672  
jtnelson@emirates.net.ae,  
jtnelson@mail.wsu.edu

**MTC-00002711**

From: John Nakai  
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...  
Date: 12/5/01 2:05am  
Subject: Opinions on Microsoft Federal Antitrust Settlement

Dear sir or madam,

I would like to voice my opinion about the Microsoft antitrust settlement in the federal government's case.

Microsoft's lawyers have found another shrewd way to devastate the competition of their product line in the nation's schools and weaseling out of this antitrust case at the same time.

In the part of this settlement where Microsoft agrees to donate a billion dollars worth of computers to the nations schools, if Microsoft is allowed to make this donation using computers running Microsoft operating systems, or running Microsoft software, then it succeeds in the following.

1. Microsoft displaces other vendor's hardware and software out of the schools. A prime target here is Apple Computer, who maintains a large market share of computers in schools because of their superior ease of use and graphics capabilities. Microsoft will also displace other operating systems such as MacOS, Solaris, and Linux, and other application software such as Netscape, Corel, Applixware, Appleworks, Apache, etc. from the schools. As good as the other products are, they can't compete with free hardware and software. It may well put some of these competitors out of business by flooding the schools with free Microsoft products or computers dependent on Microsoft software to operate.

2. Microsoft will force schools to have to buy software from Microsoft for future upgrades.

3. Microsoft will make children come home to their parents saying they need Microsoft software and computers running Microsoft operating systems and software to do their homework.

4. They will make themselves look like the good guys to schools, administrators, and children who will think Microsoft is coming bearing gifts, rather than buying themselves out of a criminal prosecution. A true public relations victory for the wolf in sheep's clothing.

5. Microsoft does not have to make reparations to the victims of its criminal antitrust crimes and does not get broken up. Instead, Microsoft gets to further steal market share and customer base from it's competitor victims with money that should rightfully be paid to it's victims or the government as a fine. Had AT&T come to such an agreement in their antitrust case they would not have been broken up. Instead AT&T would have been able to stay a monopoly and would have agreed to providing free long distance to the customers of all its long distance competitors for just long enough to drive its competitors out of business. This settlement is a windfall reward for Microsoft for criminal behavior, not a punishment.

As a current user of Windows, Macintosh, Unix, and Linux, plus many others in the past, I can say with expert confidence that Windows is an acceptable operating system, it still lacks the system stability, virus resistance, and user empowerment of creativity offered by other operating systems. This settlement could wield a death blow to Apple and possibly others by robbing their customer base and keeping the abusive Microsoft monopoly intact, leaving the computer world under Microsoft's thumb.

Microsoft truly needs to be broken in two to separate companies to separate their operating system business from its application software business. The current structure permits Microsoft to sabotage competing application software with ?incompatibility? changes to it's operating system each revision of its operating system, and to provide other operating systems with slow, buggy, or otherwise dysfunctional versions of its application software. Its further expansion into internet services with msn.com, and its plans to deny msn.com web service to browsers other than its Internet Explorer are further examples of Microsoft's plans to cut out competing vendor's products through the use of its monopoly powers.

My opinion is:

1. Microsoft should still be broken up.
2. Microsoft should not be allowed to flood schools with free computers and software unless the computers are up-to-date Macintosh, Linux, Solaris, Unix, or other non-Windows computers. Any freely provided software should be that of current competitor software (AOL, Netscape, Kodak, FileMaker, Apple, Red Hat, Yellow Dog, ApplixWare, gnu, Sun, etc.) Only then will this settlement make any kind of reparation to Microsoft's victims and aid in discouraging and diminishing Microsoft's monopolistic abuse.

3. Microsoft should not be able to provide free internet service to schools as a part of any revised settlement, as msn provides good service and up-to-date software only for Windows based computers.

4. If Intel or other PC clone based computers are provided to schools for free as a part of this settlement Microsoft should be required to bar these computers from being activated with Windows XP for a period of at least 5 years. This is technically doable, as activation requires users to call Microsoft and provide the computer's unique machine ID for activation.

5. An alternative would be to require Microsoft to first pay victim competitors (if they are still in business) directly for damages, and use the remaining funds as described in 2 to 4 above. I hope that you will be able to get to get the courts to reconsider separating Microsoft's operating system, application software, and internet operations into three separate companies to promote fair competition for the benefit of all of us, and to drop plans of this incredible competition devastating free giveaway of computers to schools unless they conform to restrictions like I mentioned in 2 to 5 above.

Thank you for your time in reading this,  
John Nakai

#### MTC-00002712

From: David Haworth  
To: Microsoft ATR  
Date: 12/5/01 1:52am  
Subject: Proposed settlement in U.S. versus Microsoft case  
To: U.S. Department of Justice  
Re: Proposed settlement in the United States v. Microsoft case

There are so many things wrong with this "settlement" that I don't know where to begin.

First of all, there's no punishment. Microsoft has been found guilty, but gets

away with the crime completely. The suggestion the someone made that Microsoft should contribute computers to aid the poorest schools seems to have some merit, but that "contribution" should under no circumstances include "donation" of Microsoft products. The counter-proposal from Red Hat would seem to be a nice option. Secondly, the proposed behavioural remedies contain far too many loopholes through which Microsoft no doubt already has plans to wriggle. A glaring example is that there is nothing to prevent Microsoft from "retaliating" against vendors who sell computers without an operating system, or with only a non-Microsoft OS installed.

So back to the drawing board please. While I don't favor the breakup that was proposed by Judge Jackson, I feel that an acceptable settlement should include a punishment to fit the crime, and a form of behavioural remedy that will ensure that Microsoft cannot offend again.

Sincerely,  
David Haworth  
David Haworth  
Baiersdorf, Germany  
david.haworth@altavista.net  
CC:dmca\_discuss@lists.microshaft.org@inetgw

#### MTC-00002713

From: Bob Perdriau  
To: Microsoft ATR  
Date: 12/5/01 3:04am  
Subject: Microsoft Settlement—Not I read your settlement document.

The company (Microsoft) was found to be a criminal. There is no doubt about that. Last I looked, criminals in this country are punished. Sent to jail, fined and stuff like that.

Your settlement is bullshit. It does not matter that you think the government saves time and effort. The role of the government is to prosecute anyone that breaks the law.

That includes Microsoft. Potential savings of time and effort and a "decent" outcome don't matter. Microsoft broke the damn law! They have to be punished. Do it and do it now!

Else, you make a mockery of justice in this country. There are too many other instances where the US is mocking justice these days. BTW, the idiots that wrote the crap you published in the Federal Register don't know anything about real computing. The authors are idiots that merely know how to use Microsoft Word to type a really uninformed letter.

You can contact me at:  
Bob Perdriau  
354 Benvenue Avenue  
Los Altos, CA 94024  
(650) 941-1043  
bobp@marketwriter.com  
If you give a shit.

#### MTC-00002714

From: Mark\_Morton@Mikronvinyl.com@inetgw  
To: Microsoft ATR  
Date: 12/5/01 8:12am  
Subject: 4 words—YOU SOLD US OUT!! Justice? heheh.. right.. Its burns my ASS that we can't get those dollars back to feed

kids. Even though it wouldn't be American children, it would be some other pour nation of the week, like Afghanistan right now . . . and justice for all.

Mark Morton

#### MTC-00002715

From: Opnotic  
To: Microsoft ATR  
Date: 12/5/01 4:50am  
Subject: Thanks anyway DOJ.

Not only has control of our country fallen into the hands of Corporate Interest, but it seems that we (as citizens) are powerless to do anything about it. This case only shows that the real people running this country are the corporations themselves. Thanks anyway DOJ. Your solution to the problem in this particular case is not a solution at all. Guess we'll all realize that when we are willing to take another real look at the problems with Microsoft.—Predicted to happen within 5 years. I guess all I can say is I wish us luck next time because doubtless we will be here again.

#### MTC-00002716

From: tony@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/5/01 3:28am  
Subject: Antitrust Settlement cut with Microsoft

Simply placing well defined restrictions on Microsoft has never and will never keep this company from using it's monopolist power to squash competition. I know it, the Public knows it, the Industry knows it, and YOU know it.

Microsoft always finds a fuzzy path around any restrictions put on it by the government. At this moment in time it already basically owns the desktop computer software market and soon will control most of the way information is passed around on the Internet. Windows XP is a perfect example of Microsoft thumbing it's nose at the government and it's market competitors, yet the DOJ ignores or chooses not to understand how it will further Microsoft's monopoly hold on the tech sector. I personally believe that the DOJ has sold out to 'big business'. The DOJ's 'deal' with Microsoft is a disgrace.

Regards,  
Tony Thedford  
Dallas, TX. USA  
CC:melody@thelab.net@inetgw

#### MTC-00002717

From: Alan Martello  
To: Microsoft ATR  
Date: 12/5/01 8:33am  
Subject: Proposed Microsoft Settlement To whom it may concern:

I am outraged that the same company that has monopolized operating systems and desktop application development for the past 10 years is being granted, courtesy my tax dollar and the U.S. Government, a new monopoly in our school systems.

Clearly, most of the people negotiating the deal have never sat \*FOR DAYS STRAIGHT\* (4 days this past week) in front of a Microsoft operating system trying to perform a relatively simple task which simply can't be done due to poor planning on Microsoft's part. "But in our free market economy" (I hear the critics charge), "this would change

as market forces would propel them to make changes."

\*NOT WHEN YOU HOLD A MONOPOLY\*

And just in case their stranglehold on desktop operating systems is not strong enough, let's allow them to put \$1 Billion dollars of their product in our schools. ... oh, and by the way ... let's see ... if the OS + Microsoft desktop apps (Word, Excel, etc.) costs (conservatively) \$500 retail BUT the CD and distribution material costs them (in quantity) around \$0.25 (seems reasonable since I can get 1,000 CD's manufactured for less than \$1 each), that means their \$1 Billion settlement is worth 1/2000th of that or \$500,000 in real cash (not "lost sales", REAL CASH!). Let's see ... perhaps Bill G., Steve B. and Paul A. can set aside a hand in their weekly poker game to cover the settlement. \$500,000 is a pretty small sum to buy a government sanctioned monopoly in our schools. Do the people negotiating the DOJ settlement honestly thing this is a good idea?

At a minimum, the \$1 Billion settlement to benefit schools should be for HARDWARE ONLY which each school district or state should get directly. In that way, Microsoft can't use it's \$1 Billion hardware purchase to put the screws to local vendors or make a sweetheart deal with one of the big multinational hardware companies that Microsoft routinely is discovered in bed with making backroom marketing and distribution deals. In closing, let me add that my company has made its livelihood using Microsoft products for almost ten years. While they do bring some useful offerings to the marketplace, their unembarassed attitude as they strongarm the industry has resulted in my working LONGER HOURS for LESS MONEY because of INFERIOR MICROSOFT PRODUCTS. Any significant competition is simply silenced by driving them out of business. Is there any other definition of a monopoly?

I feel outraged and frustrated that it is going to take the EU to show the DOJ what backbone is about when it comes to negotiating with the world's largest software monopoly.

Alan Martello, Ph.D.  
President  
Martello Associates Inc.  
5575 Pocusset Street  
Pittsburgh, PA 15217  
alan@cleverfolks.com

#### MTC-00002718

From: Douglas Baggett  
To: Microsoft ATR  
Date: 12/5/01 10:21am  
Subject: Microsoft Settlement

I would like to state for the record my opposition as a citizen and as a computer professional against the government settlement with Microsoft. In my opinion and experience with the IT industry, this settlement will neither

A. Redress the damage done by Microsoft using its monopoly power in desktop operating systems for Intel based microprocessors. Venture Capitalists are extremely hesitant to fund start-up companies that wish to compete in Intel desktop operating systems. Microsoft's past actions have resulted in the almost complete

elimination of any commercially viable alternative to Microsoft in desktop operating systems for Intel microprocessors. LINUX is not a commercial operating system, its license does not allow for companies who distribute it to charge for it, they are as the law applies, only selling support services for LINUX, the development of LINUX cannot be funded with by sales, therefore does not apply, the Macintosh is not an Intel based operating system and also does not apply.

B. Restrict Microsoft from using its monopoly power to stifle competition within or near their Desktop Operating system. The current settlement does not address the future, almost all of the restrictions placed on Microsoft have legal loopholes allowing Microsoft to ad-hear to the letter of the law, but not the spirit. The current settlement also mainly restricts actions that Microsoft has eliminated from it's business practices years ago.

thank you  
Douglas Baggett  
UNIX/Network Administrator  
Andrulis Corporation  
National Science Foundation  
Directorate for Computers & information  
Science & Engineering  
dbaggett@cise-nsf.gov  
M-F 8-4 EST  
703-292-4551

#### MTC-00002719

From: Randy Anderson  
To: Microsoft ATR  
Date: 12/5/01 10:20am  
Subject: "eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive thr..."

I am sure that the Justice Department means well, but this settlement is nothing more than a slap on the wrist. I work for a company that competes against Microsoft and I see every day the tricks and the problems they cause. This settlement is not going to stop or fix anything. The operating system should be free. Microsoft will still make millions by selling applications that work on the operating system.

This settlement has the look and feel of someone getting paid off to make this problem go away. It is hard to believe in a system that allows major corporations to do what ever they want, even though they have been found to being a monopoly. November 2nd was a black day for the history of information services.

Randy Anderson  
Technology Manager of Central Illinois  
Novell, The leading provider of Net  
Services Software  
<http://WWW.NOVELL.COM>

#### MTC-00002720

From: Rick Bowersox  
To: Microsoft ATR  
Date: 12/5/01 9:26am  
Subject: settlement

To whom it may concern:

I am in favor of quick resolution of this matter. I do not believe that Microsoft has acted as a monopoly. They simply have the best product and their innovation deserves our praise rather than government

harassment. Please do what you have to do and then go find some real criminals.

Sincerely,  
B. Richard Bowersox

#### MTC-00002721

From: ADAZA.COM  
To: Microsoft ATR  
Date: 12/5/01 12:21pm  
Subject: Monopolies harm industry first, then the consumer.

Dear Dept of Justice,

Microsoft is a successful company. It has achieved its monopolies through successful marketing strategies. Whether it has used illegal means to achieve and maintain its monopolies is NOT of primary importance to the industry, the consumer, or the economy. What IS of primary importance to the industry, consumer, and economy, is that Microsoft has monopolies in a number of areas and is using those monopolies to extend into other areas. The technique of using a monopoly in one area to create a monopoly in another area has been understood for centuries. That monopolies eventually harm the industry, the consumer, and the economy has also been understood for centuries. For these reasons, every capitalistic country has developed antitrust law to protect the country from private monopolies.

The industries in which Microsoft enjoys monopolies have withered just as monopoly-dominated industries in the past have. Evidence:

1) Industry-wide development in personal computer operating systems has all but ceased. Apart from cosmetically, MS Windows is hardly different from what it was five years ago.

2) Industry-wide development in internet browsers has all but ceased. Apart from cosmetically, MS Internet Explorer is hardly different from what it was five years ago.

3) Industry-wide development in office productivity software has all but ceased. Apart from cosmetically, MS Office is hardly different from what it was five years ago. (And yet, Microsoft still charges \$500 for it. They do because they can.) Yes, a lot of healthy, competitive, software development is occurring, even at Microsoft, but not in the areas Microsoft monopolizes. Some argue: "But stable standards are good for an industry. A lot of businesses do well developing products which depend on Microsoft's "standards"." IF it is determined that a standard operating system or office software is good for the industry, (which I personally do not believe but realise that there are certain short-term advantages) THEN those standards should not be privately owned and manipulated for the benefit of the standard's owner, in the way that Microsoft does. Many non-MS-owned standards do exist.

They are under-utilized, in general, because Microsoft benefits more from creating its own versions of these standards and discriminantly selling their use. If Microsoft has acted illegally, it should be punished in order to demonstrate to the world that Microsoft is not above the law of the United States. However, separately from "punishment," Microsofts monopolies need

to be broken in order to restore productive competitive growth to these industries and to ensure that more industries aren't similarly strangled.

The Microsoft monopoly situation is exactly the type of situation that US antitrust law was designed for. It should be used.

Sincerely

Drew Cover

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**MTC-00002722**

From: Charles Eakins

To: Microsoft ATR

Date: 12/5/01 11:02am

Subject: Anti Trust Case

To whom it may concern,

I won't point in my career I worked at Microsoft, for many years in fact, never getting full time employee benefits however because I was a contractor, Microsoft has recently settled a class action lawsuit regarding this. My comments come from my experiences working inside the company. Simply put, this settlement does not go far enough. Microsoft continues its monopolistic practices while putting forth a settlement, this does not go far enough to prevent them from further impacting consumers. The only way to stop Microsoft's monopolistic behavior is to break them up, period, for you to do anything else is a complete disregard for the consumer, which the anti-trust laws are supposed to protect.

Thanks

Charles Eakins

**MTC-00002724**

From: Richard Harriss

To: Microsoft ATR

Date: 12/5/01 1:42pm

Subject: Ad campaign for Microsoft

I laughed when I first saw the accommodation Microsoft proposed to atone for their monopolistic behavior. I had to read the newspaper article and listen to news reports before I realized that people were taking it seriously. This is what Apple and others do to INCREASE market share! This is the most ridiculous "penalty" I can imagine for the types of offenses Microsoft has perpetrated. I would be very upset if this goes through.

Richard Harriss

10597 Oakbend Dr.

San Diego, CA 92131

858-586-1410

**MTC-00002725**

From: Shawn Patrick Millerick

To: Microsoft ATR

Date: 12/5/01 12:44pm

Subject: Microsoft Settlement

December 5, 2001, Renata Hesse, Trial Attorney, Antitrust Division, Department of Justice, 601 D Street NW, Suite 1200, Washington, DC 20530

Dear Attorney Hesse:

I understand that public comment is now being accepted in the case of U.S. v

Microsoft. I write to express my support for the settlement.

I believe strongly that government should only intervene in the affairs of the marketplace on a very limited basis. This was not the case with regard to Microsoft. The absolute last thing the high tech industry needs is the federal government attempting to micromanage it.

Microsoft has made significant gains and should be rewarded, rather than punished, for their innovation and creativity.

Too much of the taxpayer's time and money has already been spent on this case. This settlement should be approved as quickly as possible.

Sincerely,

Shawn P. Millerick

553 Route 3A

Bow, NH 03304

888-238-6212

603-227-0442

603-225-2442

fax-(603) 230-9620

**MTC-00002726**

From: Jayne Marcucci

To: Microsoft ATR

Date: 12/5/01 12:33pm

Subject: Microsoft Settlement

Attorney Renata Hesse, Antitrust Division, Department of Justice, 601 D Street NW, Suite 1200, Washington, DC 20530, VIA EMAIL

Dear Attorney Hesse:

I write to submit public comment in support of the settlement proposed in the case of U.S. v Microsoft.

Consumers across the nation have benefited greatly from Microsoft's innovation. In fact, they have often forced the market to offer products and services at a lower price with better quality. Considering that anti-trust violations are designed to protect consumers from harm, I believe that the government's efforts are off base in this case.

I have also personally benefited from Microsoft's excellence in technology. As a small business person, I am able to run my operations in an extremely efficient and cost effective way by using the company's software.

Please approve this settlement so that Microsoft can continue to make a positive difference in the lives of businesses and consumers.

Thank you for your dedication and public service.

Sincerely,

Jayne Marcucci

President

Marcucci Consulting

P.O. Box 16297

Hooksett, New Hampshire 03106

**MTC-00002727**

From: Craig Wolf

To: Microsoft ATR

Date: 12/5/01 2:34pm

Subject: Settlement

I am in full agreement with Red Hat on the \$1 billion in computers and software to education. Microsoft will inflate the cost of purchasing and distributing the systems as well as inflating the cost of the software to

spend substantially less than proposed. They should be charged with purchasing the hardware and having Linux & Staroffice installed on those systems. This will allow for more children to be helped and will not let them more securely put the strangle hold on the kids and the school systems.

I have been working with computers for over 20 years and I am more disgusted and disappointed with each release of Microsoft's products. I look forward to the maturing of Linux to truly give some competition to Microsoft so that they start designing their products better versus buying out there competitors or bullying the competitors out of business.

I also work in the school system as a technology person and dislike being "forced" to purchase upgrades. It is wrong!

This is just my opinion but it is shared by many of my coworkers as well as people I know in and around the industry.

Thanx for your time.

Craig Wolf

Desktop/Network Specialist

Linux/Web Server Support

Support Services Center

Millard Public Schools

402-894-6283

**MTC-00002728**

From: JEngleh407@aol.com@inetgw

To: Microsoft ATR

Date: 12/5/01 2:32pm

Subject: About the settlement

It may be too late for comments, but I'd like to suggest that if Microsoft is really to be punished, and if giving computers to schools is an option, then they should pay to give Apple or Unix computers to schools. Now there's an anti-competitive effort! Thanks for listening.

Jeannine Englehart, Professor (emeritus)

**MTC-00002729**

From: Stephen Benoit

To: Microsoft ATR

Date: 12/5/01 1:48pm

Subject: Changes In Microsoft Policies Over The Past 30-Days Render Settlement Harmless

TO: Renata Hesse, Trial Attorney, Antitrust Division, U.S. Department of Justice, 601 D Street, NW, Suite 1200, Washington, DC 20530

RE: Microsoft Settlement, getting the big picture.

While I have major concerns regarding (and do not support the signing of) the settlement agreement with Microsoft, I wish to point out several new issues that relate not only to the settlement, but to new activities on the part of Microsoft that leave the settlement quite short in resolving today's and tomorrows Information Technologies relating to Microsoft.

1) Microsoft has changed part of its business model by modifying how SOME Microsoft applications (not middleware, but applications) work with one another. A perfect example is that in EVERY previous version of Microsoft Word since the creation of Outlook Express (OE) was able to integrate seamlessly with the shared OE/Windows address book. Now however, this integration has been removed from all new applications

(post Office 2000). Thus, if you upgrade now, you are FORCED to also upgrade your Email & Address Management from the free Outlook Express to the full blown Microsoft Outlook 2002 product. This fact alone translates to the following:

a) Consumers upgrading to the latest versions of Microsoft Application software are promised enhanced functionality, but instead receive REDUCED functionality and interoperability with freeware applications (which are still being support, updated, and released by Microsoft).

b) Consumers are not told of the reduced functionality. In fact, Microsoft has hidden this issue even from OEMs and dealers.

c) Consumers upgrading Word or any other application that previously had integration with OE or the Microsoft Middleware "Windows Address Book" will no longer have this interoperable functionality and the wording of the EULA and OEM agreements moves all liability issues from reduced functionality to dealers or the entity deploying the upgrade, leaving Microsoft "held harmless" from liability and forcing consumers from a "Free" solution to a "Purchased Licensed Required" scenario. This represents an unfixable liability to dealers and also potential creates non-rectifiable liabilities for anyone deploying any updates of Microsoft Application software.

d) This integrated functionality has existed since the creation of Outlook Express, yet Microsoft is now reluctantly stating that the removal of these features "Is not a bug, but rather an interoperability feature removed by Microsoft at their own discretion.

e) This move represents a monopolistic campaign and marketing strategy in that:

i. Outlook Express was created to compete as freeware against Netscape Messenger. Now that this threat to Microsoft has been removed, it is no longer necessary to "Give a product away (OE) when Microsoft can force consumers to purchase it (Outlook)"

ii. There is no liability to Microsoft from enacting this change.

iii. This move has the potential of creating over a billion dollars in new Outlook 2002 revenues for Microsoft this year, as consumers have no viable alternative for performing these basic tasks.

iv. Microsoft has also removed this functionality from "Suite" products including Microsoft Works, again, forcing consumers to purchase a second product when the suite previously delivered this functionality.

v. This represents the perfect example of how the Operating Systems (which includes the "Address Book" application) development is being controlled and influenced by the Applications division. Removing functionality is the first step (in what will be many) of forcing consumers to purchase multiple products to deliver the same functionality that was previously available for free.

2) Microsoft's latest Operating System includes many new freeware applications that will follow this same model which is:

a) Release a freeware product (which may have cost hundreds of millions of dollars to create) to eliminate non-freeware competitor application software.

b) Consume market share through delivering these applications via Operating System releases. (As is the case with Media Player, Outlook Express, Internet Explorer, Messenger, etc.)

c) Create Application smart tags which utilize security protocols thus preventing competitors from delivering this same functionality due to Microsoft's settlement agreement which would allow them to keep this information proprietary as "Application Software Functionality" and NOT middleware or API functionality.

d) Wherever possible, once the market has been saturated, remove application integration features so that they only work with software that must be purchased (as they have just done with Word/OE)

In this regard, Microsoft eliminates "Middleware" and instead leverages "Application Integration" features which are exempt from the settlement agreement.

The bottom line is that they are making a shambles out of the entire case by moving OEM relationships and Middleware issues to the forefront. Behind closed doors, Microsoft is instead redefining middleware by more tightly integrating applications and proprietary cross-application functionality. At this point, the concern should not be how these changes affect OTHER software manufacturers, (which is serious enough on its own) but rather how the settlement affects how Microsoft will integrate application functionality with previously delivered Operating System to Applications features. This now evident threat extends to all Microsoft applications including those delivered in its newest Operating Systems including:

- a) Outlook Express
- b) Internet Explorer
- c) Media Player
- d) Messenger
- e) Remote Assistance
- f) Disk Defragmenter
- g) Internet Connection Sharing
- h) Internet Connection Firewall
- i) Windows Address Book (Delivered with Windows XP, but now not functional with other Windows Based Application Software beyond Outlook Express)
- j) Remote Desktop
- k) Internet Information Service (IIS)

The fact remains that each listing above is application software by definition, yet Microsoft has somehow been able to disguise them as part of the Operating System. As time progresses, Microsoft will now continue to further evolve fee based application software to replace these "Free" applications while in each new release and update they have and will continue to slowly remove integrated functionality in favor of forcing the consumer to purchase a retail equivalent by completing the steps outlined in Sections 2a through 2d. This is no longer a theory of motive operandi but rather one that had been successfully practiced by Microsoft in the past 30 days.

What this means, is that eventually you will see full-retail application versions of EACH AND EVERY application mentioned above and that ONLY by purchasing these products will you obtain the same functionality that you had previously. In

other words, upgrading means losing functionality of your previously licensed applications

I additionally have several other examples of newly discovered reduced functionality that not only concern me as a dealer, but also as a Computer Manufacturer. Unfortunately, I have had no success in resolving these issues with Microsoft as they are now stating officially that these problems are not bugs (which would be the assumption when you lose a feature that you previously had) but rather "Changes in the company policies regarding integration with freeware". As the settlement agreement NEVER mentions how Microsoft will deal with Microsoft integrations of Microsoft Applications, they are therefore left with a big fat loophole in the settlement agreement which gives them license to create freeware to eliminate application software competition, then saturate the market via Operating System deployments and then remove the functionality of this freeware once market dominance has been achieved. A conscious M-O-N-O-P-O-L-Y!

My primary concern at this point is the liability of my company when performing updates. It is conceivable that I will be liable to purchase Outlook 2002 for every customer that had Only Microsoft Word or any office suite that does not include Outlook 2002 on the grounds that if I remove functionality by implementing the update, I can be held directly liable to the consumer. Thus, this move places my company at high risk of law suits from both Consumers here in New Hampshire as well as our clients in other states throughout the United States. Furthermore, the official line from Microsoft is that there is no remedy of liability from reduced functionality between consumers and Microsoft, but rather we alone (those deploying updates) are liable for any impacts to consumers. In other words, Sue your dealer, not Microsoft. As Microsoft actively promoted this functionality through intense marketing campaigns (including information that you can still view on their website), this is furthermore a blatant example of "Bait and Switch". In summary, this model gives Microsoft the ability to develop any application software they want (at any cost to the company), give it away until the competition for that product is eliminated and then change the configuration of how that application is used to force the consumer to then purchase the product.

Should you have any questions, comments or wish to discuss these dramatic new changes in Microsoft development practices and marketing strategies, please contact me at your earliest convenience.

Stephen Benoit, Owner  
Stable Technologies  
"The way IT should be!"

39 South Main Street—R Concord, New Hampshire 03301 (603) 224-0342  
sbenoit@stabletechnologies.com

Founding Member: National Association of System Builders and Integrators

**MTC-00002730**

From: Tod Herman  
To: Microsoft ATR  
Date: 12/5/01 4:15pm

Subject: settlement

Of the settlement intricacies I couldn't speak. But if most of what I read in the rags is correct, I believe Microsoft is very happily celebrating in their hallways about the new inroads they will be making in the schools, where Apple has had a stronghold. I hope the settlement will be revisited and their "donations" to the schools will be required to take monetary form instead of software from them. Thanks.

Tod Herman  
Network Administrator  
Cherrydale Farms, Inc.  
therman@cherrydale.com  
610-366-1606 x2166

**MTC-00002731**

From: Bruce Hartzell  
To: Microsoft ATR  
Date: 12/5/01 3:57pm  
Subject: Just Say No to the Microsoft Settlement

Dear Sirs/Madam,  
I have reviewed the proposed settlement and feel that it is not in the public's interest. Microsoft will be able to continue with its monopolistic ways. Please go back and craft an agreement fair to the public and business world.

**MTC-00002732**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR, antitrust@ftc.gov@inetgw, Ralph@essen...  
Date: 12/5/01 2:45pm  
Subject: Microsoft Hegemony' Limits On Corporate Power

CC: letters@latimes.com@inetgw, letters@sjmercury.com@i...

Re: Microsoft Warns of AOL's Power if It Wins Cable Bid Microsoft Corp.'s chief executive expressed concern yesterday over AOL Time Warner Inc.'s bid for AT&T Corp.'s cable network, warning the media and entertainment giant could use the purchase to strengthen its grip on online services.

Ballmer is beating a dead horse because we are seeing that all ecstatically obese corporations are beyond the threshold where efficiencies of scale are lost in the cesspool of power abuse. That AOL is more talented than Microsoft at camouflaging its cesspool does not spare AOL from the mega-trend that will eventually humble both of them—the ultimate erection of limits on corporate power.

We The People  
Take Back Our Flag  
From The United Corporations Of America

**MTC-00002733**

From: TLaPointe@lselectric.com@inetgw  
To: Microsoft ATR  
Date: 12/5/01 4:07pm  
Subject: MS Settlement

Also, it appears to me that the govt is rewarding microsoft for "bully tactics" having worked with some govt agencies before, I also noticed that they are almost totally microsoft themselves, so how is it possible to judge on someone that you rely on so heavily?

I also wish to bring to light the practice that some universities use. they get free Microsoft server software if all other types

are kept from the competition..how is THIS being fair. In my opinion Microsoft corporation has such an almost insurmountable advantage that I am not sure if the U.S. Govt is not afraid of them..

thank you  
thomas lapointe

**MTC-00002734**

From: Brian K. Culver  
To: Microsoft ATR  
Date: 12/5/01 4:47pm  
Subject: Antitrust Settlement...

Dir Sirs,  
As a hard-working American taxpayer that fully supports your efforts to combat terrorism, I must say that I am dismayed by the "slap on the wrist" action seemingly being handed down to Microsoft for, in my opinion, one of the most grievous monopoly abuses in United States history. I feel that if Microsoft is allowed to maintain its dominate market position and extend its market domination into even more of the new markets that are just now blossoming in this information age, the results will be catastrophic. If Microsoft is indeed allowed to keep its monopoly control over the desktop PC market, and stifle its competition, then Microsoft is no longer in competition in the IT market, and hence, its source code for the Windows operating system should be made public domain. If Linux platforms like RedHat and SUSE can make a profit while releasing their source, microsoft should be able to as well. In any event, OEM distributors of the various Windows platforms should have as much freedom as possible in being able to modify/change the operating system to better tailor the operating systems to their PCs.

I have faith that you really will take the consumer into account instead of paying lip service to US (the US people). If Microsoft gets a slap on the wrist then it will become self-evident that this is no longer the land of the free and the home of the brave, but the land of the greed and the home of the slave. I pray to the Lord you at the DOJ do what is right for the people, instead of being a whore for the corporate special interests.

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**MTC-00002735**

From: neven@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/5/01 4:42pm  
Subject: Microsoft settlement

Dear sir/madam,  
I think that the proposed settlement of the Microsoft antitrust case is not enough to allow for free competition on this market. I think Microsoft should really allow free access to its API and similar code during the whole development process.

Best,  
Neven Dilkov

**MTC-00002736**

From: matt@rubschlager.com@inetgw  
To: Microsoft ATR  
Date: 12/5/01 4:22pm  
Subject: Microsoft Antitrust Case

Quite frankly the "deal" that was cut simply will not take care of the problem. What's thousands, millions, or billions of dollars in software when they're the publishers of said software? The answer is the cost of the media, training, and the hardware. Does the government actually believe that Microsoft will provide the training and the hardware? The media is easy, simply copy some CDs, throw them in boxes and ship. Hardware, a little more difficult, but still an obtainable goal. The training? Forget it. Not one school will have any trainers knocking on their door. Any money given to the schools for training will be spent in other much needed areas I'm sure.

Did the government think that Microsoft would find a hardware manufacturer that wouldn't give them an excellent break of the cost of the hardware? I don't know of a manufacturer that wouldn't be willing to provide that equipment for pennies and their first born. My niece's school district uses Gateway computers. If you ask her what kind of computer she wants for home, her answer (surprise, surprise) is Gateway. What a wonderful marketing opportunity for the hardware manufacturer. If I made computers I would love to be the recipient of that contract.

Likewise for Microsoft, who stands to lose nothing and gain everything from this "deal." By "donating" the software to the schools they're ensuring that the next generation of computer users will (again surprise, surprise) choose Microsoft products when asked. They're insuring their product line into the next generation.

At the beginning of my IT career I was a Microsoft supporter. As time has passed, however I've become more and more reluctant to choose Microsoft products. If you choose one product, you're forced into using at least three others that are required to make the first product function correctly. With their recent release of Windows XP and their Passport service it is clearly evident that they have no intention of changing their predatory ways. Back in the 80's everyone had a chance, little guys and big companies alike. With today's tech landscape only the big companies can make it. The largest of the big companies is easy to identify—Microsoft.

The only solution is for a break up—unpalpable as it may be for the economy and for the growing number of Microsoft only IT shops around the world.

Matthew Rubschlager  
matt@rubschlager.com

**MTC-00002737**

From: Dan Plastina  
To: 'Microsoft.atr(a)usdoj.gov'  
Date: 12/5/01 4:54pm

Microsoft Settlement—Please sign off on it. We've wasted enough time and tax payer earned monies on Microsoft. They are a good company, doing good things for users around the world. Software has never been so cheap (Look at Sun's and Oracle's prices for

product—no wonder they are complaining). It's become quite transparent that this is about competitors who can't win fair and square.

It is not time to end this dispute.

Regards,  
Dan Plastina

**MTC-00002738**

From: spucci@blackberry-hill.com@inetgw  
To: Microsoft ATR

Date: 12/5/01 6:07pm

Subject: Microsoft Settlement

I object in the strongest possible terms to the proposed settlement, for several reasons, primarily:

1. No punishment has been imposed on Microsoft for its behavior in the past, nor any damages assessed for the harm to the public good effected by those actions. The settlement appears to be instead directed at controlling future Microsoft behavior, and appears to ignore the past.

2. The settlement does not appear to provide for penalties in the case that Microsoft is found to continue its illegal behavior.

3. The settlement expires, and there is apparently no provision for any restrictions on Microsoft's behavior beyond the next five years. These are critical defects, as Microsoft has demonstrated by its actions in the past. Microsoft has no motivation to restrict its behavior if the government never imposes any penalties, as was clearly demonstrated by the 1995 consent decree and Microsoft's subsequent actions. If we as a government only ever say to transgressors "You have broken the law, don't do it again," without imposing penalties, why would we expect anyone to follow the law?

I have also read that Microsoft is offering to give away equipment to schools as part of its "penalty". This action will only increase Microsoft's monopoly in the PC desktop operating system market. I suggest that if this to be a true remedy, that Microsoft be required to give equipment to schools that do \*not\* run Microsoft Windows, such as Apple or Sun computers.

Thank you for your consideration of this point of view.

Steve

Steve Pucci

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spucci@blackberry-hill.com +1 408 399 4854

**MTC-00002739**

From: James B. Czebotar

To: Microsoft ATR

Date: 12/5/01 5:48pm

Subject: Micro\$oft Settlement

Greetings.

My name is James Czebotar. I work for Washington State University as a Computer Support Analyst. I have worked in the field of computers my entire adult life. I feel it is my duty as a citizen to express my opinions and experiences regarding Microsoft and its operation as in illegal monopoly as already ruled.

I have witnessed Microsoft's monopolistic tentacles first hand. When I started working on WSU's campus, Netscape was the most

common browser. Other then the obvious practice of bundling Internet Explorer with Windows 9x/NT, other more subtle methods of forcing IE upon my department sprang up.

Among them: Requiring IE to install other MS related products. For example, if you want to install Microsoft's IntelliMouse software 4.01, mouse drivers for MS's Mouse, you must install IE first. Why is IE necessary for mouse drivers?

Other departments are adopting proprietary IE only systems. Professors are creating IE only web sites, requiring IE to be used by their students. Some of those Profs and Departments benefit from MS grants. A cozy arrangement.

WSU's Administration Departments are developing and using systems which require IE/Outlook to function. For example, they send out budget information to our department in an MS Outlook Encrypted format, as well as forcing us to use IE to use their online web based functions. I have held out for years, giving IE only to the select few who can demonstrate a need for it. IE and Outlook are notorious for their security flaws, the main reason I try to keep my department away from them. However I couldn't fight the tied forever, and this year I have little choice but to implement IE on all 500+ of our computers. A fellow employee put it quite well as I was updating his machine: "Now that I have IE, why do I need Netscape?" Most of our employees have IE at home, being that their computers came with it. They have been conditioned like Pavlov's Dog.

I can only speculate as to the financial arrangements between WSU and MS. In a proper competitive setting, WSU should be buying software and adopting standards based on common capitalistic parameters, such as prices, quality, support, etc. In reality, it appears as if MS has its tentacles around WSU, giving out ca\$h and \$oftware in order to secure a foothold of MS products on campus.

I am disappointed that the new administration has backed off and wants to settle with Microsoft. However I am not surprised. Anyone who monitors politics is fully aware of the reality of the dominance of special interests and their control over the system. My voice in this matter is so small it is almost silent, but I feel I must speak out nonetheless. For if I don't, I have no one to blame but myself when we must all follow their whims of  
MicrosoftAOLTimeWarnerGeneral  
ElectricSonyExxonWalMart  
GMFordATTVerizon Thank you for your time, and your consideration of my comments.

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"He who knows nothing is closer to the truth than he whose mind is filled with falsehoods and errors." [Thomas Jefferson]

**MTC-00002740**

From: Laurel James

To: Microsoft ATR

Date: 12/5/01 5:42pm

Subject: settlement

This was never a case about harming the consumers! As a happy Microsoft consumer, their prices have always been fair and the products exceptional. This was nothing more than a government play to get money for nothing!

**MTC-00002741**

From: Charles Landau

To: Microsoft ATR

Date: 12/5/01 5:33pm

Subject: Microsoft Settlement

We would like to express our strong support for the current settlement of the antitrust case against Microsoft. We believe that the country and its economy benefits from having Microsoft as a strong, innovative competitor in the free market.

In addition consumers have traditionally experienced lower prices for software when Microsoft competes in a market. For evidence of this, one need look no further than the fact that web browsers are now free to consumers based solely on Microsoft's presence in that arena.

Regards,  
Charles and Laura Landau  
Kirkland, WA

**MTC-00002742**

From: Bill Arnett

To: Microsoft ATR

Date: 12/5/01 7:27pm

Subject: Microsoft Settlement

The proposed "penalty" of allowing Microsoft to distribute their software to schools is ludicrous. From their point of view it is turning a penalty into a marketing operation, something they would be happy to do in any case. From the point of view of everyone else it is like letting a drug dealer pay his debt to society by giving away free drugs to kids.

Bill Arnett  
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Redwood City, CA USA  
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37 27 38 N 122 16 11 W

**MTC-00002743**

From: Jim Furlong

To: Microsoft ATR

Date: 12/5/01 6:22pm

Subject: Microsoft Settlement

Please just settle the Microsoft monopoly issue and let's get on with life. I don't think microsoft is guilty of unfair practices and think that all the state suits are just revenge minded for their individual constituents and late blooming businesses in their states. There wouldn't even be a personal computer industry if we had waited for IBM to develop machines and language.

James C. Furlong An engineer for 40 years!

**MTC-00002744**

From: David Herndon

To: Microsoft ATR

Date: 12/5/01 6:12pm

Subject: Apparently the DOJ is owned by Microsoft also

This is a reaction piece so I will limit myself.

Apparently the DOJ is owned by Microsoft also. Lucky for the DOJ that we have a fresh

new war for us to watch on CNN and public opinion is far removed from the issue.

Ask anyone else in the software industry that tries to make a living (life, liberty and the pursuit of happiness...remember?) writing and selling software in a fair and competitive way, ask weather this is a good deal?...you will here, "no its not."

The settlement is lacking in many ways, but creates a lot of nice loopholes that creative lawyers can exploit. Look, its obvious the DOJ is protecting Microsoft with this compromise. Protecting the very company they were trying to punish, nice one.

The solutions that any software company, and vender, would have Microsoft undertake I guess would take down the economy? Cause a unfavorable market? Cause Microsoft to issue licensing audits on every public office desk in America? BS. Look what's happened, the market is falling apart anyway, many (once) competitive companies are struggling. The DOJ is to late, so they will not even try to make a difference. Its like showing up to a car wreck and not even trying to help because you think the driver will die anyway (that's unlawful).

Principle. The Constitution, must be redefined in a way that benefits people not a select group of persons, all the time. I understand that there are laws on the books that are supposed to stop monopolies from forming and then punish companies that contribute;....but to bring a monopoly, Microsoft, to trial, get scared, and then protect them? Sorry, thats the image out here.

Image is everything right? Well the DOJ is looking real good now. Welcome to the dark side of the force (Star Wars reference). I guess you all got new XP laptops and neat stuff...good for you. Thank you for doing your jobs. I guess in America I'm free to do what I'm told, and I should just be thankful for that, right? Right.

People are stronger than any government that rules them. The industry will do what the DOJ failed to do. And, again, the DOJ image becomes more tarnished, less visible, darker and darker until it ends with a big blue screen of death. You could reboot, but that may piss-off Microsoft. Better call support first and ask them if its ok.

#### MTC-00002745

From: Matthew Cannon  
To: Microsoft ATR  
Date: 12/5/01 8:23pm  
Subject: Microsoft Settlement

How is this justice to the consumer and the market. Sure you say you are making Microsoft give away around \$1 billion in software and hardware. The software costs pennies to produce, their biggest outlay would be the cost of the hardware. Plus, in giving it to schools, they just increased their marketshare and psychological hold on the world as the #1 operating system.

You would, by fiat, push all other competitors out of the education system for at least one year. And as close to the breaking point as some companies run, this would probably break many of them, leaving even less competition for Microsoft.

Why not have them donate the money to the schools directly, by getting a list from the

Education department or somewhere. Then let the schools decide on how best to spend it. Your case was for the cause of consumers to have choice, let the schools have the same choice you were fighting for us to have.

#### MTC-00002746

From: Scott Steven G TSgt 36CS/SCBBH  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/5/01 8:07pm  
Subject: Anti-trust?  
You sold out.  
Steven G. Scott, TSgt, USAF  
Helpdesk/Message Center  
DSN 315-366-7118

#### MTC-00002747

From: Jack Carroll  
To: Microsoft ATR  
Date: 12/5/01 7:45pm  
Subject: Microsoft antitrust case: the open source community's interests

I just heard about your request for public input. I hope this isn't too late. Here's a copy of what I sent to the Kansas AG. I sent similar messages to all the state AGs I could find e-mail addresses for, of those pursuing the case.

..... Forwarded message .....

Date: Thu, 29 Nov 2001 16:22:23 -0500 (EST)  
From: Jack Carroll <jac@chives.mv.com>  
To: GENERAL@ksag.org  
Subject: Microsoft antitrust case: the open source community's interests

Dear Attorney General Stovall:  
I understand that you, along with several other state AGs, plan to continue litigating the Microsoft antitrust case rather than agree to the U.S. DOJ's proposed settlement. Good for you!

Much of the existing record in this case has dealt with the effects of Microsoft's behavior on competing commercial software vendors. That needs no further discussion here. I'd like to draw your attention to some important remedies that would benefit open source software users and developers, and by extension, computer users in general. My interest derives from being a long-time GNU/Linux user and advocate, and a stockholder in Red Hat, Inc. Because the open source software community isn't a business or even an organization, I can't claim to "represent" anyone other than myself in any legal sense. In a statistical sense, I believe I'm a fairly typical member of the loose-knit open source community.

There appears to be a widespread consensus that a monopoly in operating systems is harmful to the public interest in many ways; I doubt that I need to present arguments to convince you of that. I suggest to you that Microsoft's OS monopoly has already been broken, and that its dominance of business desktop applications is rapidly coming under serious challenge. Knowledgeable businesses and consumers have several practical alternatives today. It's important to the public interest that this become more widely known, and that these choices remain readily available. Microsoft is doing everything possible to regain a de facto monopoly in desktop operating systems and essential applications. Several specific remedies should be imposed to prevent Microsoft from depriving users of a choice.

#### PROPOSED REMEDIES

1. Microsoft should be prohibited from using contract terms or any other tactics to collect license fees from computer vendors for any machine on which Microsoft software is not installed. The practice of collecting a fee for every machine a vendor ships is the infamous "Microsoft Tax". Its practical effect is to economically exclude large computer vendors who offer Microsoft preloads from also serving markets that don't use Microsoft products.

2. Microsoft should be prohibited from using licensing terms or technical measures to prevent or discourage computer vendors from installing other operating systems alongside Microsoft software, on the same computer. We call those "dual-boot" systems; only users who do their own OS installations have them now.

3. It's crucially important that Microsoft be required to document and publish the standards for the file formats its applications use. It's not enough to document and publish only the application programming interfaces (APIs); those benefit only programmers who develop applications which run on Microsoft operating systems. Nor is it sufficient to break up Microsoft into an applications company and an OS company; Microsoft applications ported to other operating systems still wouldn't exchange files with independently written applications. File format documentation is necessary to create a level playing field, for as long as Microsoft applications continue to have a dominant market share.

4. For the same reason, Microsoft should be required to publish and strictly adhere to formal standards for its network protocols; applications and servers running on non-Microsoft operating systems need these to interact with machines running Microsoft systems.

#### DISCUSSION

Microsoft has gone to great lengths to convince the world that a monopoly in desktop operating systems is either natural, or irresistible, or a necessary standard. In fact, none of those propositions is true.

It's much more natural that the operating system, the common infrastructure which serves application software, be open to any interested party to improve and extend. During the last 10 years, open source software has advanced at a rate that no commercial vendor could possibly have the resources to match, even if they wanted to serve the best interests of the users—which Microsoft clearly doesn't. Today, most new advances are tried out first on open source systems, because they're accessible for experiment; as a result, they're rapidly taking the technical lead over even the best of the commercial Unix variants.

The user base of open source operating systems and servers is expanding rapidly. They're already running large segments of the Internet's infrastructure, they're moving into embedded systems on a large scale, and they've begun to penetrate the business desktop, especially in the Third World. To a software professional, a "standard" is a thick document that prescribes the behavior of some interface or protocol in precise and excruciating detail. The purpose of a

standard is to achieve absolute certainty that any two independent designs that are in compliance with the same standard will work together without problems. By policy, Microsoft is the implacable enemy of all standards, because standards are a powerful weapon against monopolism. Microsoft conceals, obfuscates, and complicates the interfaces to its own programs. They violate pre-existing standards to cause incompatibilities, then try to convince users that their nonstandard implementation is the "standard". Open source systems, on the other hand, typically make every effort to comply with published standards, and the resulting source code is open for anyone to audit and correct.

Abolition of the Microsoft tax presupposes another widely discussed remedy; requiring Microsoft to treat all customers the same, according to published price lists and terms. Without that constraint, the company could manipulate pricing to place selected computer vendors at a disadvantage if they offer machines with non-Microsoft preloads, with dual-boot preloads, or without software.

I think this is a critical moment. Decisions made now may have powerful effects; very different futures are possible, depending on what happens next. Microsoft's dominant position is becoming rather precarious. Its long-term survival is in doubt. A number of pressures are combining to degrade its revenue potential while its costs remain high. Unlike many a company with a dark future, Microsoft's massive financial reserves give it the time and means to try many things simultaneously in an effort to regain a secure stream of large-scale revenue. In this effort, the company is becoming more aggressive and manipulative toward its users and competitors than ever before. Some of its legislative initiatives may have destructive effects on the society as a whole.

Microsoft's most basic problem is market saturation. In the developed world, nearly everybody who needs a computer has one. Most of them run Microsoft OS and application software, so there's no place for the market share to grow. The total market itself is shrinking; while the software on many of these machines is hardly satisfactory, it works just well enough so that the pain of continuing to use it doesn't justify the effort and expense of immediate upgrades—and anyway, the customers have gotten wise to Microsoft's game, and understand quite well that the next upgrade isn't going to fix their problems without introducing new ones. So the forced-upgrade cycle is no longer a reliable cash cow. I've seen assertions that if employee stock options are accounted for, the company is losing money.

The twin phenomena of open-source and free software are hitting Microsoft's revenues from another direction. Microsoft can't match either the quality or the cost-of-ownership of these products of user-directed cooperative development. Microsoft was able to buy or destroy most of its commercial competitors, but this new source of software can't be owned and doesn't need revenue. Several industrial-strength operating systems (FreeBSD, OpenBSD, Linux) are solid and hard at work, with thousands of volunteers

extending their capabilities and fixing bugs as fast as they're discovered. Multiple application suites (Star Office, K Office, Abi Word) are rapidly approaching maturity, and are already being put into everyday service in markets that can't afford the cost of Microsoft user licenses. In this environment, Microsoft no longer has the luxury of holding back bug fixes and new capabilities to use as leverage for the continuing upgrade cycle. A rapidly maturing mix of open-source and free software is moving into the server and embedded-systems markets that Microsoft was never able to penetrate on any large scale, cutting off Microsoft's planned directions of expansion. Microsoft is now contained on the desktop and some business servers, and the prerequisites to erode its market share there are falling into place.

The antitrust suit has hurt Microsoft mainly by distracting its management's attention while these other changes were taking place. It's too late for litigation to help the business competitors that Microsoft stifled, other than by monetary damages to their creditors and stockholders. However, the settlement could make an important difference to the public interest, by blocking both overt and subtle maneuvers to re-impose its vanished monopoly.

The company's strategy appears to center on getting users to accept one more upgrade cycle, by finally offering software of reasonable quality, and poisoning it with traps that ensure revenue into the indefinite future. Measures such as time-limited licensing, back doors that allow remote disabling, shipping systems without installation media, bugging the software against transfer to a newer computer, and patented file formats that forbid reverse engineering are examples of techniques to dominate and exploit the end user. Once a user makes the mistake of putting his data into a Microsoft file format, he has to pay ransom to Microsoft forever to retain access to that data.

To fight off the defection of end users and computer manufacturers in the meantime, Microsoft can use restrictive licensing terms, secret agreements, propaganda, legislation to interfere with free participation in software and hardware design, and possibly support for unrelated litigation to drain the working capital of companies involved with open-source software. In the legislative arena it may find allies in the record and movie industries, themselves famous for shady and aggressive dealings. Senator Fritz Hollings recently introduced legislation that would have the practical effect of making computer programming and engineering by private citizens illegal; this seems to have been stopped for the moment.

If Microsoft isn't allowed to block major computer manufacturers from offering open source preloads, there's a good chance the defection from proprietary software will become unstoppable in the next year or two. Personally, I look forward to a world without Microsoft. I think it's possible.

#### REFERENCES

On the history and nature of open source software: "The Cathedral and the Bazaar" by Eric S. Raymond, <http://www.tuxedo.org/esr/writings/cathedral-bazaar> On the licensing of

free and open source software: the General Public License ("GPL") by Richard M. Stallman, <http://www.fsf.org/licenses/licenses.html#TOCGPL> On the place of business within the open source community, "Under the Radar" by Robert Young and Wendy Rohm, <http://www.redhat.com/radar.html>

Sincerely,  
John A. Carroll

#### MTC-00002748

From: Josh Bersin  
To: Microsoft ATR  
Date: 12/5/01 9:11pm  
Subject: What Happened to the Microsoft Anti-Trust Case?

As a taxpaying American citizen and a member of the high tech workforce, and a software executive, I have to voice my outrage at the DOJ's treatment of the Microsoft case.

Microsoft has been convicted of tied product sales. They have been convicted of illegally blocking competitors from unbundling products, and of preventing legitimate software competitors from building products on Windows that compete with Microsoft products. They even lied at the trial. I was an executive at Sybase during our contact negotiations, and we actually developed the original code for SQL Server which Microsoft now sells as part of Windows 2000/XP. Microsoft badgered us, bullied us, and used terrorist tactics which eventually forced our CEO to license source code to them.

They have done this to all vendors of word processing software, of presentation software, of email software, browsers, and now, with Windows XP, they will eliminate remaining software providers of streaming media software, MP3 players, and other windows accessories. There is no business model which can compete with "give it away with the operating system." Clearly they are a monopoly and continue to use that monopoly to kill off other markets peripheral to their core market (operating software).

I worked at IBM in the 1980s when IBM was broken up from tying its services with its hardware and software. It made IBM a better company and it made the mainframe industry a cleaner, more profitable industry for everyone. It allowed many companies to grow and flourish (I would venture to say that Oracle would not exist if IBM had been allowed to give away DB2 for free).

What is the harm to consumers of this monopoly? Plenty.

First, innovation on PC software has nearly halted. There are no more software companies left building desktop productivity applications (except maybe Adobe and Macromedia). There are no more options for email software, word-processing, presentations, etc. Lotus is gone, WordPerfect is gone, they're all gone. We have no choice. Second, prices for software are going through the roof. With Windows XP Microsoft has now taken the gloves off. Clearly they now believe that the competition for desktop software is gone, so they can price however they want. A copy of Office for Windows XP now costs nearly \$500-600 list price. This is nearly the cost of an entire mid-range PC.

The Office XP Division at Microsoft is generating billions of dollars of revenue with margins well over 80%.

Consumers and businesses are getting gouged, and there is no alternative. Third, there is no possibility of high quality support for these products. I have to agree with Jeremy (his article just appeared in the Wall Street Journal online). I have had numerous problems with just PowerPoint XP. Microsoft has no fixes for these problems, nor is there an incentive for them to fix them. What other presentation software can I use? There are no vendors left. Fourth, innovation has halted. The newest versions of Outlook, Word, Powerpoint, and Excel have added no significant exciting new functionality. They have added complexity and primarily more and more links to Microsoft web properties—forcing consumers to go to Microsoft.com for updates, releases, plugins, etc.

I am not a lawyer, but I am a business person. I know what happens when you think you can get away with being a monopoly. You deliberately tie in products, you deliberately lose money on new products to make it up on monopoly products. You deliberately mislead competitors. You deliberately steal ideas from small underfunded competitors. None of this has stopped at Microsoft—they continue unchecked. And when I heard that they were given the OPPORTUNITY to donate \$1B of equipment to schools, I knew “they got away with it AGAIN.” Now the US Government is giving the Microsoft Monopoly the ability to start their monopoly games at the age of 6.

What is going on at the DOJ? Are you afraid of hurting the economy? I promise you that if Microsoft was split into two independent companies—the Microsoft Windows Company, and the Microsoft Applications Company—both would flourish and prosper. Innovation would start again. New companies would form. New software would be developed. The PC, which is becoming one of the most important appliances of our lives, would be given a new life.

As it is, look at the software industry today. There are only a handful of companies making money any more, and the rest are gone. Our international competitiveness in software will over time be overcome by countries that prevent Microsoft from exerting influence. I believe the writing is on the wall—India, Russia, and the far east will become bigger software providers over time than the US ... with the exception of Microsoft.

What recourse do I have as a consumer, a member of this industry, and as a tax paying citizen, to tell the DOJ to work harder. Fight these guys. They are NOT acting in the public interest. They are NOT acting in the consumers' interest. They are NOT acting in the interest of the industry. They see a world where Microsoft logos appear on every appliance, every desktop, every cell phone, and every web site. Their vision is clear and it is all built upon the Windows monopoly money machine. I would be happy to travel to Washington to testify or give additional insights to the team ... but it appears that the DOJ has already given up!

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**MTC-00002749**

From: Victor Churchill  
To: Microsoft ATR  
Date: 12/5/01 8:56pm  
Subject: Microsoft vs USA  
To the U.S. Antitrust Devison,  
Take a real good look around you, what do you see ???

Monopoly after Monopoly, Hardly any competition.

**A BIG RECESSION**

This settlement is NOT in the best interest of the people. YOU can change it to be much better than what it is. IF you don't, we will continue to see lay-off after lay-off. We will continue to see Microsoft stifle competition. We will continue to have very few choices. Microsoft is TOO BIG to ignore.

It continues to get it's fingers and roots into everything. Can't you see that ??? If you can't you must be blind. It is so obvious, even my 3yr old can tell. So, Make the right choice.....Give the people a better solution. And do something right for America. You do love this country....don't you ????

—Vic

**MTC-00002750**

From: Erik Fjerstad  
To: Microsoft ATR  
Date: 12/5/01 8:42pm  
Subject: Microsoft Settlement

Dear Sirs,

I am a computer literate individual who has utilized computers and software for 30 years, from the era of punch-card to laptops, to pc-phones. I continue to be amazed at all the excellent products that arise and then get bullied into sale or oblivion by Microsoft. Microsoft has always been a follower, a stifler, a “not-invented-here” enveloper (not developer) of products. I utilize and like many microsoft products, but many others as well, and consistently find the “bent” within microsoft products to exclude competition, either subtly or overtly.

I am incredulous at the appeasement made by the DOJ on the lawsuit. Please reconsider.... the situation is moving in the direction of loss of choice and continued worsening of product. It is akin to having one's choice of cars limited to what Chevrolet has to offer, or to years ago with ATT, where they were the only phone service and equipment provider in town. To develop competition, to foster world-wide growth, and to enable opportunities for the industry world-wide, choice is needed. This requires openness in standards and arms-length relationships between applications and operating systems. A clear example is the VHS tape, we can have “standardization” that supports growth without having to buy the player only from Sony (Beta). How many more blatant examples are needed (attempts to use its own standards for media files, corruption and avoidance of JAVA, etc.) to

prove it explicitly wants only its own solutions forced on the public, and that with its current mass and momentum, can effectively make it happen?

Erik Fjerstad  
2043 Edgeview Drive  
Hudson, Ohio 44236

**MTC-00002751**

From: Leonard (038) Agnes Tillerson  
To: Microsoft ATR  
Date: 12/5/01 8:26pm  
Subject: Microsoft Settlement

As a citizen and taxpayer, I am totally in favor of bringing an end to the pointless erosion of intellectual property rights! The litigation against Microsoft not only sent our economy into a tailspin process but has also cost a fortune to taxpayers. Enough is enough! The case against Microsoft should have been thrown out in the courts years ago. And, no, I am not a stockholder. I am an avowed Constitutional American who also upholds our Bill of Rights to the nth degree.

Thank you for taking my opinion into consideration.

Sincerely,  
Agnes Tillerson  
244 Opsrey Circle  
St. Marys, Ga, 31558

**MTC-00002752**

From: lifedata@vol.com@inetgw  
To: Microsoft ATR  
Date: 12/5/01 10:22pm  
Subject: Microsoft in court

Dear Attorney General,

I am writing about the anti-trust case against Microsoft. I am writing to say I think they should be held responsible for their many documented illegal and/or unethical actions in a much more effective way than current information indicates is the case.

It is clear to those who know the field, that while professing to be technology leaders, Microsoft has stifled the development of software technology by their practices. Their actions against IBM's OS/2 operating system is one prime example.

That they should get away with what they have done with nothing more than the currently reported slap on the wrist is nothing less than a travesty that you would do well to act against. I strongly suggest further pressing the matter against them with vigor.

Sincerely,  
Jim LaLone  
9835 Standifer Gap Rd  
Ooltewah, TN 37363  
lifedata@vol.com  
Jim L  
You can know. 1 John 5:13

**MTC-00002753**

From: Juan Lanus  
To: Microsoft ATR  
Date: 12/5/01 10:08pm  
Subject: taking our lives in small chunks

Hi

MS, from it's dominant position, has damaged me, you, and we all. All those “hung computer” problems, and many other related problems, should not exist. Windows should work “as advertised”, which means flawlessly. All other operating systems do so.

The Windows failures and hangs infringe a small damage everyday to all of us. See an example: if somebody takes other's guy life he is sent to jail. MS's low quality operating systems are taking, globally, much more than one life. They are taking a few minutes from everybody's life to make a gross total equivalent to an important genocide.

Something comparable with the september 11 casualties, per month (I'm not doing the arithmetic, but it might well be even more).

As a monopolic supplier, MS doesn't feel pressed to fix the problems. If DOJ doesn't, who might help us now?

Juan Lanus

TECNOSOL

Argentina (and the rest of the world)

**MTC-00002754**

From: root@wt6.usdoj.gov@inetgw

To: Microsoft ATR

Date: 12/5/01 9:35pm

Subject: Antitrust Settlement

I find it amazing how much Microsoft is being allowed to get away with. It has become obvious that their money can get them anything they want. The settlement is a cover that does nothing but push Microsoft's software even further down the throats of the people of this country. It was found as fact that Microsoft has formed an illegal monopoly regardless of how the Judge acted. Yet Microsoft has found a way to wriggle their way out of it.

Let's stop helping the large companies and do what is right for the people of this country and just do the right thing. DO NOT allow Microsoft to once again get away with their illegal business practices.

Thank you

Chris Hammond

**MTC-00002755**

From: Stephen Ingram

To: Microsoft ATR

Date: 12/5/01 11:43pm

Subject: Hi, this is from a link on the RedHat site ([www.redhat.com](http://www.redhat.com))

Hi there,

According to the RedHat site, the Justice Department is collecting opinions via email about the antitrust settlement. I guess my first disclaimer is that I am a Linux user and pretty much use that OS exclusively.

My belief is that Microsoft are guilty of suppressing competition, but, whilst this does not excuse them, any multi-national company would do that in a heart-beat, if they felt they could get away with it. That said, I believe the settlement is a win for Microsoft. If I were Bill Gates, with \$36 billion in cash, XP and Xbox just released, I'd find it pretty difficult to think things went badly in the settlement and for Microsoft.

Microsoft offer their \$1.x Billion for schools and even that has them using the situation for a multi-million dollar write-off. The worst aspect of the settlement is that if this is as bad as it gets for Microsoft then what do the Justice Department do next? Its over for you guys, but you guys were right! Microsoft walk away and just get smarter next time. Hey, they caught up with the Internet (finally) and now have \*easy\* global reach. They achieved what they needed to do and if it cost them a couple of billion dollars, well, that was just an R&D project for them.

What is the current expected return on \$36 billion? \$3 billion ≥ \$4 billion dollars a \*year\*? They won and don't believe Bill Gates doesn't think it too. He's laughing all the way to the bank. This is the only time you'll get an offer like this out of Microsoft and they are low-balling so much, its embarrassing.

How much does the US government itself, across all its organizations pump into Microsoft each year? Not only did Microsoft win, we are \*paying\* them for that privilege too!

If all our government organizations switched to Open Source, you'd have more tax dollars to help the poor schools that Microsoft are claiming to want to do.

Not just one time, but forever!

Now \*that's\* what I'd call Justice!

Thanks for your time,

Regards

Stephen Ingram

**MTC-00002756**

From: Barbara Lewis

To: Microsoft ATR

Date: 12/5/01 11:16pm

Subject: Microsoft Antitrust Settlement

This is bogus. Microsoft is a very creative company and they will find a way around the minor penalties you are proposing. I fully support the states that are not agreeing with your settlement.

Barbara Lewis

Systems Engineer

Novell, the leading provider of net services software

<http://www.novell.com>

703-713-3604

**MTC-00002757**

From: Albert Pisani

To: Microsoft ATR

Date: 12/5/01 10:42pm

Subject: Microsoft Settlement

The deal with Microsoft giving the option of giving out its "blue prints" and having two versions of Windows (with and without applications) is ridiculous. The only reason that the people want the "blue prints" is so that they can make a product based off windows (a cheap rip off I like to call it). Think if you had to release the "blue Prints" of Windows. The source code will get in the hands of a Anti-Microsoft "terrorist", and they will develop ways of hacking the code, to make it easier to run illegal software on the system. You don't see these people asking all the gaming companies to release thier game's source code. Why? because, if they did, there will be so much more copying of games then there is already. Microsoft may be a little over priced, but I will surely pay for it. I don't NEED windows, I just like how it operates

**MTC-00002758**

From: Rob Brown

To: Microsoft ATR

Date: 12/5/01 10:42pm

Subject: Settlement

Dear sir or madam,

I think the microsoft settlements seem to be nothing more than a slap on the wrist, if even that. I cannot believe that this latest settlement is giving them a way to extend their monopoly further, into schools. This is

absolutely absurd. Furthermore, it allows them to claim they are giving hundreds of millions of dollars away, when in reality software has almost zero marginal cost so it costs them next to nothing to give away software. I am really tired of the aggressive tactics that microsoft uses. I am sick of them leveraging their products to extend their monopoly further. It is unfair, and it stifles competition. I am not a competitor of microsoft, just a user who is sick of having products I don't want rammed down my throat, only because I need to run Windows to survive and be compatible with everyone else. I thought the DOJ was going to do something about this, and I am disgusted about how they now have dropped the ball on the case that they first had appeared to have won.

Thank you,

Rob Brown

21 Caire Terrace

San Francisco CA 94107

**MTC-00002759**

From: Reynolds

To: Microsoft ATR

Date: 12/6/01 3:02am

Subject: Microsoft

Hello,

Please move forward with your case against Microsoft. How is it that after a settlement is reached with Microsoft over their acknowledged monopoly—that they can turn around and propose a measure that would allow them to donate millions of dollars worth of microsoft software to schools? This is ludicrous! An in-depth investigation should be put forward to discuss all of their illegal activities not just browser issues.

Consumers should have more than one operating system to choose from, yet if Microsoft continues to rule without any regulation we will not have a choice and that is a bleak future for all consumers. Best,

Mark Reynolds

San Francisco

**MTC-00002760**

From: Robert Rahardja

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/6/01 4:25am

Subject: The US government is affecting the world

I do agree with Jeremy Wagstaff ([jeremy.wagstaff@feer.com](mailto:jeremy.wagstaff@feer.com) <<mailto:jeremy.wagstaff@feer.com>>)'s article in today's online Wall Street Journal (Tech Section).

December 6, 2001

Loose Wire

Actually Bill, No, I Can't

By JEREMY WAGSTAFF

THE FAR EASTERN ECONOMIC REVIEW

As a new Entrepreneur in South East Asia (situated in both Singapore and Indonesia), my choices of OS is severely limited as I continue to choose machines for my business. It is very disappointing that the US gov had such a lenient and, in my opinion, useless outcome of the Microsoft antitrust case.

As Jeremy says, I am 'flabbergasted'. My choices of OS is really not mine. It is Microsoft's.

The US government's choice affects the world. I know it affects small start-ups like mine. There is no choice for OS's in the marketplace because other OS's like Linux and Solaris hardly supports applications like Quicken, Office, etc. Applications which are vital to our business.

As a pro-American business person, I am thoroughly disappointed.

Regards,  
Robert Rahardja  
CTO, Director  
KTA International

**MTC-00002761**

From: Neal Zipper  
To: Microsoft ATR  
Date: 12/6/01 6:56am  
Subject: Microsoft

I would like to express my feeling on the Microsoft case. As a computer professional for 25 years it apparent that Microsoft has a monopoly in the computer industry. As I see it the only real solution to the problem is to require Microsoft to publish the API (Application Program Interface) to windows and office that would allow other Operating system / program vendors (Sun, Linux, Apple, Corel etc) to support software written for Windows. Thais would allow other operating systems vendors to compete. It is also important that the Microsoft be forced to use the same API's as documented by themselves. If Microsoft feels the need to add an API. they could as long as the publish the standard at the time they write it. This would eliminate Microsoft's complaint that the DOJ is stifling innovation.

Neal Zipper KR4IZ, CNE  
HTTP://ZWEBPROS.COM

**MTC-00002762**

From: Hunts  
To: Microsoft ATR  
Date: 12/6/01 7:07am  
Subject: Too much power

Microsoft has too much power. I asked my MAC son, "Hey, howcum we never have virus problems at home like we do at work?" "Because we have MAC's, dad. All the viruses are in Microsoft world." Have big legal arguments all day long. At the end of the day, Microsoft has too much power. It hurts us consumers. It's not good for the world, and it's not good for America.

Bill Hunt

**MTC-00002763**

From: robert\_h\_mittelman@hotmail.com@inetgw  
To: Microsoft ATR,or@usdoj.gov@inetgw,RFC-822=www.usdo...  
Date: 12/6/01 8:34am  
Subject: WSJ.com—Actually Bill, No, I Can't  
I've had this problem myself and tend to agree with the conclusion of the writer.

If you are having trouble with any of the links in this message, or if the URL's are not appearing as links, please follow the instructions at the bottom of this email.

Title: WSJ.com—Actually Bill, No, I Can't

**MTC-00002764**

From: mnmillman  
To: Microsoft ATR  
Date: 12/6/01 9:32am  
Subject: I think it would benefit consumers

to have two competing companies offering Windows.

I think it would benefit consumers to have two competing companies offering Windows.

**MTC-00002765**

From: myarizonarcman@hotmail.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 9:37am  
Subject: Settlement

Please settle with Microsoft immediately and quit this petty bickering over entrepreneurship of a private company. I have never seen such a product at such a low price for the common man for sale anywhere in the country. The all inclusive operating system is just what us retired old folks need. Adding many little program software "add-on" packages is very inconvenient, wont always work as an integrated system and cost much more. If the digital revolution is to continue in the world and the US is to remain the software leader please settle now and get on with more important business in this country. I have personally lost over 500 thousand in the stock market and I blame this debacle amongst other Clintonian charades for it. Please settle now! Janet Reno is out of office!

Richard L. Joslin  
18416 S.E. 280th St.  
Kent, Washington  
USA

**MTC-00002766**

From: Boyd Stromsdorfer  
To: Microsoft ATR  
Date: 12/6/01 9:38am  
Subject: Y'all need to back off Microsoft.

They alone are responsible for 600 Billion of the GNP alone. You are wasting time and money!

**MTC-00002767**

From: PSteph5775@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 9:39am  
Subject: Stop!!

I think it is ridiculous for the government (and the 9 remaining states + DC) to keep suing Microsoft over windows 2000. Doesn't the government have better things to spend taxpayers money on?? It is a great operating system and easy to work with. Bill Gates has gone a long way in developing the computer industry. The government has got to stop destroying American business which was a dangerous trend that socialists Bill and Hillary Clinton had gotten started with the tobacco industry.

I have no idea if anyone will be reading this but I think I have a valid point.

Phil Stephens  
Noblesville, IN

**MTC-00002768**

From: Thomas Holmes  
To: Microsoft ATR  
Date: 12/6/01 9:47am  
Subject: Letter to AG Ashcroft re MS.doc  
December 6, 2001  
Attorney General John Ashcroft  
US Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
Re: Settlement of DOJ vs. Microsoft

Dear Attorney General Ashcroft:

I was extremely pleased to hear that the Department of Justice has decided to settle its antitrust dispute against the Microsoft Corporation, which is why I have taken this opportunity to write to you during this comment period to express my opinion on this issue.

Millions of dollars and countless hours have been wasted on both sides of this dispute. Microsoft has completely changed for the better the way most companies manage their business on a day to day basis. Why did our Government set out to kill the goose that lays the golden eggs? This settlement will be good for the American economy.

I am pleased that we may be able to finally put this lawsuit behind us. I am pleased that you have had the foresight to settle this case on the federal level. We do not need congressional action on this matter. Hopefully the states that are still considering litigation will see the wisdom in settling.

Sincerely,  
Thomas Holmes

**MTC-00002769**

From: Richard Kokoski  
To: Microsoft ATR  
Date: 12/6/01 10:02am  
Subject: Microsoft Anti-Trust Case

Guys, just get it over with already!!!! This cloud that hangs is hanging over the entire IT industry and is only exasturbating economic recovery. I am a huge Microsoft fan. But while I don't agree with alot of things that Microsoft does and they can be anti-competitive, like forcing vendors to pay for an OS license even if they don't put it on a machine, some of the things I see proposed are just ludicrous. It also shows a COMPLETE ineptitude by non-technical people who are just hurting consumers not helping. I could do a MUCH better job with the remedies.

Now the states want Microsoft to make Linux versions of office to "force competition". Why not ask Sun to make a Windows version of office. You know why they won't.... BECAUSE NO ONE WANTS IT. There is NO market!!! Bottom line.... get it over with NOW. Let this country move on. Technology in the U.S. is our STRONGEST asset that will let us lead the world, don't destroy it by stupid petty stuff!!

Just 22c.  
—Richard

**MTC-00002770**

From: Rons  
To: Microsoft ATR  
Date: 12/6/01 10:38am  
Subject: Microsoft settlements

I think that the proposed Microsoft settlements are inadequate and more appropriate penalties should be imposed that match the magnitude of the crime.

**MTC-00002771**

From: MIKE MCCONNELL  
To: Microsoft ATR  
Date: 12/6/01 10:38am  
Subject: State attorney general demands

This is either an ego trip for the attorney generals or a cave to the business interests of the competitors.

This does nothing to aid consumers.

The market determines what products to use. Microsoft gives consumers what they want and that is why it has been so successful. Microsoft products never start out at the top but each revision gets better until their product is the one consumers want. They constantly improve their products where other company's stagnate such as Lotus 123 and Wordperfect which used to dominate their niches. Let the marketplace decide.

I am tired of Windows crashes and when someone produces a better system with applications I will drop windows. However my son says XP is very stable, so maybe I won't have to switch. Microsoft is evolving to a better system itself.

**MTC-00002772**

From: Aaron Urbain  
To: Microsoft ATR  
Date: 12/6/01 10:58am  
Subject: The DOJ had previously found Microsoft to be a monopolist, but the DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.

The DOJ is a toothless lion?

**MTC-00002773**

From: Coffin, Greg  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 11:08am  
Subject: Windows

I use Windows and am very computer savvy but I do believe there should be more competition allowed concerning Microsoft Windows. Below is an article I read today regarding tougher sanction imposed by states. It's clear to me Microsoft, being the dominant force it is, is leveraging itself in every market it can. I firmly believe that these new sanctions would be good for the computing industry.

\*Offer PC makers a version of its dominant Windows XP operating system without its instant-messaging service, media player and browser. Critics say Microsoft's inclusion of the features boxes out rival offerings. Justice's settlement requires Microsoft to let PC makers remove access to the features, not the computer code itself. That, critics fear, could encourage programmers to develop applications tailored to those features rather than those of rivals because they would be in every copy of Windows. In addition, Microsoft offers discounts to PC makers whose machines boot up quickly. That could discourage PC makers from including non-Microsoft features that could slow boot times if Microsoft features aren't removed.

\*Disclose Windows' code more thoroughly than is required by the settlement. Such disclosure would let rival products work well with Windows.

\*Include Sun Microsystems' Java programming language in Windows XP. If applications such as games and word processing are written in Java, this provision theoretically could reduce Windows' dominance.

\*Encourage Microsoft to customize its popular Office suite of applications to other

operating systems, such as Linux. Officials believe this could help those systems challenge Windows.

\*Notify a special master before it obtains new technologies through acquisitions. Some state officials say Microsoft should be limited in its ability to use "ill-gotten gains" from its Windows monopoly to plow into new markets.

The states' filing is also expected to eliminate what officials consider loopholes in the settlement. For instance, it will likely include tighter restrictions to prevent Microsoft from retaliating against PC makers that ship non-Microsoft products. And the draft proposal asks for the appointment of a special master who could present evidence of violations to a judge. The settlement, by contrast, calls for an oversight committee that reports to Justice but cannot use its findings as evidence.

The proposal also specifies a less limited time horizon for the sanctions than the settlement's 5-year term, say people familiar with the matter. In June, an appeals court upheld a judge's ruling that Microsoft illegally protected its Windows monopoly but tossed out an order to break up Microsoft and ordered Kollar-Kotelly to devise new penalties. Some state prosecutors say the appeals court ruling called for much stricter sanctions than those included in the settlement. For example, the court criticized Microsoft for "commingling" the code of its browser in Windows to fortify its monopoly. And it said Microsoft sabotaged Java by deceiving developers into using a Windows-specific version of the software.

Sincerely,  
Gregory P Coffin  
Fort Worth, TX

**MTC-00002774**

From: Andreas Meyer  
To: Microsoft ATR  
Date: 12/6/01 11:22am  
Subject: Microsoft and school donations

To Whom it may concern:

As someone who is professionally tied to using and administering many computer systems, I find that my concern over the Microsoft monopoly agreement is growing rapidly.

My main concern is that new technology and software is currently easily stifled by Microsoft. This affects me and much of my industry, since it means that high-quality, secure software is harder to obtain. Unfortunately, Microsoft understands that most of the market will reward them more for low-quality, low security software. While there are companies that try to do better, they find that Microsoft is also doing all it can to prevent new companies from offering competing companies.

I don't suppose that the punishment of Microsoft will do much one way or the other to deter them. However, the idea that as punishment, they should offer software to schools is highly counter-productive. Why any punishment is linked to schools at all is pretty unclear to me. However, if they are to be fined by paying for school software, then it should not be Microsoft software. This is saying that as a punishment for abusing monopoly power, they must go out and

extend their monopoly. That is more than a bit perverse.

If the penalty must be linked to school programs, then Microsoft should pay one or more of their competitors to implement to school computer program.

Perhaps one could evenly distribute the money between Redhat, Sun Microsystems, and Apple to implement the school donation program.

Sincerely,  
Andreas Meyer  
4 Salter Point Cove  
Portsmouth, NH 03801  
asm@ameyer.org

**MTC-00002775**

From: Aaron T. Picton  
To: Microsoft ATR  
Date: 12/6/01 11:30am  
Subject: Settlement

Hi,

I was just wanting to let you know that the proposed settlement by Microsoft will do nothing to actually alleviate the problems that they are causing in the computer industry. In fact, in all likelihood, the proposed settlement would increase the monopolistic power that Microsoft wields. I work for a government agency and wouldn't be impacted in the competitive sense one bit (Microsoft isn't too likely to put me out of business), but I am tired of Microsoft using their monopolistic power to barrel into other markets besides the OS market and eliminate the choices that I have as a consumer.

Thanks for your time,  
Aaron Picton  
Shasta County  
(530) 245-6235

**MTC-00002777**

From: Damian Dittmer  
To: Microsoft ATR  
Date: 12/6/01 11:36am  
Subject: So this is punishment?

Dear Sirs,

I cannot believe with the debut of Windows XP, that Microsoft has been punished at all. Just the opposite has occurred. Microsoft has succeeded in building a program that is even more filled with direct referrals to Microsoft products. I thought they were not supposed to be able to do that anymore.

It is a sad statement for Justice that Microsoft can go on unhindered it its goal of total domination of programs used for PC's. A sad day indeed.

Damian Dittmer

**MTC-00002778**

From: David Bennion  
To: Microsoft ATR  
Date: 12/6/01 11:38am

Subject: Microsoft needs to be broken up  
It is clear that Microsoft wields too much power in the market place. They need to be broken up. This settlement idea of giving software to kids in schools will not change the fact that Microsoft is a monopoly. In fact, it will only enhance it by getting the children trained only on Microsoft products from the time they are in school. Microsoft has engaged in many aggressive, anti-competitive business practices, and a change needs to be

made. There are many good ideas out there on actions that could be taken against them.  
David Bennion.

**MTC-00002779**

From: Stephen Bradley  
To: Microsoft ATR  
Date: 12/6/01 11:39am  
Subject: Anti-Trust Case  
Gentlepersons,

While I am not an attorney I do have an opinion on the anti-trust lawsuit settlement. This sounds like a normal government debacle. The DOJ has gone after them and gone after them and then settles for nothing. It is obvious to anyone that uses a computer that Microsoft produces lousy software.

I have operating systems that run on Intel platforms in which uptime is measured in months and years. Not in minutes.

Why does this matter? We always have a choice don't we? No. We don't have a choice. Because of Microsoft's predatory practices and the way they work hard at stifling any competition we no longer have a choice. If a product comes out that works better than theirs they can just bundle their buggy code into the OS and say it's new feature. It's free so people don't want to spend more to get something that really works and they put up with it. The competition then goes out of business due to lack of support. Remember Netscape?

You allow them to keep doing this to competitors and you get what we have now.

Are there alternatives? Yes. But because Microsoft has a fit everytime someone wants to develop software that runs on their OS and a competing OS they throw roadblocks up and start withholding little things that are needed for development.  
steve

**MTC-00002780**

From: Drew Mackenzie  
To: Microsoft ATR  
Date: 12/6/01 11:41am  
Subject: Opinion: Consumer vs. Taxpayer  
Consumer

I understand the allegations at hand in part focus on benefit/hurt to the consumer. In this category, as a consumer, I have been hurt by Microsoft's market monopoly. As a software purchasing decision-maker, this is my thought process:

I have a problem, which requires either software [x] or [y].  
Either will accomplish the job.  
[x] will allow me to use the results from [y].  
[y] will not allow me to use the results from [x], based on [x]'s corruption from an original agreed industry standard.  
some people are already using [x].  
I need to use all software results, so anyone can be my business partner.  
I must buy [x].

I.E., I am bullied into buying [x]—Microsoft products—because of their corruption of industry standards.

Taxpayer  
If Microsoft can't continue to sell lots of software, the company will be reduced in value.

If Microsoft is reduced in value, the markets will be hurt, negatively impact the

domestic economy, reduce corporate profits, and reduce the corporate contribution to the federal tax base.  
I'll end up paying more taxes.

In the end  
The only way I won't get hurt is if Microsoft actually changes it's products. If their products are designed in such a way that the products themselves do not use their market saturation to leverage future purchases, then they are no longer using their monopoly to prevent advances in the software industry.

Microsoft could continue to produce, but would be forced to meet the same standards as other companies.

They would have their products compete on an even footing with other software producers. Feel free to contact me if you like

Drew Mackenzie  
DMackenzie@ho-chunk.com

**MTC-00002781**

From: Darren Lenick  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 11:41am  
Subject: Settlement is pro-Microsoft

I think the last thing we need to do is assist in the growth of the monopolistic company by allowing them to donate their software to our poor schools. This would only enhance their position and strengthen their hold on the computer industry.

I am a user of Microsoft products, not by choice, but by requirement. As a network professional with more than 15 years experience, my preference would be to use a more open and less expensive architecture. I use both Linux and Windows in my daily life, however, I can't share documents with my clients and employees if I use my Linux system and software. This is solely because of the closed architecture of Microsoft products in that competitors can't create applications that will easily read files created in Word and Excel. As a reseller, I am appalled at the pricing structure of Microsoft products as well. The standard rules of mass production don't seem to apply to Microsoft. They sell the products by the millions and yet the pricing is outrageous. I don't believe developmental costs are as high as they claim, as the products that are released are far from stable. I encourage my clients to wait until the first service pack is release prior to installing the "latest and greatest".

Until other companies can be allowed to compete fairly in the market place, I think Microsoft will continue to grow. Any monopoly is bad for our economy and our citizens. Take the telephone and utility companies as examples. There is no quality of service from any of them here in Southern California. I have clients with problems that are told they need to wait 8 days for a resolution, as that's how long it takes to update the database!

They must be using Microsoft products.  
Sincerely,  
Darren F. Lenick  
Division Head, Technology Group  
EPI Enterprises Inc.

**MTC-00002782**

From: Bryan MacLeod  
To: 'microsoft.atr(a)usdoj.gov'

Date: 12/6/01 11:46am  
Subject: settlement concerns

First, let me state that I earn my living based primarily on my Microsoft specific skills. As a Microsoft Certified System Engineer, my trade is primarily with their products.

With that being said, I fear that Microsoft is getting away with their Monopolistic practices with only a pretend slap on the wrist. In my career, I have seen many great programs, or potentially great programs disappear, or become useless because of direct conflict with Microsoft's whims. Allowing them to settle out of court without addressing their ability to further enforce their monopoly is wrong. We are all adults here, and I think we all honestly know that Microsoft will do what it thinks is necessary to protect their hold on the industry. In true humanistic fashion, if they think it is right for them, they will fail to acknowledge the wrongs it may impose on others.

Please carefully reconsider your objectives with this settlement. As an MCSE, I definitely don't want to jeopardize my future, but justice is not being served in this case.

thank you,  
Bryan MacLeod  
5180 Crane Dr.  
Brighton, CO 80601

**MTC-00002783**

From: cxs@ppco.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 11:57am  
Subject: Antitrust settlement does nothing to correct the problem

It would appear that the DOJ has caved to political pressure or political payoffs (not sure which). The so-called "settlement" not only lets Microsoft "off the hook", but also provides an opportunity to infest our schools with inferior products. Our poor children will suffer even more than we have, trying to make computers work. Our kids will soon become afraid of computers, and students in every school where Microsoft products have been insinuated into the classroom will believe themselves to be stupid because they can't make poorly engineered software work. We're sacrificing our children's future so that one man can be filthy rich?

I don't think either the DOJ or the courts understand that the real issue is software quality and usability! Microsoft products are inferior, and Microsoft has used it's illegal business practices to prop up the sales of what are and always be inferior products. They don't know how to make them work correctly, so they threaten PC manufacturing companies to force the use of those inferior products. The Windows operating system lacks even the most basic features of what an operating system is supposed to be. It's not surprising since Gates never took a single OS class in college. I was required to take three separate Operating Systems courses before I was allowed to attain my Masters degree in Computer Engineering, and yet I still do not consider myself to be a systems programmer. Windows fails every test of an OS, and Microsoft Office fails even the most minimal Software Engineering principles.

To the lawyers at DOJ I pose this question: If a minimal high school graduate came into

your courtroom, without training, without the ability to find and quote legal references and precedents, and without even the slightest knowledge of "how things are done" in the legal profession, how would you react? In addition, the Judge in the case is being threatened with financial ruin, and is forced to tell you fully trained members of the bar to keep you collective mouths shut and to allow this untrained person to do anything they please in the courtroom, no matter how outlandish, to make a mockery of the legal system... do you begin to understand the problem? I take the damage done by Microsoft to the Software Engineering profession very seriously. And the damage done to the American software industry has set up back almost 20 years. We may never catch up with Europe since they continue to innovate in an environment where business practices are not used as a substitute for good engineering.

Microsoft has, without impunity, inflicted inferior computer science on an unsuspecting public. Why has it been so difficult to clearly state the most obvious point in this case? Microsoft software is bad, it's bad for users, it's bad for programmers, it's especially bad for new computer students, and it's bad for this country's future! I hear people blame hardware, blame users, blame the internet, blame everyone else, for the problems in the the usage of modern PCs, but any honest software developer will tell you the problem lies in the OS. We are losing ground to programmers around the world because our legal and political system is forcing us to use an inferior operating system. And this is being done because, obviously, the DOJ and courts are either afraid of Gates or have been paid off.

I'm sure there's no way to prove it, and the DOJ certainly won't try, but it's pretty obvious to all of us in America that you have been paid off. Meanwhile, good quality programmers in the USA are losing jobs and lives to people in Europe, India, even the far east because they are allowed to use a decent OS for their software development. what a crock,

cherie  
C.L. Skillern  
Geoscience Branch Work Phone: (918) 661-1866  
Phillips Petroleum Company Work FAX : (918) 661-5250  
630C Plaza Office Building Work email: cxs@ppco.com  
Bartlesville, OK 74004 Home email: cxskill@swbell.net

**MTC-00002784**

From: A. W. Dunstan  
To: Microsoft ATR  
Date: 12/6/01 11:56am  
Subject: Microsoft settlement.

I'm told you're gathering citizen's opinions regarding the recent DOJ/Microsoft settlement.

A question—what was the purpose of this whole exercise? After years of legal action and hundreds of thousands of dollars of expense, what has been accomplished? The DOJ has made Microsoft promise to play nice. Just like it promised to play nice last

time—which it did, for a day or two. Then it was right back to business as usual.

So now MS is going to "donate" hardware & software to poor schools? How nice of them! They get to hook another generation on their software and make it look like they're being gracious. Please tell me they don't get a tax write-off for it!!

In short you've run up my tax bill, have nothing to show for it and Microsoft gets off not only unscathed but looking like a good, penitent corporate member of society.  
<sarcasm>Gee, thanks.</sarcasm>

Al Dunstan, Software Engineer

**MTC-00002785**

From: bginter@mindspring.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 11:59am  
Subject: Proposed Settlement

I would like to encourage you to not accept Microsoft's proposal to settle the antitrust case. By allowing Microsoft to provide hardware and software to so many schools, their market penetration will only get deeper and that can not be good for the consumers in the long run. I strongly urge you to consider the Red Hat, Inc. alternative proposal which allows Microsoft to provide hardware and Red Hat to provide open source software. This approach would significantly increase the number of computers donated to the countries school systems.

Thank you  
Brian Ginter  
Clifford, VA

**MTC-00002786**

From: Jose Suarez  
To: Microsoft ATR  
Date: 12/6/01 11:59am  
Subject: The Microsoft deal

To whom it may concern:

This is the deal Microsoft wants: Will give up to 1 billion dollars in free software to schools. The one billion dollars is calculating the street price of the software witch is much higher than it cost them to produce. Then most schools will train the students on windows based software witch will encourage them to buy it for home use too. It sounds to me as the best possible deal for Microsoft since it will start to expose kids to their products at a young age, gaining on the competition by light years.

Can't you see the picture here?. That is a very bad deal for competition, but the best for Microsoft. How many congressmen, senators, judges, and other government officials own Microsoft shares?. What will happen to does shares if Microsoft is penalized?

Do I need to say more?

**MTC-00002787**

From: Bob Loy  
To: Microsoft ATR  
Date: 12/6/01 12:00pm  
Subject: What a Loss, Stupidity

I can't believe you gave the victory to MS????? A proven monopoly with approximately 95% of the world's desktops running Windows!

You had the case won and should have put serious restrictions on Microsoft without ALL of the loopholes that are in the current agreement.

My California congress people will certainly hear from me regarding your extremely poor decision!

Success, Achievement and Fulfillment  
Bob Loy

**MTC-00002788**

From: Fredricks, Bill  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 12:03pm  
Subject: you're letting us down

I'm sorry to say that it appears that the DOJ is letting us down. We need you to act on the principles embodied in our laws and not let the letters of the law be twisted to mean something else. The DOJ has a ruling that Microsoft is guilty of monopolistic practices. Act on that. Perhaps you are listening to much to the noisy minority. Rest assured that the majority of our citizens will stand behind a soundly principled resolution and see through all resolutions that are based on shaky reasoning.

It is true that the public is probably uninformed of the issues and rulings with the reasoning behind each. Few really have the time to delve into all of the facts. But your department does and has. We, the people, have delegated that task to you. Please don't compromise that faith that has been entrusted to you.

I have heard it said that part of the settlement is for Microsoft to provide computers to needy and poor school systems. This idea has some good elements but also a dark side. I'm sure that Microsoft, aside from a little whining, readily accepted this proposal. They could see, as you should, that there is a tremendous eventual benefit for them. If in fact they have to be punished, to be punished in such a way that will reap future, perhaps staggering, benefits is very acceptable, eh? It's a little like punishing your child by forcing them to contribute to their savings account. They don't like that their working funds are cut but they also know that one day they will be able to cash in on what has been saved. A true punishment for the child, especially if they took that money from someone else, would be to have them pay back twice what they took.

So what will it be then, a savings account or a punishment?

Bill Fredricks  
bfredricks@gosps.com  
703.797.7858  
703.592.7128 (cell)  
703.922.1988 (home)

**MTC-00002789**

From: Geoff Sternecker  
To: Microsoft ATR  
Date: 12/6/01 12:03pm  
Subject: Microsoft's monopoly moving into schools.

The decision to have Microsoft donate its software to schools is not a wise choice. It is the only place that they have not dominated the market. Have Microsoft donate the cash to the schools and let them decide which OS's to run and it will eliminate the cost/value debate of Microsoft's software. This would roughly equate to a tobacco company opting to give out free smokes to kids rather than paying to find a cure for cancer.

Geoff S.

**MTC-00002790**

From: ernesto.valenzuela@analog.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 12:02pm  
Subject: It is really sad

It's sad to see that the DOJ will just do what ever Micro\$oft tell them to do. I have learn that there is no chance the government will ever protect there people, only large corporations can have the protection of the government.

Ernesto.  
Ernesto Valenzuela  
CAD/UNIX Systems Administrator  
Analog Devices  
9820 Willow Creek Rd.  
Suite 100  
San Diego CA, 92131  
(858) 635-2265  
(858) 566-2234 fax  
Ernesto.Valenzuela@analog.com  
Sys-Admin = Jedi Knight  
Do not mess with Jedi's  
For we own the root passwd.

**MTC-00002791**

From: Bob Loy  
To: Microsoft ATR  
Date: 12/6/01 12:05pm  
Subject: Forgot

I forgot to add. How can you justify allowing MS anywhere near the education market (schools)? Allowing a monopoly into the Apple computer's only real sales market, what kind of politics are you playing?

I can't believe you gave the victory to MS???????

A proven monopoly with approximately 95% of the world's desktops running Windows!

You had the case won and should have put serious restrictions on Microsoft without ALL of the loopholes that are in the current agreement.

My California congress people will certainly hear from me regarding your extremely poor decision!

Success, Achievement and Fulfillment  
Bob Loy

**MTC-00002792**

From: Fred Gibbons  
To: Microsoft ATR  
Date: 12/6/01 12:06pm  
Subject: Letter to Judge Colleen Kollar-Kotelly RE: Microsoft

Letter to Judge Colleen Kollar-Kotelly  
From: Fred Gibbons <http://www.venture-concept.com/cv/resume.htm>  
Founding CEO  
Software Publishing Corporation  
Your Honor

Simply stated, today the PC user has in no significant choice of operating system or productivity software such as word processor, presentation graphics, or spreadsheet. This lack of choice harms the consumer by inhibiting innovation. The findings of the courts show the Microsoft market share in these products approaches 90%.

This natural monopoly position occurs because customers and software developers benefit from a standard operating system. By

having one version of the operating system, originally PC DOS then Windows, the independent software community can develop it's programs only once instead of rewriting it for a panoply of slightly different operating systems unique to each personal computer. R&D money can be spent on new products not wasted on conversion. Because of the OS standard the computer "clone" industry emerged where the consumer could freely choose between dozens of personal computers knowing that all the new great application software is available and runs correctly.

Microsoft used it's financial strength coupled with aggressive engineering and marketing tactics, disclosed in the anti-trust hearings, to pursue it's strategy of dominance and control. Much attention is devoted to the "browser" monopoly but like Rosa Parks and the civil rights movement, it is a rallying point for a much larger protest. Consumers no longer have choice in these critical software products. In 1990 WordPerfect in word processing, Borland in spreadsheets, and Software Publishing in presentation graphics won the InfoWorld shoot-out for best of breed products in their category beating Microsoft in ease of use, speed and functionality. Today these products are heard only in whispers.

Competition can only return if there is equal and open access to Microsoft's operating system and applications. This requires Microsoft to unbundle and publish the specifications for the core modules of its operating system and applications such that other companies can compete with plug compatible products. There is precedent for this in the AT&T and IBM decisions where third party phones could connect to AT&T and third party disc drives could connect to IBM mainframes.

The argument against this is that Microsoft will loose control of the standard and all the above mentioned benefits of standardization will be lost to the consumer. Isn't it more likely that the invisible hand of the free market will be smart enough to protect what's good about a standard and innovate where it is not.

My best..FG  
Fred Gibbons  
email: fgibbons@stanford.edu  
web site <http://www.venture-concept.com>  
Directions: <http://www.venture-concept.com/background/address.htm>

**MTC-00002793**

From: Donald Lawn  
To: Microsoft ATR  
Date: 12/6/01 12:08pm  
Subject: Penalize Microsoft  
Justice Department,

I am saddened that the Justice Department has fallen to political pressure and dropped it's case against Microsoft, requiring the affected states to maintain the suit to stop this monopoly from crushing innovation. For the Justice Department to cave into political demands from monied interests for an abandonment of this very strong case simply shows that when money talks, the Justice Department listens.

Too bad I'm not wealthy enough to but a verdict in my favor.

Donald Lawn  
206-285-5623

**MTC-00002794**

From: Gerry Maddock  
To: Microsoft ATR  
Date: 12/6/01 12:08pm  
Subject: ANTI TRUST

Pie Charts Hello, I would just like to share my opinion on this subject. Right now, most public schools teach on Apple computers (I feel these computers are worthless since most companies don't even use this garbage computer. The only thing Apple does right is look "pretty").

In order to fairly show students all OS's (Operating Systems). Some of you "political" types feel only Microsoft is what most corporations run. This is NOT TRUE. Most companies back end systems are Unix or linux based. In my company, Unix and Linux are the Main backend servers, with end users using windows. The education system is truly lacking in teaching computers. Having just one type of OS in schools is not a good idea. You should teach students every OS because each OS is better than the other in certain circumstances. I think you should give Red Hat a chance, and let the students and actual IT community decide what's best rather than some political person who doesn't have anyone's best interest except his own as he collects payoffs from whatever company pays the most for his/her vote.

Gerry Maddock  
Systems Network Analyst  
Future Metals, Inc.  
5400 NW 35th Ave  
FT. Lauderdale, FL 33309  
(954) 739-5350 Fax: (954)730-9543  
<http://www.futuremetals.com>

**MTC-00002796**

From: Gene Worth  
To: Microsoft ATR  
Date: 12/6/01 12:12pm  
Subject: Continue the Suit

The terms of this settlement with Microsoft are ludicrous. The terms negotiated with Microsoft only further its monopolistic behaviors. They must be rolling in the streets in Redmond. I cannot believe that the DOJ is willing to roll over and play dead with one of the largest anti-competitive corporations in the world!

I am a computer consultant in the field of healthcare. Microsoft is a bully in every sense of the word. Microsoft stifles innovation and competition at every juncture in software development. If a developer releases work that receives a following, Microsoft back-engineers the code and releases it as part of the operating system.

Give me a break! You must not settle.  
gene  
Eugene R. Worth, MD, MEd  
Medical Information Technologies, Inc.  
400 E. High Point Lane  
Columbia, MO 65203  
Voice:(573) 449-6861 Fax:[573] 449-6764

**MTC-00002797**

From: Bob Stocker  
To: Microsoft ATR  
Date: 12/6/01 12:05pm  
Subject: Antitrust settlement

Dear sirs:

I think the judgment was a mere slap on the wrist and certainly does nothing to break that monopolistic grip. They admit their guilt and then walk out with nothing but a stern warning.

Then to top it off the second ruling is now having Microsoft provide hundreds of schools with "complimentary" software, much to the aggravation of Apple Computer. What more perfect way to get into the last stronghold where Microsoft does not have the predominant presence. Its no wonder Redhat and linux software companies are up at arms. Microsofts on-going battle against such atrocities of "free license open server" software just won a major victory.

Lets break up Microsofts grip—there is other, better choices of operating systems than Microsoft, 'reboot me again please', Windows.

**MTC-00002798**

From: Rkluherz@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 12:21pm  
Subject: Microsoft Settlement

The real sin of Microsoft is the corruption of contract law. Their tie-in provisions damaged me extensively. I was unable to buy an IBM Computer with OS/2 loaded instead of Windows. That is a corruption of contract law and I am disappointed that you are letting them off so easy. It's not really about intellectual property' and certainly not about "innovation." Microsoft is a stealer of property not an "innovator."

Windows is a jerry-built mediocre product and we have been stuck with it due to the Microsoft corruption of contract law.

Robert Kluherz  
PO Box 33195  
Shoreline, WA 98133

**MTC-00002799**

From: Baffoni, Michael  
To: Microsoft ATR  
Date: 12/6/01 12:24pm  
Subject: My views on the DOJ settlement proposal

I'm disappointed with the settlement reached by the Attorney General with Microsoft Corp. to resolve the charges of unfair business practices. The point of taking a legal action is to first and foremost ensure that any of the criminal activities found to have occurred do not occur in the future: The settlement does very little to ensure that this happens, and the enforcement is minimal and the loopholes to get around the restrictions are big enough to drive a truck through. Secondly, a legal action should ensure that those harmed by the criminal activity are in some (even small) way compensated for those criminal actions: Although the settlement certainly helps those who need it, it does nothing to help those harmed by the unfair business practices of Microsoft Corp, and the "help" that is offered serves more as a marketing expense than a penalty. Not only that, any software offered by Microsoft will show as an inflated amount: when the dollars are totalled to find out how much MS paid out, they will be reporting the list price of their software: However, the actual cost to MS's bottom line is merely the production costs of the

software—they aren't losing sales due to the software giveaway since these are machines the schools wouldn't have had with out the donations, and therefore wouldn't have purchased the MS software without it. Actually they could be making money because it will be a billion dollars (or rather some portion thereof) that they didn't need to add to their marketing budget, and gives them greater market penetration in an area they haven't traditionally overwhelmed.

Thank you for your time.  
Mike Baffoni  
Michael Baffoni  
IT Manager, AeroVironment Inc.  
mailto:baffoni@aerovironment.com

**MTC-00002800**

From: Deehr, Jim  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 12:28pm  
Subject: opinion of the settlements

Without going into details, I see almost nothing to deter Microsoft from its marketing practices which led to the monopoly. They have been successful at preserving almost all of what they wanted to allow them to continue in their ways.

I believe the settlement to be very inadequate.

**MTC-00002801**

From: Sidereal Designs, Inc.  
To: Microsoft ATR  
Date: 12/6/01 12:31pm  
Subject: Comment on proposed anti-trust settlement

Dear Sirs:

As a professional web developer, I am not satisfied that the proposed settlement will in any way reduce the threat that Microsoft's practices continue to pose to my industry or to my own livelihood. Microsoft's continued de facto ownership of the desktop permits them to use technical decisions to adversely and unfairly impact the industry to their own benefit.

To take an example, Microsoft's failure to include Java in the XP/IE6 package eliminates with one stroke the millions of web sites which have developed Java-based applications, and exerts enormous pressure on web site developers to abandon Java in favor of Microsoft alternatives. Since the Microsoft alternatives are viewed by most web developers as inferior to Java it forces them to accept non-preferred alternatives to the enrichment of Microsoft. The fact that an average user could spend twenty minutes downloading the Java engine in order to view Java-based web sites is a ridiculous defense.

Under the presently proposed settlement, this type of behavior is unchecked and can, given Microsoft's past performance, be interpreted an indicator of the direction in which they will force events in the future.

Thank you for your consideration.  
Ernest Kent  
CTO, Sidereal Designs, Inc.  
Sidereal Designs, Inc. "Putting your business on the web"  
<http://sidereal-designs.com> 301-916-5702  
[info@sidereal-designs.com](mailto:info@sidereal-designs.com)

**MTC-00002802**

From: Greg Clarkson  
To: Microsoft ATR

Date: 12/6/01 12:33pm  
Subject: Microsoft Anti Trust??

I'm really disappointed about the out come of the DOJ anti trust suit against Microsoft. Its clear that Microsoft has used there business practices to stop competing companies. It is also clear about there intention on controlling the market and gouging the consumer, if you look at there new licensing structure for Microsoft XP. I don't mind paying for a product once but, the way Microsoft is licensing XP means I will probable end up paying for it several times on the same computer system. Right now there is no charge for re-licensing XP but what about next year? What's going to happen after XP gets established? I can see the possibility where Microsoft will start recharging. If there where any other product on the market to compete with Microsoft OS I would be using it. The Microsoft products are buggy and in my opinion not worth the licensing fees they want and definitely not worth having to pay for the product more then once. The reason Microsoft can get away with this is because they have stifled the competition. The only alternative for me at this time is Lynx a product of the GNU free software foundation and I'm giving it serious consideration.

And then there is the problem of privacy, everytime I connect the the network for work or play Microsoft down loads a "profile on me". It happens so quickly that nobody is aware of this activity. So what is this for? Licenseing? Marketing? Is this profile being sold to other companies? I realize that by connecting to a web site that I am in some since giving the owner permission to map my activaty but Microsoft has taken this to a point of intrusion. All because they can.

Thanks  
Greg Clarkson

**MTC-00002803**

From: Jim Irving  
To: Microsoft ATR  
Date: 12/6/01 2:45pm  
Subject: Microsoft Settlement: Dereliction of Duty

Doj "punted" AGAIN on the Microsoft issue. From what I read DoJ does not understand how the IT industry has fostered a different, more insidious brand of monopolist in Seattle. If you want a perspective from "in the trenches", where we IT folks must factor Microsoft into every single purchase and implementation decision, just ask me.

Jim Irving, Mgr of IT  
Hornblower Yachts, Inc.  
[jirving@hornblower.com](mailto:jirving@hornblower.com)  
[www.hornblower.com](http://www.hornblower.com)

**MTC-00002804**

From: Ksmosky@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 12:40pm  
Subject: tunney act

The proposed settlement does not respond to the cause of the litigation. Bundling or tying computer products together by definition uses the market position of one product [windows] to assist brand new product [explorer, word, office]. Prior to Microsoft's tying products to the operating



THE LAW AND ABUSES IN EVERY POSSIBLE WAY THEIR MARKET POWER, only the MOST SEVERE SANCTIONS (i.e. DISGORGE MENT PENALTY OF 100 BILLION US DOLLARS AGAINST MICROSOFT, AT THE VERY ABSOLUTE MINIMUM, MIGHT BE SUFFICIENT TO REMEDY THE YEARS UPON YEARS OF PAST ABUSES BROUGHT ON BY THEIR ILLEGAL MONOPOLY ACTIVITIES) or PERMANENT INJUNCTION AGAINST BUNDLING OF ANY SOFTWARE PRODUCTS. AS SO MANY STATES HAVE OUTRIGHT REJECTED THE COMPLETE-SHAM DOJ PROPOSED SETTLEMENT AS JUST THAT—A COMPLETE SHAM—A SERIOUS, AND EXTREMELY SEVERE SET OF PENALTIES MUST BE HARSHLY IMPOSED AGAINST MICROSOFT, I.E. THE LEGALLY DETERMINED MONOPOLISTIC COMPANY.

WHO ELSE CAN BRING JUSTICE AND RESTORE LONG-OVERDUE COMPETITION EXCEPT DOJ???? AS A US CITIZEN, I'M UTTERLY APPALLED AT THE SHAM SETTLEMENT PROPOSED BY DOJ IN THIS MATTER. A REAL, MAXIMALLY SEVERE PUNISHMENT SCHEME MUST BE IMPOSED ON MICROSOFT, AND WITHOUT ANY FURTHER MEANINGLESS DELAY AND WASTE OF TIME AND MONEY!!! IF I CAN BE PERSONALLY INVOLVED, I WOULD TAKE ANY OPPORTUNITY TO TESTIFY ON BEHALF OF WHY ONLY THE MOST STRICT AND EXTREMELY HARSH PENALTIES MUST BE IMPOSED ON MICROSOFT. PLEASE EMAIL ME IF I CAN OFFER SUCH TESTIMONY OR MY OWN INPUT ON THIS MATTER.

Signed,  
Dr. John Weatherspoon  
(Scientist and Intellectual Property Law Student)  
EXTREMELY, EXTREMELY, EXTREMELY CONCERNED CITIZEN ON THIS MATTER

**MTC-00002812**

From: Jonathan R Parker  
To: Microsoft ATR  
Date: 12/6/01 12:52pm  
Subject: Microsoft proposed settlement

The settlement proposed by Microsoft to donate software to poor schools is a very poor settlement indeed, and for a company of that size it is a very very small price to pay for their monopolistic practices. For the DOJ to agree to this would be a travesty. Jon Parker

**MTC-00002813**

From: Ken Bushnell  
To: Microsoft ATR  
Date: 12/6/01 12:57pm  
Subject: MS monopoly dissenter

With the release of Microsoft's XP there are now 2 Internets: Microsoft's and the one that used to be a wonderfully free platform for all—even in third world countries. Now we need a license with Microsoft to communicate with 70% of the browsers.

Ken Bushnell (programmer)  
kbushnell@orderformcity.com

**MTC-00002814**

From: Carl  
To: Microsoft ATR  
Date: 12/6/01 12:58pm

Subject: Law and Order vs. Laws and Orders

Dear Madam or Sir,  
While your remedy in the Microsoft antitrust case may appear expeditious I believe it is exactly the opposite.

What will happen to our precious nation when Microsoft has more power than the US Government, if it isn't that way already? Clearly they already control much of the information economy, and DOJ has just patted them on the back and encouraged them to take the rest, which they are blatantly announcing that they will do (look closely at the .NET and PASSPORT strategies). When they have all the information and control its usage what will the government be able to do about it?

Does DOJ really expect competition to survive if Microsoft continues to openly flout the law? How vulnerable will all of us be when national security depends upon our networks being operational? Already our government has been rendered dependent on e-mail and fax because USPS has been slowed to a crawl by the anthrax packages. What happens if the e-mail goes? I am aware that AG Ashcroft's personal beliefs probably do not include Darwinian theory, but the disease model is appropriate here. If a species has the same genes, and a germ comes along that destroys those genes, the species will die. The death of the chestnut trees in this country is a perfect example. They went from towering over the forest to dying off in a few years. When someone concocts a truly evil virus, Microsoft servers and software could do the same thing, leaving us what?

The situation with Microsoft IIS vulnerability is much like that of the airlines on Sept 10, 2001. No one has really tried.., yet. Several sites have been compromised, millions have lost their personal and business information due to viruses, but no enormous and widespread catastrophic action has occurred so far. When it does, DOJ will be remembered for letting Microsoft off the leash.

And there are still more questions, like why Microsoft's price-fixing and racketeering activities (with Dell, Compaq, H-P, Gateway, etc.) have gone unpunished and unabated. Ever tried to buy a computer without Windows from one of those vendors? You can't, because they have a contract between them which shuts out all other choices. What's more, that contract is part of the evidence in the DOJ's antitrust suit. Why has nothing been done about it?

So in essence what the DOJ has done is squander a chance to improve our nation's security, punish some odious racketeers who really and openly want to take control of our country, and send a message that bilking our citizens will not be allowed in any form. Instead the message is, as it has always been, "If you're gonna steal, steal big".

Sincerely,  
Carl Krall  
222 Indian Steps Road  
Airville, PA 17302

**MTC-00002815**

From: Ken Butler  
To: Microsoft ATR  
Date: 12/6/01 12:53pm

Subject: Re: Microsoft Anti-trust case

As a computer professional, and concerned consumer, I believe that inaction, and a lack of remedies will only allow Microsoft to continue to build its monopoly, and perpetrate further injustices on the American People.

I hope there are others who are also sharing their displeasure with the latest settlement in this case.

Thank You,  
Ken Butler

**MTC-00002816**

From: Taylor, Sam  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 1:07pm  
Subject: Microsoft Settlement

What a cop-out you guys pulled when you settled with Microsoft! Unless the individual states do your job for you, us consumers will be stuck with the same old monopoly that we've had to put up with for years! There's a REASON why we have anti-trust laws. Maybe you should review them!

Sam Taylor

**MTC-00002817**

From: Luke Weseman  
To: Microsoft ATR  
Date: 12/6/01 1:01pm  
Subject: Microsoft settlement

One point which I'm sure you've heard before.

What kind of punishment or future deterrent is allowing Microsoft to give away software to schools. The incremental cost of the software to Microsoft is near \$0 and still allows them to claim huge amounts in tax right offs. Make them give the schools something of tangible value such as hardware, or integration services. Make them sponsor teachers, career programs, sabbaticals, whatever. This is a judgment that injures the proxy plaintiff more than the defendant.

This is not even a slap on the wrist, it is a pat on the back.

Luke Weseman  
Database Consultant  
Insurity  
811 South Central Expressway  
Richardson, TX 75080  
972-671-2500 x22

**MTC-00002818**

From: David Markowitz  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 1:00pm  
Subject: Proposed microsoft settlement

The proposed settlement is a crock of shit, and it stinks! Microsoft is an example of all that's bad in big business, and the Republican party is showing its true colors by letting them off with a slap on the wrist. They should be made to pay real penalties, both to the government and to the companies they've damaged or destroyed.

They should also be forced to discontinue their illegal practices and tactics.

**MTC-00002819**

From: walt harris  
To: Microsoft ATR  
Date: 12/6/01 1:02pm  
Subject: Microsoft Anti-Trust

I'm not going to pretend to know the best way to handle the Microshaft Issue as I've been known to call it recently, but allowing MS to—give—software to school systems is outrageous. I commend that act of giving schools that need it the resources to acquire such equipment/software, but I can not agree with giving them “Microsoft” stuff. Make them donate the value of the software according to their prices and allow the school system to spend the money on computer equipment/software as they see fit.

You blast Microsoft because they are a monopoly.

Don't continue to encourage their actions!

**MTC-00002820**

From: Emmett O'Grady

To: Microsoft ATR

Date: 12/6/01 1:04pm

Subject: Microsoft Ruling

Allowing Microsoft to donate software as part of the ruling will only make the situation worse. I urge you not to let the monopoly continue!

Thanks,

Emmett O'Grady

eog2000@yahoo.com

**MTC-00002822**

From: Christian Kuster

To: Microsoft ATR

Date: 12/6/01 1:11pm

Subject: Microsoft

Hi

I will never understand it...

You protect the worst technology from the States...

Do you get paid for that ??????

Over here in Europe, something like that would never be possible...

Anyway, I hope your mind changes or I will lose the latest faith in computer technology from the States.

Sincerely,

IT Consultant

Christian Kuster

**MTC-00002823**

From: Larry Hansford

To: Microsoft ATR

Date: 12/6/01 1:11pm

Subject: Microsoft Settlement

I firmly believe that the agreed to settlement with Microsoft is not in the best interest of the consumer, especially the business organizations. As a Systems Integrator, I have witnessed first hand the tactics by Microsoft to force expensive upgrades in order to continue “business as usual”, and I believe the settlement will allow Microsoft to not continue those practices but increase the tactics' impact.

I believe that the settlement should be revised to force Microsoft to unbundle their products so that consumers have a choice in what they install or de-install.

Also, the settlement allowing Microsoft to put more of its product in public schools does nothing more than allow Microsoft to further ingrain themselves in consumer homes and businesses. This builds more of a monopoly than Microsoft already has. At the very least, the settlement should be for Microsoft to give the equivalent money to public schools and allow the school administration to buy systems that better

suite their needs—including Apple Macintosh and/or Linux systems.

Larry

Larry C. Hansford

(lhansfor@creativdatasolns.com)

Creative Data Solutions, Inc.

P. O. Box 96

New Carlisle, OH 45344-0096

Ph. 937/846-0808

Fax 208/293-3148

www.creativedatasolns.com

**MTC-00002824**

From: Greg Clarkson

To: Microsoft ATR.gclarkso@du.edu@inetgw

Date: 12/6/01 1:11pm

Subject: Microsoft anti trust ??

I'm really disappointed about the outcome of the DOJ antitrust suite against Microsoft. It is clear that they have used their business practices to stifle the competition. This anti trust suite has done little to change Microsoft's business practices.

If you look at the licensing for XP now Microsoft is using their position in the market to gouge the consumer. I don't mind paying for a product once but now it appears I could end up paying several times. For now re-licensing of XP is free but what about next year? What is going to happen once XP is established? I can foresee a point where Microsoft will place a charge on the re-licensing of XP. My concern here is that if the product were worth the added expense or if the product had changed sufficiently to require re-licensing but the way this setup I can be charged a license fee for no added value. Simply because Microsoft has control of the market and requires me to pay to continue using their product. If there were any alternative OS available I would be using it.

The Microsoft products are buggy and have caused me an enormous amount of problems because of their poor design.

And then there is the problem of privacy. Each time I connect the network whether for work or play Microsoft downloads a profile and my activity. It happens so quickly that most people don't see it but it happens. What is Microsoft doing with this profile? Is it for Licensing or Marketing or just to monitor my activity? Are they selling this information?

Thank you

Greg Clarkson

**MTC-00002825**

From: Ken Kramer

To: Microsoft ATR

Date: 12/6/01 1:20pm

Subject: Microsoft Discipline

Microsoft has abused its monopoly by forcing consumers to play only by their rules in a game where they set the rules. Mr. Gates knows that and continues to flaunt the consumer and prove to the Government that he is the boss. The only discipline Gates will understand is a personal fine of a billion dollars. This will make him sit up and listen. This merely represents a pittance of the monopolistic overpricing he has charged consumers.

**MTC-00002826**

From: fessler@eecs.umich.edu@inetgw

To: Microsoft ATR

Date: 12/6/01 1:17pm

Subject: microsoft settlement

I have heard that the microsoft settlement includes making microsoft donate software and hardware to schools. This is a very very bad idea, since all it will do is get students using microsoft software early, thereby furthering the monopoly they have! It might also put apple out of business. Make microsoft give the \$\$ or the hardware, and open up the software to free sources like Linux. DO NOT “MAKE” MICROSOFT GIVE THEIR SOFTWARE TO SCHOOLS! that would be like “punishing” a drug pusher by making them give heroin samples to kids. i am dead serious. sincerely.

Jeff Fessler, Assoc. Prof. 734-763-1434  
4240 EECS Bldg., 1301 Beal Ave. FAX: 734-763-8041

University of Michiganfessler@umich.edu  
Ann Arbor, MI 48109-2122http://  
www.eecs.umich.edu/~fessler/  
CC:fessler@eecs.umich.edu@inetgw

**MTC-00002827**

From: Jeff Bell

To: Microsoft ATR

Date: 12/6/01 1:28pm

Subject: Antitrust Settlement

Hello,

A news letter from Red Hat suggested I send my opinions to you concerning the antitrust settlement with Microsoft.

I approve with the settlement in it's current form, and I would be strongly against any further action against the Microsoft corporation.

In the news letter, Red Hat suggests it would be better to have MS donate only hardware to the underprivileged schools rather than the hardware, software, and services required by the settlement. I believe this would be a mistake. The software Red Hat is offering is already free, and it doesn't include accurate documentation or reliable support. I've been a computer professional for 18 years, and I use software from MS as well as from Red Hat on a daily basis. In my opinion, the software Red Hat would provide the schools is unsuitable for the majority of new computer users which includes teachers as well as students. Imposing this additional level of difficulty on already overworked teachers will very likely cause them to avoid using the systems as much as possible. Additionally, a number of would be teachers from the technical world might change their minds if they believed the software they would be required to use would be unsuitable for the task.

Sincerely,

Jeff Bell

Senior Software Engineer

Bihrl Applied Research, Inc.

18 Research Drive

Hampton, VA 23666

(757) 766-2416

**MTC-00002828**

From: carl.baker@pnl.gov@inetgw

To: Microsoft ATR

Date: 12/6/01 1:20pm

Subject: Microsoft antitrust suit

Microsoft is clearly guilty of a wide range of anti-competitive practices. Allowing them free access to a new untapped market (low-income schools) and to return to business as

usual doesn't seem very much like justice to me. To have them donate (as the Red Hat Linux executives suggest) computer hardware (which they don't make, so it actually costs them money) to the schools seems like a more reasonable punishment. What are we going to do to guide their behavior in the future?

Carl Baker  
Richland, WA 509-375-2724

**MTC-00002829**

From: Michael Adam  
To: Microsoft ATR  
Date: 12/6/01 1:39pm  
Subject: Re: Microsoft antitrust violations  
Re: Microsoft antitrust violations  
Dear Sir,

I am writing in regard to the settlement agreement you have reached with Microsoft. I do not feel it is fair to me as a customer since they have damaged their competitors and made it both more expensive and harder to buy software from other sources as well as hurting the development of competing products that would most likely be better.

I would suggest that there be a penalty for their previous actions as well as some form of monitoring their future actions.

I understand that Red Hat Linux offered to give schools free software if Microsoft would give hardware of the value suggested instead of their own software. Giving their own software would be of no cost to them and would help perpetuate their monopoly by putting more of their own product out in the field.

Thanks for taking the time to read this. If you have any questions, please call me at the number listed below.

Sincerely,  
Michael Adam  
President  
Cycle & Marine Supercenter  
870-536-6500

**MTC-00002830**

From: Gary Baribault  
To: Microsoft ATR  
Date: 12/6/01 1:27pm  
Subject: Comment about the settlement

I'm not an American, so I don't know if my opinion matters here, but let me just state that your settlement seems very weak. There was a similar settlement in 1995 if memory serves me correctly and it doesn't seem to have stopped Microsoft from starting over again. Though I don't think that splitting the company in two is the solution, at least hurting them financially and then using the fine to somehow increase effective competition sounds like a better idea than the slap on the wrist you are offering now.

Gary Baribault  
gary@baribault.net

**MTC-00002831**

From: Jose Ramirez  
To: Microsoft ATR  
Date: 12/6/01 1:27pm  
Subject: microsoft.

Microsoft is a monopolist  
fax: 240-208-6413  
<http://www.e-medsoft.com>

**MTC-00002832**

From: Andre Steenkamp

To: Microsoft ATR  
Date: 12/6/01 1:27pm  
Subject: microsoft

The settlement is ridiculous—damages and compensation should be paid to every person who bought any of the Microsoft products, and the company should be broken up in to separate operating systems branches and each application should be in separate companies.

The browsers should be in a separate company, fax and office application in another etc.

If we look at what dishonest marketing has done in terms of getting market share and the resulting hidden costs of running Microsoft products its just plain ridiculous.

thanx  
Andre Steenkamp  
VP Systems Engineering  
w)310.664.9333  
f)310.664.1183

**MTC-00002833**

From: tim dion  
To: Microsoft ATR  
Date: 11/16/01 10:03pm  
Subject: Please protect us from Microsoft

Dear Department of Justice,

I am shocked and dismayed with the terms offered in the Microsoft settlement. I realize that you feel that this case has gone on for too long, and may hurt the economy. But don't the loses of Novell, Netscape, and Sun effect the economy?

As the Department of Justice for the United States of America don't you want to protect the consumers? When you get out of bed in the morning, doesn't it motivate you to get to work so you can protect the rights of the down trodden? You protect us against the criminals in the world, this is your sworn duty, job, and calling.

Microsoft has harmed me, because I can not buy a computer with the operating system of my choice installed. I am a fan and user of the Linux Operating System. Some 30 percent of servicers on the internet run Linux. Yet, there are no major computer sellers who will install and ship a consumer based computer with Linux installed. Microsoft's OEM contracts forbid companies from shipping any consumer operating system without Windows installed. If I want a new computer, I have to pay for the cost of the Windows operating system, than I have to install Linux myself. The terms of the settlement only mention dual booted systems; however, I have no need for Windows. For a dual boot system, I would still be required to pay for a Windows license.

Now, the courts have declared Microsoft to be a criminal monopolist. At the very least, I would expect them to be punished for their crimes. We, the people, need your protection from Microsoft.

**MTC-00002834**

From: mark collister  
To: Microsoft ATR  
Date: 12/6/01 1:45pm  
Subject: microsoft settlement—crock!!

looks like there is no justice in the world anymore! make them open up (release source code) their document file format. that will

level the playing field on the corporate desktop market. i've pretty much approved of everything the bush administration has done so far except this. if i make enough money can i break the law with little or no consequences? waste of time and money if this is all the doj can do. just my 2 cents from the voting public. mark collister (mcollister4@home.com)

**MTC-00002835**

From: Robert Shelton  
To: Microsoft ATR  
Date: 12/6/01 1:45pm  
Subject: USA vs Microsoft Inc Settlement

The Settlement terms seem me to very fair to all parties.

Speaking as a Microsoft customer and Technology business partner of Microsoft, my experience (since 1966) is the Microsoft has always been fair and even handed in ever transaction.

Robert C Shelton VM & FAX (650) 503-3097 X0004

1259 El Camino Real  
Menlo Park CA 94025-4227  
email: <robert\_shelton@yahoo.com>  
Web Site: [http://www.geocities.com/robert\\_shelton](http://www.geocities.com/robert_shelton)

Resume: [http://www.geocities.com/robert\\_shelton/resume.html](http://www.geocities.com/robert_shelton/resume.html)  
Profile: [http://profiles.yahoo.com/robert\\_shelton](http://profiles.yahoo.com/robert_shelton)

**MTC-00002836**

From: Raphael Borg Ellul Vincenti  
To: Microsoft ATR  
Date: 11/16/01 10:04pm  
Subject: The MS Settlement hasn't reached a conclusion for us customers.

To whom it may concern,  
The settlement regarding the MS Settlement with the Department of Justice shows how people can be PROVEN guilty and yet escape scotch free. MS were found guilty and yet the settlment does not make them stop their monopolistic schemes because the settlement has so many holes that even I, that I am not a lawyer can think of so many different ways of still retaining their monopoly abusivley (something they have been FOUND guilty) and still remain withing the agreement. This settlement has actually damaged any future legal actions we can possibly take against Microsoft if they keep on insisting on using propriety standards.

With Thanks,  
Raphael Borg Ellul Vincenti

**MTC-00002837**

From: Deepak Nautiyal  
To: Microsoft ATR  
Date: 11/16/01 10:03pm  
Subject: Unfair Settlement

The reported settlement between DOJ and Microsoft is totally unfair. The sanctions as announced are inadequate and vague. Microsoft is notorious for using unfair business practices, and it will be a cake walk for it to bypass many of the sanctions.

Deepak

**MTC-00002838**

From: Jason Simpson  
To: Microsoft ATR  
Date: 12/6/01 1:50pm

Subject: Microsoft punishment... HA!

The idea of making Microsoft "donate" hardware and software to schools for punishment is ridiculous. That would strengthen their monopoly more than anything. Not a good idea to punish Microsoft by destroying Apple... Make them donate CASH to schools to purchase whatever equipment they choose...

"Daddy, I'm sorry you caught me stealing your wallet". "Son, for your punishment, I'm going to give you a million dollars. Will that teach you a lesson?"

Duh...

**MTC-00002839**

From: Bob Wyatt  
To: Microsoft ATR  
Date: 12/6/01 1:51pm  
Subject: microsoft monopoly

Dear sir or madam,

I am writing to you in the hope that through your decisions the software industry may become more open and, in turn, serve the public better. I am an educator, currently working on a PhD. in Applied Linguistics. I'm a long time computer user and programmer. Over the last few years, I have been deeply involved in distance education over the WWW. I use, on a daily basis, three different operating systems: Linux, MacOS9 and WindowsME. In my opinion, the early advantages that Microsoft Windows offered have been far outweighed in recent years by their attempts to dominate the operating system market with truly inferior software. Estimates for the cost of time lost in dealing with Windows system crashes run literally into the billions. The lack of competition is in part due to the difficulty of writing software for someone's proprietary OS. The close linkage between MS applications and Windows straps the public with operating systems which always promise to be better, next time, but never are. We're supposed to wait while they get it right, so that we can keep using MSWord.

If competition truly serves the public good, then we need to ask: "Why is it that MS has no serious competition?" Is it possible that there are no worthy adversaries, no one as good as they? Or is it possible that very rich and powerful businessmen are doing a disservice to the nation by maintaining their power not through better products, but through marketing manoeuvres and a tight grip on an early advantage that no one saw as unfair or dangerous at the time.

I respectfully petition you to level the playing field by ending or limiting the close relationship between Windows and MS software in the hope that it may stimulate what was once a vibrant and creative area, software application development. In closing, let me recall the words, "What's good for GM is good for America." Since that pronouncement was made, much has changed for consumers who now enjoy safer, more comfortable and more economical cars. Microsoft tells us it knows what we need and want. I say, give us a choice and we'll decide for ourselves.

Sincerely,  
Prof. Robert D. Wyatt  
Dept. of Applied Linguistics  
The Pontifical Catholic University of Sao Paulo

Sao Paulo, Brazil

**MTC-00002840**

From: Marc Infield  
To: Microsoft ATR  
Date: 12/6/01 1:48pm  
Subject: Microsoft Penalty

Hello,

I don't usually send this type letter, but here goes. In my understanding of the ruling (which is probably not great). Microsoft essentially eliminated a competitor by using it's size and power in the market. The software I use on a daily basis is directly effected by their actions, because there is no longer any real competition for their internet browser I am forced to use it. The problem is they kill competition from the inside via hardball business practices, leaving the public no choices but to use their products.

Allowing them to "give away" software to under privileged kids, puts an awful nice spin on some pretty nasty business practices. Unfortunately it seems like DOJ is providing MS corp. with a great channel into a segment of the market that they have not been entirely able to take away from another competitor, Apple computer, a company that I am fearful MS would just assume be out business.

Shouldn't the penalty have something to do with the crime? Doesn't the idea that Microsoft has anything to with "distributing "free" software to children" sound a bit funny? It does nothing to prevent them from doing the same thing they that are accused of again, and it could be argued that it actually offers them an inroad to attack Apple in their strongest market with a flood of free hardware and software.

I am not for shutting down MS, they are a good company, but they are to big to be allowed to continue with the "buy them or ruin them" method of business.

Thank you for your time.

Sincerely  
Marc Julian Infield  
Graphic Designer  
Small Business Owner  
Marc Infield <marc@geronimo.com>  
Geronimo Design fax: 707-667-2782  
601 Minnesota St. Ste. 118  
San Francisco, CA 94107  
415-285-5403

**MTC-00002841**

From: David Rogala  
To: Microsoft ATR  
Date: 12/6/01 1:50pm  
Subject: Microsoft Antitrust Remedy

To Whom it May Concern:

This lawsuit speaks clearly to the open source and free software communities, as to how fair our government will deal with them. The Linux movement is a worldwide phenomenon, as Linux represents the absolute cutting edge of high technology. Please don't let this Microsoft deal go through, as it only strengthens Microsoft's anti-open source and anti-free software movement. If Microsoft's proposed agreement goes through, the USA will lose its position as world leaders in the software arena, stuck with offerings handed down by Microsoft, while the rest of the world advances with the cutting edge Linux technology.

The attached file, RHPR.doc, shows that Red Hat Inc., from North Carolina, is willing

to substitute the Linux operating system and Linux-based Office Suite software to every school in America, and provide support longer than the time period offered by Microsoft. Red Hat is the world's leader in the Linux market.

The attached file, Insmod.doc, is an article I wrote for members of the Court Reporting community, to which I belong. It shows how a court reporting firm can obtain a PC and network operating system, Internet connectivity and office suite software absolutely free of charge.

Thank you for your consideration.  
Dave Rogala

**MTC-00002842**

From: John Mier  
To: Microsoft ATR  
Date: 12/6/01 1:53pm  
Subject: The Microsoft case (US citizen comments)

I know Microsoft is very powerful. I know technology can very a very difficult and fast changing business to understand. But know this... By allowing Microsoft to "give away 1B to schools" is a huge victory for Microsoft. The one area it lacks total dominance.

I don't care whom oversees this implementation, the bottom line is Microsoft products will be installed and used first.

Microsoft knows what's its doing here. I hope you do too. I hope Microsoft doesn't have the Justice dept. in their pockets.

John Mier  
Washington, DC  
info@washingtonographic.com

**MTC-00002843**

From: Inglix the Mad  
To: Microsoft ATR  
Date: 12/6/01 1:55pm  
Subject: Microsoft Settlement

—BEGIN PGP SIGNED MESSAGE—

Hash: SHA1

Dear Sir,

I watched, with great interest, the developments in the case of US vs. Microsoft. I was not pleased to find out that, in the end, Microsoft will get yet another chance. Microsoft has proven time and again that the letter of the law matters little to it. They will continue their ways, unless you have a sharp set of teeth in this proposal, which I found lacking. I do not begrudge Microsoft the ability to generate money for itself and shareholders. I do, however, take exception at them manipulating and blackmailing users and manufacturers.

Jesse J. Derks

**MTC-00002844**

From: Harrison Eddins  
To: Microsoft ATR  
Date: 12/6/01 1:57pm  
Subject: Concern for our future. . . .

While deeply appreciative of the role Microsoft has played in my enjoyment of my computer, I think Microsoft knows that the free society is the best society. What is meant by democracy in the matter of business is that an atmosphere of competition, free of monopoly, be operative to produce the finest products at the lowest cost to the American people. Equally important is the fact that competition stimulates the development of a vast output of products which can help this

nation to stay ahead of the the stiff competition coming from many countries. If we allow one company to rule the roost, finally the rest of the world will catch up and surpass us. Let's keep Microsoft on its toes for we need everyone deeply involved in this pursuit of the best products for home and world consumption. Microsoft will become a better contributor to our society if it is not given unfair advantages. Why can the courts not have the vision to promote the best for our country? We have many great minds involved in the pursuit of excellence in the cyberworld. Let everyone working toward its betterment have a fair chance. We the American people, the economy of the United State of America and all the people of the world will be the beneficiaries if Microsoft is prevented from dominating the market and dumping its often flawed and imperfect products on us because the courts have decreed that it has the right to do so and others do not have the right to compete. Harrison Eddins, 726 St. Roch Ave., New Orleans, LA 70117

**MTC-00002845**

From: Nancy Bobs  
To: Microsoft ATR  
Date: 12/6/10 7:49pm  
Subject: Microsoft found Gulty, but rewarded

From:

J. Robert Suckling  
2904 Whitefield Rd  
Churchville Md. 21028  
phone: 410 436 2622  
email: bobs@strcat.com  
Dear US DOJ Rep.

I was just reading about how Microsoft Won the anti-trust computer operating system monopoly case.

It is true that the federal appeals court in June upheld the lower court ruling that the company used illegal tactics to maintain its Windows personal computer operating system monopoly. (quoted from Reuters news clip see URL below). But the result was they won, since the penalty was to do a thing that helps them build there illegal computer operating system monopoly.

Any one knows if you teach the children to use products from only one vender, that this is a big win for that vendor. We need to find an alternative to this. One example comes from a Reuters news clip [http://www.reuters.com/news\\_article.jhtml?type=businessnews &StoryID=391566](http://www.reuters.com/news_article.jhtml?type=businessnews &StoryID=391566)

Red Hat Inc. RHAT.O, the maker of the Linux <http://www.redhat.com> operating system that competes against Microsoft, proposed on its own offering every school district in the country its own open source software free of charge, while encouraging Microsoft to spend its money on buying more hardware for the schools.

If Microsoft was required to field computers running non-Microsoft software this would teach your future that computers are not Microsoft. That there are other, even better computer operating system, then the microsoft product.

So in this case the money should be spend on hardware, not simply turned into something that costs Microsoft, next to nothing. Since the software is already

written, and making a few copys will cost the software giant penneys, on thousands and thousands of copies.

Please see have it seen to that this illegal monopoly does not get away with self promotion, something they willing spend much more then this and do, as a punishment for being found guilty, in a most important court case.

Open source software is the future. But Open source software is a gift. to the public, and private donators can not afford the PR budget that the monopoly can afford.

Thank you

**MTC-00002846**

From: Michael Stowe  
To: Microsoft ATR  
Date: 12/6/01 2:02pm  
Subject: Proposed "Settlement" With Microsoft

Ludicrous! The very fact that the settlement allows Microsoft to displace two major competitors in the educational market as a RESULT of the settlement leads me to believe that the public interests have been set clearly aside.

Microsoft should be penalized. The proposed settlement is a REWARD for Microsoft's illegal behavior.

Michael Stowe

**MTC-00002847**

From: Mark Dalton  
To: Microsoft ATR  
Date: 12/6/01 2:03pm  
Subject: Disappointment about the 'settlement'

I understand the country is going through a lot of struggles. However, to not punish a monopolistic company for cheating consumers, businesses, government is irresponsible and showing the lack of justice and shows our current government will allow large business or monopolies to use power and money to change our governmental decisions. (Versus we the people).

Not only were they not punished, but they were given a potential to get out of this with a even larger monopoly, but getting into the school systems. I understand the schools have a "choice" influenced by what they can get from Microsoft. The \$1 billion is only a small part of what they have previously taken from people.

They still have monopolistic licenses in place that don't allow dual boot machines to be sold by various manufactures. They have large issues with the obvious lack of security in their software. All you need to do is think 'e-mail virus' and that is the same as saying a Microsoft Bug.. since it is a VERY old concept that was explained is bad programming, back before Microsoft even understood the internet.

Now they are supporting more issues that don't allow Open Standards or even what most used to call standards. (Standards used to be the protocol that was available to all, everyone had input on, and there was basically one standard. Versus the current model with Microsoft and the card manufacturers). It has held up technology, versus expanded it.

They are supporting a effort that could reduce further competition by making it

impossible to report bugs, security flaws, etc. so that we can get things fixed in a timely manner. And even worse is the discussions of laws that would make it very difficult to continue with innovative projects like GNU and the OpenSource world in general. No Microsoft did a nice job on their MSOffice (minus the internet explorer).

And now with XP and MS.NET, I have further concerns. I hope something can be done in the future about past, present and future monopoly actions by Microsoft and other companies that use unethical tactics to get to a control position, then use their control and money to control government as well as, media.

MS owns NBC. I believe they (or VPs/CEO) bought large parts of Apple so they would not go under just before the law suit went to the courts.

Mark Dalton  
18552 Everglade Drive NE  
Wyoming, MN 55902

**MTC-00002848**

From: DEBO Jurgen  
To: Microsoft ATR  
Date: 12/6/01 2:04pm  
Subject: Tip for better solution for the discussion

Dear Justice Office,

I am programmer for 20 years, and CEO of an IT company. My english is very bad, but it is the thought I wish to tell. For the moment there is a high focus on terrorism. But what huge terrorism doesn't we have on internet, or by software that is violating our privacy and our common data. We can not deny, in future, we will be forced to switch over to open source software. When companies are doing E-Business, no company wants that statistics are made based on his activities, done by a software developer. When software is not open, you can not watch in the black box what is hidden behind. On the other side, companies needs to live from software. But it is widly known that microsoft software has a lack of security, a lack of privacy and that microsoft is sneeping inside computers. A good option would be that all elements communicating with the outside, like browsers, components, firewalls, e-mail clients etc should be open source by federal law. Just like the known history of PGP (Pretty good privacy) (It was and is still open source.) This should be a barrier around the black box.

Black boxes are fine for home use, but when they make outside communications, this is dangerous. So if there is still a kernal part running on themselves, without making communications, that's maybe ok for the moment, but communicating particles needs to be open source, that's our right of privacy, and protecting of our own data. Every communicating particle should be explained clearly to public what it is sending out, with a technical sheet, to verify if this is correct for (intrusion detection software, like the open source project [www.snort.org](http://www.snort.org)) Secondly, every communication should have an identification header of the number of the CPU so it can be traced down by Law Organisations.

Every sold CPU should be registered in a huge internet security company. That ID

should be integrated into the IP protocol, encrypted and coded with a high protection, and only viewable by those offices. This would identify malicious people, who doing all non-legal practices, like terrorism, abuse of children, drugs, hacking of computers, etc etc.

Without those steps E-Commerce will NEVER be possible on a professional, worldlevel schedule. There are too much violations due to people who make profits of the gray zone of unknown, to be on internet and the gray zone of hidden gateways in our software.

If my idea's are worthfull, please consider to invest in our directory engine as return for this information.

Sincerely,  
Jurgen Debo  
CEO  
Belgian Directory  
The Guide www.guide.be

**MTC-00002849**

From: Rick Hansen  
To: Microsoft ATR  
Date: 12/6/01 2:15pm  
Subject: Comments on the proposed settlement of the Microsoft suite  
To: U.S. Department of Justice  
Subject: Proposed Microsoft Settlement  
Dear Sir/Madam:

A recent newsletter from Red Hat Linux asked Linux resellers to send comments regarding the proposed DOJ/Microsoft settlement to this address (microsoft.atr@usdoj.gov).

I am the President of a small firm that is authorized to sell Linux and Unix. We are also a Microsoft Certified Partner. I am in favor of settling this matter as quickly and inexpensively as possible. Speaking as both a consumer and Information Technology professional, Microsoft continues to provide better and simpler solutions than other vendors.

Rather than restrict competition, I now can obtain more non-Microsoft solutions for operating systems and business applications than at any time in the past ten years.

I believe that anyone who charges Microsoft with having unfair business practices is unfamiliar with the world of business. In my opinion, Microsoft's business practices are no more onerous those of other large firms. This includes firms in the IT market such as Sun and Oracle, and firms outside the IT market such as Ford.

Thank you for allowing me this opportunity to express my personal opinion. Please feel free to contact me directly if you would like to discuss this matter.

Sincerely,  
Rick Hansen  
President  
Arctic Systems Inc.  
(301) 384-8400x101  
rhansen@arctic.com  
CC:rhansen@arctic.com@inetgw

**MTC-00002850**

From: Russell Kohn  
To: Microsoft ATR  
Date: 12/6/01 2:05pm  
Subject: Don't Settle

I am writing today in opposition to settlement with Microsoft Corporation and the terms as I understand them.

My name is Russell Kohn. I am a resident of the city of Agoura Hills, California in the county of Los Angeles. I own a small computer consulting firm that is located in the city of Santa Monica, California, in the country of Los Angeles. I started the business in 1986 and we have employed between 4 and 8 people through the past years.

In our office we have a mix of hardware and software. We use Microsoft software, Apple software, software from Red Hat and other suppliers. We used to resell hardware and software in addition to provide our consulting services. Now we are primarily a provider of custom software development services to small & medium businesses as well as the publisher of a small database utility for FileMaker Pro developers. Our consulting clients include both small businesses and household names including the William Morris Agency, UCLA, and Blue Cross. Our products are used by many consultants at many facilities including some DOD, DOE groups and at many major Universities.

Over the years I have personally and repeatedly experienced incompatibilities with Microsoft software that would not have been tolerated from any other supplier nor maintained structurally within the channel without their monopolistic strength. This has lead to financial costs and inefficiencies that we don't experience in other areas of our practice.

Any settlement that accomplishes further erosion of competitive forces (eg. the Education deal into market currently owned by Apple) or that does not institute real limits on Microsoft monopoly position would be a waste of time and a setback for the American people (as well as the rest of the world).

Now is the time for government to play its regulatory role in this field.

Sincerely,  
Russell Kohn  
Russell Kohn  
Chaparral Software & Consulting Services, Inc.

429 Santa Monica Blvd., Suite 230, Santa Monica, CA 90401  
(310) 260-1700 / russ@chapsoft.com  
(310) 260-1701 fax / www.chapsoft.com

**MTC-00002851**

From: herb@cb01.pfinders.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:14pm  
Subject: My opinion about the Microsoft anti-trust case  
To DOJ,

I was disappointed by the settlement. I feel that Microsoft continues its anti-competitive practices and must be prevented from doing so.

I honestly feel that breaking up the company was going to help bring more competition.

Also, I believe it is the only thing Microsoft fears. I would not feel so harshly about the company if they had more stable products.

Without competition, how do we get better software? They set the bar way too low.

Herb  
Herb Rubin Pathfinders Software  
herbr@pfinders.com http://  
www.pfinders.com  
phone: 650-692-9220 fax: 650-692-9250

**MTC-00002852**

From: J N Katzman-TCM  
To: Microsoft ATR  
Date: 12/6/01 2:04pm  
Subject: Microsoft Settlement

To Whom it may concern;

The settlement in the Microsoft case is nothing more than a win for Microsoft. This gives Microsoft an even larger presence, and more free advertising and publicity than they could ever dream up by themselves. As a developer of software, I would be more than happy to develop something for the schools so that I might be able to have the opportunity to setup a longterm support contract to guarantee income for the rest of my life. Microsoft will have this kind of opportunity on a much larger scale.

Giving the schools Microsoft products now, will only further entrench Microsoft's hold on the market. After all, these students will most likely only purchase Microsoft products since this is what they will be familiar with. This will carry on into the workplace, where these students will become the next generation of purchasers and decision makers

Do not allow Microsoft to donate software as a "punishment". Convert the value to dollars and allow the schools to decide on the technology they need or want.

Sincerly,  
Joel N Katzman  
TCM Integrated Systems, Inc  
Freeport NY

**MTC-00002853**

From: Harman, Tony  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 2:14pm  
Subject: Get it over with—move on

Enough money has been wasted over this and there really isn't a viable option to the suite of products Microsoft offers. I remember paying the extraordinary prices for competing software before Microsoft brought out a suite of products that were superior and much more cost effective. Go after the dot bomb companies instead and the bankers and executives who swindled money out of investors to buy them nice offices, fancy cars, high pay, and deliver no shareholder value!  
tony

Tony Harman, President VR1  
Entertainment  
5775 Flatiron Pkwy Suite 100, Boulder, CO  
80301 phone 720-564-1000 fax  
720-564-1090

**MTC-00002854**

From: rcaveney@  
marketanswers.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:16pm  
Subject: Make them pay—in cash

I am surely not alone in insisting Microsoft pay in \$cash, versus using this settlement as part of a marketing ploy. As it is, the settlement is way to lenient. This is an illegal monopoly!

Also, I truly hope that Microsoft will have to be as open about their API's to others, as they are to their own developers.

Robert Caveney/VP  
Market Answers  
1-408-275-7101 Direct  
1-408-275-7100 Main Number  
1-408-999-0931 FAX

**MTC-00002855**

From: LeRoy Hogan  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 2:48pm  
Subject: Microsoft Monopolizing in Public Schools

I am disgusted that you are letting Microsoft spread its monopoly further into the poorest of schools. Why don't you just fine them a dollar amount and give that to the poorest of schools instead of forcing Microsoft products down their throats.

Roy Hogan

**MTC-00002856**

From: Paul DuBois  
To: Microsoft ATR  
Date: 12/6/01 2:48pm  
Subject: The anti-trust settlement \*rewards\* Microsoft

The proposed anti-trust settlement under which Microsoft would donate software and hardware to school districts is a dream come true for Microsoft. Far from actually punishing Microsoft for its predatory and anti-competitive behavior, this proposal would do the opposite by helping it establish a foothold in one of the few areas where it is not the dominant player. In other words, the settlement \*encourages\* Microsoft to continue its past behavior.

Whoever conceived this proposal clearly did not think it through very much.

A better solution would be to tell Microsoft to donate \*cash\* to the schools, to let them spend on computing equipment as they wish.

Paul DuBois  
paul@snake.net  
2805 Shefford Dr.  
Madison, WI 53719-1417

**MTC-00002857**

From: ssouчек@cfa.harvard.edu@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:50pm  
Subject: I don't Understand??

You went through all this trouble, time, and expense to get "Microsoft" in and out of court and you accomplished nothing even though you've won. Got to Love our Legal System and the money mongering people associated with it.

Could you please explain to me why all this money was wasted and what the "Nation" gained out of it? This and the OJ case are the biggest jokes of this Nations Judicial System so far in my opinion. I think you'll have a hard time beating this one, but I'm sure you'll try.

Steven Soucek  
Solaris Administrator  
Harvard-Smithsonian  
Center for Astrophysics  
60 Garden Street  
Cambridge, MA 02138  
<http://missinco.hopto.org>  
Tel: 617-384-7568  
Fax: 617-496-7500

**MTC-00002858**

From: Russ Underwood  
To: Microsoft ATR  
Date: 12/6/01 2:51pm  
Subject: Please end the monopoly (s)

The evidence is overwhelming, your own DOJ found Microsoft guilty of monopolistic practices. Punishment should not be a toothless slap on the wrist. Windows must be unbundled with the web browser and media player for starters. I believe a break-up would be the greatest leap forward in software innovation possible, but I understand the political ramifications of this move.

Innovation in the software arena has been stifled for many years. Few companies dare to enter into Microsoft's turf.

Separately, Microsoft's proposed settlement of all of the private lawsuits (they must "donate" old PC's & software to schools) will basically give them a monopoly in that market as well. Microsoft has quietly spent billions on lobbying and campaign contributions.

This is our only hope, prove that our government cannot be bought.

Russ Underwood  
Communications  
Lockheed Martin Space Systems  
408-742-0933 voice  
1-888-916-2013 pg  
[russ.underwood@lmco.com](mailto:russ.underwood@lmco.com)

**MTC-00002859**

From: Scott Silva  
To: Microsoft ATR  
Date: 12/6/01 2:54pm  
Subject: Microsoft and the Public School system

Letting Microsoft get out of its legal troubles with the donation of software to schools will leave a long lasting dependence to Microsoft software. It is similar to a drug pusher giving it away free until you can't live without it.

I think public schools should go to some type of Open Source software. The hardware costs are the same, but the software costs do not skyrocket. Public schools need to spend less money on operations, not more money. Put the money into more teachers and books, and less money into Microsofts pockets.

Scott Silva P.C Coordinator  
San Gabriel Valley Water Company  
626.448.6183 x296 Fax 626.582.1571  
[ssilva@sgvwater.com](mailto:ssilva@sgvwater.com)

**MTC-00002860**

From: Russell Schoech  
To: Microsoft ATR  
Date: 12/6/01 2:55pm  
Subject: Microsoft Class Action law suit

I have been following along with this trial since its onset. I believe that these punishments applied to Microsoft in no way discourage monopolistic practices and indeed, encourage Microsoft to continue with these practices in a more aggressive manner. Why? Because a punishment of donating the company's overpriced software to schools is the most absurd form of punishment I could ever imagine. Indeed the creators of the Sherman Antitrust Act would be sick their stomachs about this proposed "solution". Not only is the punishment ridiculous and in no way encourages competition (being the

entire point of this act), it would appear to the American public that this is in fact the complete opposite. By distributing their software packages for free allows for Microsoft to gain a further stronghold in the market by forcing children at these underprivileged schools to use their products. Upon maturing to an age where they will be obliged to purchase software packages, which packages do you suppose that they will choose. ones that they already know and have been forced to learn upon and indeed are already comfortable with or some other package?

The American public knows that Microsoft has gotten away with the murder of unfortunate corporations, why doesn't the DOJ? Maybe a new trial to prove it again should be enforced. The people who seem to have been paid off could then line their pockets a little more. By the time that the DOJ finishes, there will only be fragments of once profitable corporations. Maybe they could combine their collective efforts into a unified company called Anti-Soft!

Russell Schoech  
Instructional Technology Specialist  
Southwestern College  
888.684.5335 ext. 121

**MTC-00002861**

From: Dwight Sledge  
To: Microsoft ATR  
Date: 12/6/01 2:58pm  
Subject: Microsoft wins again

Great move folks! Punish an anit-trust offender by allowing them to expand their stranglehold on the pc market by filling up the poorer school districts with their software products. Yes, the very same products they used to force vendors to use their products.

How about making them spend their ill gotten gains to provide hardware that they do not make, or, make them provide the school districts with the amount of cash required to provide this hardware and software? The school districts would then be free to choose how to spend that money, the only stipulation being they must use the money for computers and software.

Regards,  
Dwight Sledge

**MTC-00002862**

From: vgerdjk@optonline.net@inetgw  
To: Microsoft ATR, Red Hat  
Date: 12/6/01 2:59pm  
Subject: the micro\$oft pension plan from red hat newsletter.

"Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products.

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. "

the first thing i thought of when i heard that micro\$oft was giving hardware and software to poor schools was—let's make micro\$oft a larger monopoly cause we at the DOJ have nothing better to do than take micro\$oft to court every few years my school has over 500 computers and, even with an educational discount, upgrading the OS from micro\$oft every few years on all those machines is very expensive, so you, the DOJ, are going to let micro\$oft in all these poor schools that in a few years are going to need billions to pay for their OS upgrades, that we the taxpayers are going to subsidize, brilliant everytime micro\$oft gives something away it only benefits micro\$oft, no matter how much they say that "we're only giving the consumer what they want," well i don't want to pay into the micro\$oft pension plan with my taxes unless the DOJ gets micro\$oft to give the OS away for perpetuity, we the taxpayers will suffer, because, then, micro\$oft could hold the educational system hostage to any upgrade micro\$oft deems necessary at an enormous financial burden to the taxpayers when a school system decides upon an OS for the computers, they are making a choice, but when the taxpayers are forced to incur the debt of the poorest communities in the country for the largest monopoly in the country, we have lost our freedom of choice could our government be this stupid, it looks like it who said? "the bigger the lie, the more people will believe it"

**MTC-00002863**

From: Willes, Jeremy T, CCARE  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:00pm  
Subject: Please don't give microsoft any more foothold in becoming a monopoly  
To Whom it May Concern:

Microsoft proposal to provide schools with equipment and software seems to be a generous offer from one side.. But the other side shows most of the donation costs in software from their company.. This would truly give them a further foothold in becoming a monopoly.. By having Red Hat donate the software so Microsoft can quadruple the amount of computers given to schools is the best route for everyone.. The further we can promote other operating systems the better for everyone.. Competition provides better products and better prices..

Thanks,  
Systems Admin  
Jeremy T. Willes  
AT&T, Sacramento  
(916) 431-0581

**MTC-00002864**

From: Harry Forster  
To: Microsoft ATR  
Date: 12/6/01 2:58pm  
Subject: Microsoft

As an individual my rights to development were eliminated in the past by the behavior of Microsoft. I have moved to open systems and now I am able to develop the applications that I need. You may read into this that Microsoft has not been monopolistic and does not deserve corrective action. This is not true because my major problem will come when I try to implement my resultant

applications. With Microsoft in complete domination of users I will not have access to them.

Your actions so far have indicated to me that you (as a Washington establishment) want to provide for the dominant monopolist and ignore the rights of the individual developer. If it is your objective to cut off the intellect of individuals then you will have to live the resultant loss of creativity and productivity that comes from your actions.

My work has been in the development of computer applications for education, in particular children with special needs. It will be your inability to provide me equal rights and equal access that will have brought about the future problems.

CC:Red Hat

**MTC-00002865**

From: John Hare  
To: Microsoft ATR  
Date: 12/6/01 3:00pm  
Subject: Comments about Microsoft Settlement

I'm disappointed with the settlement that allows Microsoft to extend their monopoly into schools now. If they are going to pay restitution, it should be in cash not product. Just my \$0.02 cents worth.

John Hare  
Luhala Group, LLC  
hare@luhala.com

**MTC-00002866**

From: mitch@galaxytransport.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:56pm  
Subject: Microsoft Settlement

I am disturbed that the people that are supposed to be looking out for the welfare of the general population are allowing a monopolist to essentially escape prosecution without any significant penalty.

I am VERY disturbed that Microsoft may be allowed to actually FURTHER their monopoly in the nation's schools under the guise of settling a class action suit.

As far as we know, Bill Gates never had an original thought in his life, and has become extremely wealthy by A) making profitable use of other people's work B) being in the right place at the right time C) actually having SOME business sense and, mainly D) using unfair and unlawful business tactics to create and maintain a monopoly. Bill Gates SHOULD emerge from this action broke and in prison, not still holding title as the wealthiest man in the world.

Further, although it has never been proven, I suspect that Microsoft DELIBERATELY leaves flaws in their operating systems to make sure everyone will want to upgrade (at considerable expense) when they release the NEXT flawed (but proclaimed to be MORE stable) version.

If Microsoft is going to be allowed to settle any suit by providing something to schools, let's make it ALL the schools, and let Red Hat provide software for ALL the schools as they have offered to do at no charge, to keep the Microsoft monopoly from becoming even larger.

Mitch Loftus  
Bolingbrook, IL

**MTC-00002867**

From: Paul Michael Reilly  
To: Microsoft ATR  
Date: 12/6/01 3:03pm  
Subject: Opinion

For what it's worth:

My opinion is that Microsoft should be broken up into two or more companies. Both to correct predatory behaviors and to stimulate competition in the marketplace, something Microsoft uniquely stymies on a regular basis. From my perspective Microsoft has clearly harmed consumers by eliminating opportunities for new markets and companies to flourish.

While I have this opinion, at the same time I am fearful that Microsoft has bought the Justice Department, lock, stock and barrel with the election of George Bush to the presidency. I send this opinion in the hope that my opinion does matter and Microsoft does get more than a slap on the wrist for inflicting major damage to our society in general and the technology business sector in particular.

Sincerely,  
Paul M. Reilly

**MTC-00002868**

From: laurentm@  
bechtel.Colorado.EDU@inetgw  
To: Microsoft ATR  
Date: 12/6/01 3:02pm  
Subject: Settlement

I wish to express my disappointment with the settlement you and other states have reached with Microsoft regarding the antitrust suits filed against this company. Far from punishing Microsoft in any way, or preventing further monopolistic practices, this settlement seems to actually reward Microsoft. Please reconsider this settlement and insure that substantial, verifiable and strict restrictions are put on Microsoft and their dealings with computer vendors and competitive software companies. A lot is at stake here; please revisit this issue.

Sincerely,  
Dr. Sally Laurent-Muehleisen

**MTC-00002869**

From: McIntosh, Rick C.  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:03pm  
Subject: Well, my option is simple. You had

Microsoft cold, breaking anti-trust laws

Well, my option is simple. You had Microsoft cold, breaking anti-trust laws as they pleased. No punishment. Not one dime in restitution to those they hurt. That is your victory? I think not. You guys suck. Go get a real job if you can't do yours. You did nothing. You slapped Microsoft in the face and showed Microsoft they can get away with anything they want. THANKS FOR NOTHING!!!!

Rick

**MTC-00002870**

From: Crow, Richard  
To: Microsoft ATR  
Date: 12/6/01 3:05pm  
Subject: Microsoft Antitrust Settlement

Hello,

I disagree with the settlement as I understand it. If Microsoft is allowed to give

Microsoft products to schools as restitution it will only further Microsoft's hold on the OS market. It reminds me of IBM 40 years ago. They made a real effort to get IBM mainframes into computer science programs at major universities.

I think that it is more appropriate that Microsoft be fined. Then use the monies to purchase hardware and software. Make the software a mix of Windows, Macs and Linux.

Thank you,  
Richard Crow  
Graham, WA

**MTC-00002871**

From: mprice@seqx.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 3:05pm  
Subject: Microsoft DOJ Lawsuit Settlement  
Dear Sirs,

I am the president of a small software company. I have worked in the software business for over 20 years and have watched with increasing concern the domination of the industry by Microsoft.

Speaking as an entrepreneur, the dominance of Microsoft is preventing much new technology from being developed. Many promising avenues of research and product development have been terminated due to direct and indirect influence of Microsoft.

The activities of Microsoft found to be illegal by the court are continuing, even accelerating. The settlement does nothing to address the behavior of Microsoft that caused the DOJ to sue in the first place. The settlement actually contributes to increasing Microsoft's dominance by requiring Microsoft to invest in increasing its market share by providing its products to schools.

I cannot object more strenuously to the terms of the DOJ agreement. The industry needs more diversity rather than less. This deal will accelerate Microsoft's dominance. This will be bad for the US software business and cannot be in the country's or consumers' best interests.

Sincerely,  
Michael Price  
President  
Peak Process, Inc.  
mprice@peak-process.com

**MTC-00002872**

From: Larry Cullen  
To: Microsoft ATR  
Date: 12/6/01 3:06pm  
Subject: The Microsoft monopoly will continue.

Dear Sirs,

Any settlement with Microsoft should insure that hardware distributors must provide alternative operating system installation on PC hardware sold. It has been my experience that systems sold via Gateway, Dell, and other large distributors often include Windows OS whether you like it or not. Some hardware, such as Win modems and Win printers, won't work with anything but Microsoft Windows. I happen to use Linux at home and for users of this and other operating systems it's very obvious what a negative impact Windows has made regarding the availability of specialized hardware. Manufacturers have created devices that will only work with Windows or

the drivers for these products only support Windows. Instead of engineering hardware to use generic and open architecture forms of connectivity, many companies form an alliance with Microsoft and produce products that have proprietary interfaces that only work with MS Windows. For OS/2, Linux, MAC OS-X and other operating system users, well, they're left out in the cold.

We live in a capitalist society and the object of a company is to make a profit to sustain itself. Microsoft has crossed the line and gone several steps further by operating outside the law to compete unfairly. Microsoft should be punished for their past practices and somehow restrained from further illegal actions which would give them an unfair advantage against their competitors.

I hope that DOJ won't cave in and let Microsoft off lightly with some symbolic slap on the wrist.

Thank you.

**MTC-00002873**

From: Daniel Lerner  
To: Microsoft ATR  
Date: 12/6/01 3:06pm  
Subject: proposed settlement further monopolizes microsoft

The proposed settlement to allow microsoft to settle anti-trust proceedings by giving away its product to new market areas further INCREASES the microsoft monopoly!!! In my opinion it is a terrible settlement.

The proposed settlement effectively funnels microsoft product into a new market at the publics cost. They designed a tremendous marketing ploy to have the public foot the bill for further use of microsoft product because the public has no choice but to use more microsoft product under this settlement.

Following are some settlement terms which make more sense:

1) Microsoft must fully document and publish at no cost the API and all other interfaces to their products. This includes all file formats, XML structures, etc. They do not need to publish their software, only the means to interface other software and hardware to it.

2) Provision 1 must be ongoing perpetually for new products and revisions of existing products.

3) Damages to the market should be funded by cash or hardware provided for public use. The hardware should be standard, industry compatible product, which can run free software operating systems such as LINUX. Free office products are available from Sun's Star Office freeware.

4) Damages should be further compensated by providing costs for public training classes in general computer use, communications, and operation of free software products. These classes should be supplied by free software companies, NOT Microsoft.

5) Damages should pay for shipping, installation, and high speed internet connections for equipment.

6) All computer purchases should have microsoft product unbundled from the hardware. Purchasers must have the right to purchase computer hardware without software, or with other alternate software products installed at clearly stated prices.

The microsoft marketing and business strategy is very damaging to the computing industry due to coercive market practices and forced bundling of product.

Sincerely,  
Daniel Lerner  
CC:daniellerner@yahoo.com@inetgw

**MTC-00002874**

From: Gregg Givens  
To: Microsoft ATR  
Date: 12/6/01 3:09pm  
Subject: User response to the Microsoft Antitrust settlement my in the long run. We'll end up stronger for it. Ask the europeans, japanese, and chinese why they are favoring Linux over MS windows.—

Gregg Givens—Systems Analyst  
Hollins University Computer Services  
ggivens@hollins.edu  
cases of using a strongly positioned Application helping Microsoft to compete unfairly in the Operating System arena. I would be willing to bet money that if we split up MS into two companies, there would be a Linux version of MS Office Suite within 6 months or less. It would be in the INTERESTS of the MS Applications division to do so. IT is NOT in the interests of the OS division—hence the problem. My contention is that splitting the MS corporation will actually be GOOD FOR THE AMERICAN ECONOMY, contrary to Microsoft's scare tactics. Microsoft seems to make oblique remarks implying that what is good for Microsoft is good for the American economy, and that impeding Microsoft's advance would damage the economy. In fact the exact opposite is true.

Even though more efficient Operating systems such as Linux require less powerful hardware and might be less encouraging of the INTELS, AMDs, and other hardware vendors, the savings for EVERY OTHER COMPANY in America not having to buy new computers every 2 years might help the other 90% of the American companies to make a profit. How much American Corporate profit goes into the land fill every year when they have to scrap their old computers. With more fair competition, maybe more Applications program designers will be encouraged to write more applications—even ones that compete directly with Microsoft's Application division. More competition in Applications and Operating systems might even make superior and MORE RELIABLE AND SECURE computer software, at a reasonable price. (I for one would look forward to days when the servers quit crashing periodically due to undocumented bugs in microsoft's OS. we have Linux and digital unix servers that have not had to be rebooted for most of a YEAR. We must boot our microsoft servers several times a month. I never even leave my MS windows 2000 desktop machine up for more than a day. I rarely if ever reboot my Linux desktop machine. Why do I keep Microsoft machines you ask? Because our corporate execs DEMAND that we use Microsoft on the desktop. Not enough NON-MS OS applications available that the users are trained to use.)

You may not realize that there are many people who are dismayed by the incredibly

weak response of the current administration to blatantly monopolistic practices by the Microsoft Corporation. Given the more vigorous legal efforts of the previous presidential administration, I don't feel it is completely out of line to question whether monetary influence during the presidential campaign could have something to do with the recent decision to abandon a bargaining position of strength against the Microsoft corporation in favor of a settlement that is actually weaker than that being presented by Microsoft ITSELF prior to the judicial finding of monopoly. At the very least, the current regime in the Department of Justice has some explaining to do against the APPEARANCE of impropriety.

Excluding that issue, we have the result in the marketplace itself. In the past, Microsoft has demonstrated a history of making every effort to avoid any previous remedies that the court has attempted. Either they have ignored the remedy completely or they have complied in the most minimal and unsatisfactory way to adhere to the letter of the law and avoid the spirit. Since the initial attempts to curb their behavior, Microsoft has only succeeded in gaining more unfair leverage and destroying more of their competitors. Don't be fooled that this was only the activity of the market. I have already outlined many ways that MS uses its Desktop OS monopoly to boost market share of its applications. Now that its Office Suite of Applications is stronger (due to the unfair leverage of its OS), it can use the Applications to help the OS maintain its position of dominance in the desktop.

If the USDOJ expects that further litigation will not be fruitful in curbing MS's monopolistic practices that HURT the consumer AND THE ECONOMY, then perhaps other government agencies can attempt another avenue for the remedy. I have heard that the Federal Trade Commission may have jurisdiction and enforcement powers that could be brought into play. Does the BUSH2 administration have the guts and desire to seek real enforcement of powerful remedies for the monopoly finding of the courts? Are they too timid and fooled by Microsoft's scare tactics to attempt such a thing? At this time, NOTHING could hurt the economy worse than it is already. You might drive a few stocks like Microsoft and Intel down for a short while if a strong remedy is attempted, but the long term benefits of increased competition and more efficient use of hardware resources (caused by better written Operating Systems such as Linux) could only help the US econo

CC:ggivens@hollins.edu@inetgw

**MTC-00002875**

From: Ramsay Jr, William M  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:08pm  
Subject: Microsoft Settlement

Dear Sirs,  
You must be joking or have very serious campaign contributions lined up if you think that the Microsoft settlement is fair and just. I have been a software engineer for 25 years and have used MS development products from the beginning. All the bad things people say about them is true.

They do not innovate—they stifle. Many times I have tried to do things that MS software does only to be told by their support that it can't be done. Their newest offering, XP, is not just more of the same—it is worse. They want to 'own' the software world and with your help they probably will.

William Ramsay  
Polaroid Corp

**MTC-00002876**

From: Jeff Hass  
To: Microsoft ATR  
Date: 12/6/01 3:10pm  
Subject: Is this for real?

How can you let a company like Microsoft get away with what is a nothing penalty? This is a company, I assure you, that plays very serious anti-competitive games.

This is a decision, like many this liberal organization has made that will hurt every single American. This is not good... and no one has won. It's a cave-in.

Nothing more, nothing less.

Jeffrey Hass  
One day, one day!

**MTC-00002877**

From: Tom Garlick  
To: Microsoft ATR  
Date: 12/6/01 2:57pm  
Subject: Concerned citizen against monopolies and unfair business practices

To Whom It May Concern,  
Since the U.S. Court of Appeals for the District of Columbia Circuit found that Microsoft is a monopoly and acted illegally to maintain that status, a settlement based on the distribution of more Microsoft software seems truly ironic.

The assumption that Microsoft software in particular benefits schools "to prepare students for the business world" is not necessarily on target. One goal of technology education at the K-12 level aims at teaching software concepts, rather than vocationally training students on particular programs. That is, the same lessons can be learned from any "office suite" or via any "web browser" or on any "operating system" to adequately prepare students.

A true "public benefit" the settlement could provide would be to give the choice to schools, not Microsoft. For example, Microsoft could provide generic resources (e.g. cash, equipment, etc.) that leave the schools free to choose their own software technology.

Thank you.  
Tom Garlick  
A concerned citizen against monopolies and unfair business practices.  
San Francisco, CA 94112  
415-584-5533  
tgarlick@rovor.com

**MTC-00002878**

From: Michael Sprague  
To: Microsoft ATR  
Date: 12/6/01 3:14pm  
Subject: Microsoft Settlement seems more like a reward

I am amazed at the approach DOJ seems to be taking in the MS case. The software is crappy, and yet is now possibly being given out to our nation's young people, in the form

of self serving donations from MS to fiscally challenged schools.

This can only serve to advance the product further, into markets that the company might not otherwise ever see.

Giving computers to schools is a noble cause. Making them use the same software published by MS is ironical.

Isn't the forced bundling the issue that started this whole mess in the first place?

To me, a better solution would be:  
1. Make MS give hardware only, and take advantage of the offer from Red Hat or any other reputable OS vendor so inclined to donate Linux or another OS to run the computers. or, better yet-

2. Make Microsoft pay cash money in the billions to disadvantaged schools and let the schools decide where to spend the money. To me, letting MS off the hook, and in a sense actually rewarding them for their reprehensible past actions (remember the decision? GUILTY of monopolistic practices) is not going to make anyone outside the MS family proud to be an American. I expect it would bring shame to many inside MS as well, knowing that they have twisted the justice system to their own ends.

Make me proud.  
Michael Sprague

**MTC-00002879**

From: Liebrecht@gateway@inetgw  
To: Microsoft ATR  
Date: 12/6/01 4:13pm  
Subject: Please

To the DOJ.  
On behalf of Accudry Moisture Measurement: [accudry.org](http://accudry.org) [accudry.net](http://accudry.net)

Please do not allow monopolies as entrepreneurs such as myself are disabled by allowing one company to control 90% of the world market. One big bee can make a lot of honey.....if it so wishes and when it wishes, but what we rather want is a hive of honey-makers for stability. Each bee presents a different flavor but in the end it is shared. Please enforce competition and make the playing field fair. Entrepreneurs cannot continue the American dream under a monopoly. If Microsoft is allowed to succeed with their current strategy, then many will follow the example.

Liebrecht Venter  
Accudry

**MTC-00002880**

From: Mark D. Hendricks  
To: Microsoft ATR  
Date: 12/6/01 3:21pm  
Subject: Microsoft in schools

Letting microsoft give software and hardware to schools is a very bad idea for many reasons.

1. It builds another generation of americans that think microsoft is synonymous with computing.

(Using Word and Excel is NOT computing—using gcc is!)

2. It allows microsoft to extend their monopoly to those vulnerable.

3. It allows microsoft a huge advantage to promote their products.

4. Microsoft already has a huge stranglehold on business and colleges

5. Homogeneous systems are vulnerable. (viruses, worms etc.) If anything, microsoft

products should be banned from all educational facilities, so that young peoples' minds are not fingerprinted with microsoft's concept of what computing is... that way they could learn to develop their own ideas and systems which would eventually lead to some competition for microsoft—not to mention some quality software.

Maybe the best thing to do is to make Microsoft buy a piano for every school in the country—they don't become obsolete and music has been proven to have an impact on learning, where computing has not... The decision to not break up Microsoft is terrible, Microsoft has effectually killed off all desktop competition and is a monopoly that appears to have brain-washed the Judicial System of this country. Letting Microsoft continue operations without punishment eventually will doom this nation's software industry, because having no choice kills development.

In fact Microsoft hasn't had an idea of there own in 15 years—and has continued to steal ideas, but who will it steal from when all of the competition is out of business?

Mark —

Mark D. Hendricks, WebDevSysAdmin  
UNL IANR CIT DEAL LAB, 003 ACB UNL  
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email: [mhendricks1@unl.edu](mailto:mhendricks1@unl.edu)

#### MTC-00002881

From: Jon Scally  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 3:16pm  
Subject: Anti-trust settlement

To whom it may concern,

I was more than a little shocked that the Department of Justice would settle the anti-trust suit, in which it was clearly shown that Microsoft had used monopolistic business practices taken to the extreme, with something that is significantly less than a slap on the wrist. Microsoft has in the past, and continues today to use illegal monopolistic business practices. The punishment should fit the crime! Microsoft should be required to divest itself of all operations not directly related to it's operating system. This was one of the original, and in my opinion the best, possible consequences for their so blatantly breaking the laws of our country. I would like to go on record as strongly opposing the current settlement as it does not address in any way the behavior Microsoft exhibited (and again, continues to exhibit).

Thank You,  
Jonathan Scally

#### MTC-00002882

From: Larry Clements  
To: Microsoft ATR  
Date: 12/6/01 3:19pm  
Subject: Sanctions

The latest release of MS's new O/S should indite to you they are not going to pay too much attention to any lawsuit brought by your or by the AGs of the states. They are going to increase their monopolistic practices.

They feel they are too big to be bothered by rules and regulations.

Larry Clements  
Ojai, CA

#### MTC-00002883

From: B. Spyra  
To: Microsoft ATR  
Date: 12/6/01 3:22pm  
Subject: MS Settlement

To whom it may concern,

my name is Bart Spyra & I am briefly writing to you to state that I oppose the proposed settlement where MS would donate its own operating system along with hardware to schools in America. The reason behind my opposition is that I believe that this is just another means by which MS will be able to gain market share. This case was about anti-trust and MS was found guilty. Now it seems that instead of receiving a punishment they are receiving an award for their crimes. Now MS can legally put its competitors out of business as a "punishment" for illegally doing so. It just makes no sense whatsoever.

On the other hand I do support the idea of helping schools and giving those that are less fortunate a better chance in life. Thus, in my opinion I believe that MS should give the schools hardware of equal value as the software that they were originally going to offer. Red Hat has already offered to provide their open source Linux operating system free of charge to any and/or all schools in America if MS was to provide the hardware. This will support not only the schools and children, but will provide a fair punishment to a company that has been found guilty of seven counts of anti-trust.

Thanks in advance for your time & God bless.

Bart Spyra

\*ps remember that Red Hat is an American company as well. Therefore, by supporting them you are also supporting America, American technology and innovation.

#### MTC-00002884

From: Rubin Bennett  
To: Microsoft ATR  
Date: 12/6/01 3:10pm  
Subject: Proposed Settlement of Microsoft Antitrust case

I would like to share my thoughts regarding both the DOJ Final Judgement, and RedHat, Inc's response to Microsoft's proposed penalty phase.

First, I applaud the DOJ for your handling of this case. I agree with RedHat's point that the "penalty" phase of the judgement must not be used to further Microsoft's monopoly presence in any market, be it schools or otherwise. At the same time, I applaud Microsoft for their ostensibly giving spirit. I think it would be a fine thing if Microsoft wanted to donate PC's to schools. I believe, however, that the PC's should not come with a "Microsoft only" clause.

Asking Microsoft to put in additional monies in lieu of the price tag of the software, however, is not realistic and the folks at RedHat know it. Software licenses are essentially a "zero cost" item—that is, once the operating system is built, the owner of the copyright can make an unlimited number of licenses, and the only additional cost to them is the paper that the license is printed

on. Therefore, asking Microsoft to convert "zero cost" licenses into PC's on a dollar per dollar basis is quite unrealistic.

Taking the argument one step further, while I firmly believe that Microsoft must not be allowed to extend their monopoly by donating their product to schools, they must also not be required to further their competition (isn't fairness in business practices the cornerstone of this case?).

So I propose the following:

Enter a monetary figure as part of the judgement against Microsoft. Let Microsoft donate the computers, minus an operating system. The value of each system will be debited against the total judgement amount. If they wish, they may include as part of the settlement a budgeted amount for each system that may be spent on an operating system and installation. If the OS comes in under budget, then the total value of the donation will be adjusted appropriately. The total must not go over the allotted budget. This amount will also be debited against the total value of the judgement.

If RedHat wishes to install their OS at no cost, (another fine gesture) so be it- the cost of the system to Microsoft (and the amount debited against the total judgement amount) will reflect only the cost of the hardware.

Obviously, Microsoft may not "mark up" any portion of the system (hardware or software). A penalty is not supposed to be a source of profit.

Thank you for taking the time to read this message.

Rubin Bennett  
Rubin Bennett  
President,  
Complete Connection, Inc.  
(802) 223-4448  
[rbennett@completeconnection.com](mailto:rbennett@completeconnection.com)  
<http://www.completeconnection.com>

#### MTC-00002885

From: Bill Kasje  
To: Microsoft ATR  
Date: 12/6/01 3:49pm  
Subject: Where's the beef?

Despite the best intentions of the DOJ to punish Microsoft I don't see this settlement having much impact. I am a member of the hightech community with no axe to grind with Microsoft, having never competed directly with them. I have used their products for years and will continue to use them. But based on the verdict in the case I would have expected something more enforceable and dramatic. I'm not suggesting the breakup of the company, but perhaps requiring Microsoft to make Windows opensource. Unless something like that happens, Microsoft will be able to avoid competition because of its control of the OS. I don't believe the spirit of the settlement, as it is currently written, has a chance of being implemented.

Best regards,  
Bill Kasje  
Mirapoint, Inc.  
[bill@mirapoint.com](mailto:bill@mirapoint.com)  
(408) 720-3733

#### MTC-00002886

From: Matt aka joker  
To: Microsoft ATR

Date: 12/6/01 3:49pm

Subject: Microsoft Case

Oh great. Let's find Microsoft guilty of being a monopolistic corporation and then punish them by granting inroads to the one area that they didn't have their stranglehold on...Schools.

Apple holds the current top spot for school computer supplies. Yeah, I bet Microsoft is just crying in a corner about the punishment they have to endure. Come on people, extending Microsoft's reach is hardly a way to cut them back

Matt Snyder

"My car seems to run better when it has gas in it."

**MTC-00002887**

From: Matt aka joker

To: Microsoft ATR

Date: 12/6/01 3:49pm

Subject: Microsoft Case

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Matt Snyder

El Paso, TX

"My car seems to run better when it has gas in it."

**MTC-00002888**

From: Nancy Bobs

To: Microsoft ATR

Date: 12/6/10 7:49pm

Subject: Microsoft found Guilty, but rewarded

From:

J. Robert Suckling  
2904 Whitefield Rd  
Churchville Md. 21028  
phone: 410 436 2622  
email: bobs@strcat.com  
Dear US DOJ Rep.

I was just reading about how Microsoft Won the anti-trust computer operating system monopoly case.

It is true that the federal appeals court in June upheld the lower court ruling that the company used illegal tactics to maintain its Windows personal computer operating system monopoly. (quoted from Reuters news clip see URL below).

But the result was they won, since the penalty was to do a thing that helps them build there illegal computer operating system monopoly.

Any one knows if you teach the children to use products from only one vender, that this is a big win for that vendor. We need to find an alternative to this.

one example comes from a Reuters news clip [http://www.reuters.com/news\\_article.jhtml?type=businessnews&StoryID=391566](http://www.reuters.com/news_article.jhtml?type=businessnews&StoryID=391566)

Red Hat Inc. RHAT.O, the maker of the Linux <http://www.redhat.com> operating system that competes against Microsoft, proposed on its own offering every school district in the country its own open source

software free of charge, while encouraging Microsoft to spend its money on buying more hardware for the schools.

If Microsoft was required to field computers running non-Microsoft software this would teach your future that computers are not Microsoft. That there are other, even better computer operating system, then the microsoft product.

So in this case the money should be spend on hardware, not simply turned into something that costs Microsoft, next to nothing. Since the software is already written, and making a few copys will cost the software giant penneys, on thousands and thousands of copys.

Please see have it seen to that this illegal monopoly does not get away with self promotion, something they willing spend much more then this and do, as a punishment for being found guilty, in a most important court case. Open source software is the future. But Open source software is a gift to the public, and private donators can not afford the PR budget that the monopoly can afford.

Thank you

**MTC-00002889**

From: Dan Wessol

To: Microsoft ATR

Date: 12/6/01 3:54pm

Subject: Microsoft settlement

If Microsoft has been found in violation of the anti trust provisions of the US statutes then the "rule of law" must be applied (fairly) as it has in previous case history. Additionally it would seem reasonable that GSA procurement of ADP should require interoperability of all software applications. This would greatly benefit both the industry and the consumer and would discourage future violations of the anti trust laws in this domain.

Dan Wessol  
INEEL-Montana State University EMAIL  
=> wessol@cs.montana.edu  
357 EPS Bldg / CS Dept VOICE => (406) 994-3707  
Bozeman, MT 59717 FAX => (406) 994-4376

**MTC-00002890**

From: neff@dca.net@inetgw

To: Microsoft ATR

Date: 12/6/01 3:54pm

Subject: I think that the settlement proposed by the Department of Justice is essentially

I think that the settlement proposed by the Department of Justice is essentially a complete capitulation to Microsoft. They have used their monopoly power to standardize inferior, bug-ridden software in market after market. Only by breaking up the company can this behavior be eliminated.

Samuel Neff

**MTC-00002891**

From: Sherwood Botsford

To: Microsoft ATR

Date: 12/6/01 3:57pm

Subject: Proposed discipline for Microsoft.

I have several possible actions that DOJ could take against Microsoft:

Alternative 1: MS be required to license their software free of charge to any group that can demonstrate that:

A. It is a recognized charity under the laws of that country.

or

B. It is a reconnized not for profit educational establishment under the laws of that country.

This agreement would be binding on MS forever. Such licensing would not enable the recipient to technical support other than access to MS's web site. It would not include media and manuals, but would not prevent the user from duplicating media and manuals on their own. Microsoft could charge a reasonable charge for media and manuals.

Alternative 2: Microsoft be forbidden to sell an OEM version of it's operating systems for a period of 10 years. That is, a computer seller would not be able to preinstall any Microsoft OS. Only the final owner could break the shrinkwrap. (Much like the tags on mattresses and sleeping bags.)

This would have the effect of increasing the chance for competitive operating systems to get a foothold.

Alternative 3: Microsoft be split into two companies, one selling operating systems one selling software packages. The two companies would not be allowed to any directors in common. Any present shareholder owning more than 1/10 of 1% of the outstanding shares would have 1 year to divest themselves of one of the two companies. (This insures that they are separate companies.) For a period of 5 years, no consulting company could do work for both companies.

One of the resulting companies would be required to move outside the Seattle Metro area within 3 years.

Alternative 4: Any person who can demonstrate that they have purchased any version of a MS operating system at any point in the past either by showing:

A. Original installation disk or CD

B. Original license agreement with serial number.

C. Itemized sales receipt.

Be entitled to an upgrade anytime within the next 5 years to whatever OS they choose from MS's line at the time. This would be subject to a small media and shipping fee: Maximum \$20

**MTC-00002892**

From: BISHOP-BROWN, PAT (HP-Corvallis,ex1)

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/6/01 3:59pm

Subject: The Microsoft settlement.

This is an excerpt from a recent Red Hat newsletter:

"The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software." As an independent developer, I

wondered the same question, How does allowing Microsoft to inject their products into the public school system penalize them?

Apple has used the academic field as their introduction point for decades, to their profitable benefit.

Making Microsoft distribute the alternatives systems and software would be a penalty.

Pat Bishop-Brown

**MTC-00002893**

From: Paul Williams  
To: Microsoft ATR  
Date: 12/6/01 4:00pm  
Subject: The Microsoft Settlement?

Dear Sir

From what I can make out, this is not a settlement, it is a whitewash. Microsoft has acted in a monopolistic manner and it has not been punished nor has it been prohibited from acting in a like manner again. It has even, cynically, offered US schools product with which to indoctrinate the consumers of the future.

The original judgement which split the company into an operating systems part and an applications part would have offered the world real options. Yes my life a an IT Manager has been greatly simplified by the Microsoft monopoly in the same way as my predecessors was made easy by the dominance of IBM. However, I operate a mix of Windows and Unix machines. If the applications part of Microsoft was broken from the operating systems part, the applications would then be developed on all platforms, creating competition and flexibility for the users.

If this so called settlement is seen to be upheld, what hope does the common man have against the largest companies that can even buy their own justice?

Kind regards  
Paul Williams  
IT Manager  
Leamington Spa  
England

**MTC-00002894**

From: d Moran@doug Moran.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 4:01pm  
Subject: Microsoft "remedy" inadequate

I was VP of R&D at a computer security company and were strongly considering producing a version of one of our UNIX-based product for Microsoft windows because of strong interest from existing customers. We decided against it, with Microsoft's history of predatory practices being the crucial factor in determining that the development effort was too risky.

Each of our senior executives had experience at previous employers with Microsoft's predatory behavior towards partners, potential partners, and independent software developers. From what I can tell, the proposed settlement does nothing to change Microsoft's anticompetitive behavior—the few "remedies" appear to be easy for Microsoft to evade.

Public Policy issue: Because of Microsoft's practices, there is a much narrower range of computer security tools for Windows platforms than for UNIX variants. This

results in Windows platforms being more vulnerable to attacks (as has been amply demonstrated recently) which leads to substantial economic losses.

Douglas B. Moran  
790 Matadero Ave  
Palo Alto, CA 94306-2734

**MTC-00002895**

From: Jerry Smith  
To: Microsoft ATR  
Date: 12/6/01 4:04pm  
Subject: Microsoft Anti-Trust Suit Settlement

Dear Sirs,

I think that Microsoft should be slimmed down to JUST their operating system and all Applications should be in separate companys.

In this way all Applications that would use their Windows operating system would be equal on a level playing field.

This is just my two bits,

Jerry Smith—been in computers since 1962.

**MTC-00002896**

From: Billy Stephens  
To: Microsoft ATR  
Date: 12/6/01 4:06pm  
Subject: Mistake

As far as I'm concerned, this settlement is the DOJ trying to sweep Microsoft's illegal tactics and the fact that they have broken the law under a rug. Allowing Microsoft to spend some money and extend their monopoly even further doesn't give them any incentive to stop their illegal tactics.

**MTC-00002897**

From: Opnotic  
To: Microsoft ATR  
Date: 12/5/01 4:50am  
Subject: Thanks anyway DOJ.

Not only has control of our country fallen into the hands of Corporate Interest, but it seems that we (as citizens) are powerless to do anything about it. This case only shows that the real people running this country are the corporations themselves. Thanks anyway DOJ. Your solution to the problem in this particular case is not a solution at all. Guess we'll all realize that when we are willing to take another real look at the problems with Microsoft.—Predicted to happen within 5 years. I guess all I can say is I wish us luck next time because doubtless we will be here again.

**MTC-00002898**

From: Bob Perdriau  
To: Microsoft ATR  
Date: 12/5/01 3:04am  
Subject: Microsoft Settlement—Not

I read your settlement document.

The company (Microsoft) was found to be a criminal. There is no doubt about that. Last I looked, criminals in this country are punished. Sent to jail, fined and stuff like that.

Your settlement is bullshit. It does not matter that you think the government saves time and effort. The role of the government is to prosecute anyone that breaks the law.

That includes Microsoft.

Potential savings of time and effort and a "decent" outcome don't matter. Microsoft broke the damn law! They have to be

punished. Do it and do it now! Else, you make a mockery of justice in this country. There are too many other instances where the US is mocking justice these days.

*BTW, the idiots that wrote the crap you published in the Federal Register* don't know anything about real computing. The authors are idiots that merely know how to use Microsoft Word to type a really uninformed letter.

You can contact me at:  
Bob Perdriau  
354 Benvenue Avenue  
Los Altos, CA 94024  
(650) 941-1043  
bobp@marketwriter.com  
If you give a shit.

**MTC-00002899**

From: tony@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/5/01 3:28am  
Subject: Antitrust Settlement cut with Microsoft

Simply placing well defined restrictions on Microsoft has never and will never keep this company from using it's monopolist power to squash competetion. I know it, the Public knows it, the Industry knows it, and YOU know it.

Microsoft always finds a fuzzy path around any restrictions put on it by the government. At this moment in time it already basically owns the desktop computer software market and soon will control most of the way information is passed around on the Internet. Windows XP is a perfect example of Microsoft thumbing it's nose at the government and it's market competitors, yet the DOJ ignores or chooses not to understand how it will further Microsoft's monopoly hold on the tech sector.

I personally believe that the DOJ has sold out to 'big business'. The DOJ's 'deal' with Microsoft is a disgrace.

Regards,  
Tony Thedford  
Dallas, TX. USA  
CC:melody@thelab.net@inetgw

**MTC-00002900**

From: Mark\_ Morton@  
Mikronvinyl.com@inetgw  
To: Microsoft ATR  
Date: 12/5/01 8:12am  
Subject: 4 words—YOU SOLD US OUT!!

Justice? heheh . . . right . . . Its burns my ASS that we cant get those dollars back to feed kids. Even though it wouldnt be american children, it would be some other pour nation of the week, like Afghanistan right now . . . and justice for all.

Mark Morton

**MTC-00002901**

From: Alan Martello  
To: Microsoft ATR  
Date: 12/5/01 8:33am  
Subject: Proposed Microsoft Settlement  
To whom it may concern:

I am outraged that the same company that has monopolized operating systems and desktop application development for the past 10 years is being granted, courtesy my tax dollar and the U.S. Government, a new monopoly in our school systems.

Clearly, most of the people negotiating the deal have never sat \*FOR DAYS STRAIGHT\* (4 days this past week) in front of a Microsoft operating system trying to perform a relatively simple task which simply can't be done due to poor planning on Microsoft's part. "But in our free market economy" (I hear the critics charge), "this would change as market forces would propel them to make changes."

\*NOT WHEN YOU HOLD A MONOPOLY\*

And just in case their stranglehold on desktop operating systems is not strong enough, let's allow them to put \$1 Billion dollars of their product in our schools.

. . . oh, and by the way . . . let's see . . . if the OS + Microsoft desktop apps (Word, Excel, etc.) costs (conservatively) \$500 retail BUT the CD and distribution material costs them (in quantity) around \$0.25 (seems reasonable since I can get 1,000 CD's manufactured for less than \$1 each), that means their \$1 Billion settlement is worth 1/2000th of that or \$500,000 in real cash (not "lost sales", REAL CASH!).

Let's see . . . perhaps Bill G., Steve B. and Paul A. can set aside a hand in their weekly poker game to cover the settlement. \$500,000 is a pretty small sum to buy a government sanctioned monopoly in our schools.

Do the people negotiating the DOJ settlement honestly thing this is a good idea?

At a minimum, the \$1 Billion settlement to benefit schools should be for HARDWARE ONLY which each school district or state should get directly. In that way, Microsoft can't use it's \$1 Billion hardware purchase to put the screws to local vendors or make a sweetheart deal with one of the big multi-national hardware companies that Microsoft routinely is discovered in bed with making backroom marketing and distribution deals.

In closing, let me add that my company has made its livelihood using Microsoft products for almost ten years. While they do bring some useful offerings to the marketplace, their unembarrassed attitude as they strongarm the industry has resulted in my working LONGER HOURS for LESS MONEY because of INFERIOR MICROSOFT PRODUCTS. Any significant competition is simply silenced by driving them out of business. Is there any other definition of a monopoly?

I feel outraged and frustrated that it is going to take the EU to show the DOJ what backbone is about when it comes to negotiating with the world's largest software monopoly.

Alan Martello, Ph.D.  
President  
Martello Associates Inc.  
5575 Pocusset Street  
Pittsburgh, PA 15217  
alan@cleverfolks.com

#### MTC-00002902

From: MBEDTOM@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 4:12pm  
Subject: Settlement

Gents,

I am squarely against any settlement in which Microsoft benefits from its predatory practices. Microsoft continues to be a predator and such a proposed settlement

rewards, rather than punishes Microsoft for past deeds. A punitive arrangement would have Microsoft buy Macs for the poorer schools on OS X. Even better, Linux on standard PC platforms. Linux is already free—make Microsoft buy and maintain the hardware. That's punitive. Rewarding Microsoft by extending their monopoly into poorer sectors of education is dumb. If I refuse to pay income taxes will the DOJ punish me by making me tax exempt? Where do I sign up?!

Cheers!

Tom Farrand

#### MTC-00002903

From: Keith Bellows  
To: Microsoft ATR  
Date: 12/6/01 4:10pm  
Subject: DOJ/Microsoft Antitrust Settlement

To whom it may concern,

By forcing Microsoft to give away it's software free to anyone does nothing more than perpetrate the monopoly that Microsoft now cherishes. This does nothing more than play into Microsoft's hands.

Please I implore you to think this through before rendering a decision of this magnitude. Most people do not care how a computer works only that they can use it. Microsoft's O/S product offerings are substandard and very buggy. Yes the latest releases are better but let me point to the simple worms and virus that are continually being released which take advantage of Microsoft Windows vulnerabilities. These issues have been with the software for years, Microsoft claims to develop patches for them but NEVER does fix the real problem.

By forcing schools to use Microsoft offerings because they are free would be a huge disservice to those schools and in my opinion puts the Gov't in the back pocket of Microsoft. There are tangible alternatives to Microsoft for Operating Systems (O/Ss) as well as applications that are low cost or no cost. It has been my experience that as often as not that the free or low cost software works as well if not better than the Microsoft alternative. Allow these schools the opportunity to use what they want for an O/S.

What the schools really need is the Hardware and not some 5 year old junk computers that can barely run under today's requirements. If you feel that Microsoft needs to give away something then force them to buy Hardware for these schools!

I live in Washington and am in the technology industry, any kind of judgement that is worth rendering could affect our economy. I say do it, the law is the law and Microsoft broke it. If the products the company offers are as good as they say they are they will be continue, in a true and free market, to be a leading technology provider. Let them prove themselves against real competition.

Sincerely Yours,

Keith Bellows  
Keith Bellows  
Sr. Technician  
Technical Support Engineering  
http://www.itron.com  
Itron Inc.  
2818 North Sullivan

Spokane, WA 99216  
509.891.3621  
"Knowledge to Shape your Future"

#### MTC-00002904

From: Allen Akin  
To: Microsoft ATR  
Date: 12/6/01 4:11pm  
Subject: Microsoft Settlement  
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]  
784 Palo Alto Avenue  
Palo Alto, CA 94301  
December 6, 2001  
Ladies and Gentlemen:

In the interest of saving time, I'll begin with an executive summary. If those conclusions are all you need, you can skip the discussion.

#### SUMMARY

The proposed settlement in the Microsoft antitrust case is unacceptable, for at least the following reasons:

1. The prohibitions in section III are appropriate and well-intentioned, but suffer from loopholes that allow Microsoft to achieve the effect of the prohibited conduct through other means.
2. Additional constraints are needed to cover other areas which Microsoft uses to protect and extend its monopoly.
3. The Technical Committee as envisioned in the proposal is too weak to carry out its duties effectively.
4. The duration of the settlement is too short.
5. There is no penalty for Microsoft's illegal conduct. Without such a penalty, there is no reason to expect Microsoft (or other offenders) will avoid similar illegal conduct in the future.
6. A truly effective settlement requires much more stringent action now, in order to discourage more Microsoft conduct that is damaging to consumers as Microsoft expands into Internet commerce, entertainment, news, and reference information, as well as acting as a repository for vast amounts of personal data.

#### DISCUSSION

Concerning the provisions of Section III:  
III.A is ineffective, because the volume discounts specifically allowed in III.B can be structured so as to make competing platform software economically infeasible. Microsoft has used similar tactics (e.g. per-CPU licensing) against competition in the past.  
III.C will be ineffective as long as Windows continues to be structured so as to promote Microsoft products and services automatically and continually, no matter what changes an OEM may have applied to startup screens and menus. This technique is ubiquitous in Windows XP. (Try it; you'll find that the constraints in III.C.3 are already obsolete.)

III.D. To the extent that MSDN is a for-fee subscriber-only service, it is not acceptable as a distribution mechanism for the documentation described in this section, because the fee schedule and processing of subscription requests are subject to abuse. Microsoft has exploited precisely this technique in the past. Guaranteed open

distribution, without fee, via a website, using data formats that are defined by non-proprietary specifications, would be a better approach. Also, it's not clear that the definition of "Timely Manner" is truly timely; a better one might be based on the completeness of the APIs involved, rather than the beta test of an entire operating system product (which will not necessarily be in synchronization with the development of many of the APIs).

III.E. The definition of "Communication Protocol" is appallingly weak in a technical sense, leaving provision III.E essentially meaningless. The key requirement that you should be targeting here is that Microsoft must provide sufficient documentation for a third party to develop compatible non-Microsoft software for any software component participating in a transaction. A traditional network communication protocol may be a part of this process, but it can also be made totally irrelevant, thus circumventing III.E.

III.F. Due to the loopholes afforded by III.F.2, it is not clear that there are any cases in which III.F.1 could be enforced. Also, III.F.1 specifically does not include critical Microsoft products such as Office, which are also used as instruments of retaliation.

III.H. The provisions of III.H.2 are excellent, however the loophole provided subsequently (in the second instance of III.H.2) renders them meaningless. Microsoft can designate irrelevant, but proprietary, functionality as a technical requirement, thus shutting out competing middleware. As an example, only a few weeks ago it blocked competing browsers from accessing msn.com on grounds that were later revealed to be specious.

III.I. This provision seems carefully designed to sabotage so-called Open Source software projects, which require the freedom to implement standards without royalties or sublicensing restrictions. If this provision is adopted as proposed, it could eliminate much of Microsoft's potential competition at a single stroke. As mentioned above for III.E, the key requirement here is that third parties (including Open Source developers) be able to develop compatible components for use in a Microsoft-based framework.

III.J. By invoking this provision, Microsoft can easily undo the effects of III.D, III.E, III.H, and

III.I. The conditions under which Microsoft can do this may seem well-defined legally, but they are unsound in a software-engineering sense, and thus render much of Section III moot. This is a large topic which I would love to discuss at more length, but time does not permit that here.

Concerning issues not mentioned in Section III:

There is essentially no relief with respect to Microsoft Office, a critical tool Microsoft uses to maintain and extend its monopoly power. At the very least, the data file formats and data exchange protocols used by Office must be available under terms similar to those of the Windows Platform APIs. Otherwise, initiatives such as .NET (which involves tight integration with Office) will simply obsolete the provisions relating to the Windows Platform.

Similar comments apply to .NET itself.

Concerning the Technical Committee described in Section IV.B:

IV.B.2. TC members are required to be "experts in software design and programming," but cannot be employed by Microsoft or "any competitor" to Microsoft, and cannot subsequently be employed by Microsoft or a competitor. Given the scope of Microsoft's presence in the industry, you may find it difficult to find any software expert who is not employed by Microsoft or a competitor. Even academic institutions could be construed as competitors if they are involved with Open Source software development, as is often the case.

IV.B.3. Microsoft selects one TC member, who then has one of two votes in selecting a third. If there was ever a case of the fox guarding the henhouse, this is it. I can imagine few more effective ways to render the TC toothless.

IV.B.9, IV.B.10. The lack of transparency in TC operations is disturbing. There is no way for outside entities (including parties who may have been wronged by Microsoft anticompetitive conduct in the future) to determine whether the TC is acting in good faith or even is well-informed.

Concerning the duration of the settlement: Reviewing the past history of anticompetitive behavior by Microsoft, it is clear that five years is far too short a term.

Concerning penalties:

It is ASTOUNDING that the proposal does not include a meaningful penalty for Microsoft's past behavior. The inadequacy of the proposal must be obvious from this alone. Through illegal actions, Microsoft has destroyed dozens of other companies that were true sources of innovation in the industry, artificially maintained (and in some cases even raised) high costs to consumers, and extended its monopoly power in PC operating systems to acquire other markets. To allow this behavior without consequence is clearly negligent.

Concerning the context of this case:

Today Microsoft enjoys nearly total dominance of the personal computer software market.

Whether or not it achieved this dominance in a legal manner, it has been convicted of maintaining its monopoly illegally. It has certainly shown by its attempts to manipulate legal and political systems that it has no compunction about applying its ruthless competitive techniques in other venues.

Consider that Microsoft already has presences in other significant areas of American life: news distribution (MSNBC), entertainment (XBox), history and reference documents (Encarta). There have already been concerns about Microsoft abusing its power in some of these areas (particularly rewriting history in Encarta).

Consider that Microsoft is moving (through .NET) to establish a central control of business transactions throughout the Internet, and (through Passport) to a central control of personal credit and marketing data.

In most of these cases it is leveraging (in the non-legal sense) its monopoly to obtain critical advantages against competitors.

Consumers have already incurred significant damage from Microsoft's behavior.

If we do not act now to establish an effective firewall against future illegal and unethical activity, I have no doubt that Microsoft will extend its influence to ever larger markets, while reducing the ability of consumers and of governments to limit its abuses.

CLOSING

In sum, I believe the proposed settlement would not be effective in constraining Microsoft's behavior, and probably would encourage future violations of law, as Microsoft would be aware that such violations carry few consequences. Perhaps we will find ourselves in court once again, after Microsoft has used its monopoly illegally to destroy yet more innovative companies; sabotage additional open, public standards; and establish more chokeholds on consumer access to digital information and services. Perhaps we will not, because next time Microsoft will have learned to manipulate the government as effectively as it now manipulates the computer industry.

Sincerely,  
Allen Akin  
Cc: California Senator Dianne Feinstein  
California Attorney-General Bill Lockyer

**MTC-00002905**

From: Lana Weed  
To: Microsoft ATR,microsoft  
comments@doj.ca.gov@inetgw,...  
Date: 12/6/01 2:24am  
Subject: Microsoft punished for violating the law—must be tough

To all of the Attorney Generals,  
Please do not let Microsoft off with such light punishment. They knew what they were doing and are showing the world, with enough money and guts you can bluff your way out of anything. They are still grinding up business after business in the same egotistical way they did in the past. They crush competition by getting into that market and with so much money in the war chest are monopolizing even more. They are now doing browsers, service providers, software, television, what is next? Maybe here in Seattle I will soon be working for MS Boeing!!!!

They did the crime, its time they did the punishment. Its your job to set it up according to the law, so they and others won't again. If you are too soft it gives them and everyone who will copy cat a green light to try it again.

Sincerely,  
Lana Weed  
10308 42nd Ave NE  
Seattle, Wa 98125

**MTC-00002906**

From: Jeff Silverman  
To: Microsoft ATR  
Date: 12/6/01 2:04am  
Subject: Comments on the settlement with Microsoft

Dear Department of Justice,  
I am told you are interested in public comment on how the DoJ is handling the Microsoft case. So, in a caring and respectful way, I want to tell how I feel about it. You caved.

You beat them in the court of popular opinion, and you beat them in Federal Court, and you beat them at the Supreme court.

They lied under oath, and they still lost. Why did you stop? Where is the gusto, the passion for justice, the mantle of protecting the people from a big, bad, greedy corporation?

Was it the Bush administration watching out for its corporate constituents? I hope not, because a lot of Microsoft's victims are also companies. They have spend much much more on software that doesn't work, and people to support the software that doesn't work. I can't tell you how many hours I've wasted in the past year trying to get technical support from my friends at Redmond. Those hours come out of the bottom line. Was it a bribe, such as a Microsoft's offer to cover the states legal fees if they would drop the case? Was it the events of September 11th? Was it a lack of computer expertise? God, I hope not: there are thousands of computer experts all over the world that hate Microsoft with a passion and would leap at the opportunity to help you.

I could easily bore you with all sorts of reasons how and why Microsoft software is awful and unoriginal: I'm a computer expert. Are you interested? Start at my web site, <http://www.commercialventvac.com/jeffs/OS-comparison.html>

Sincerely yours,  
Jeff Silverman

Jeff Silverman, PC guy, Linux wannabe, Java wannabe, Software engineer, husband, father etc.

See my website: <http://www.commercialventvac.com/jeffs>  
[jeffs@mail.commercialventvac.com](mailto:jeffs@mail.commercialventvac.com)

#### MTC-00002907

From: Lana Weed  
To: Microsoft ATR,microsoft  
comments@doj.ca.gov @inetgw,...  
Date: 12/6/01 1:54am  
Subject: Microsoft punished for violating the law—must be tough

To all of the Attorney Generals,  
Please do not let Microsoft off with such light punishment. They knew what they were doing and are showing the world, with enough money and guts you can bluff your way out of anything. They are still grinding up business after business in the same egotistical way they did in the past. They crush competition by getting into that market and with so much money in the war chest are monopolizing even more. They are now doing browsers, service providers, software, television, what is next? Maybe here in Seattle I will soon be working for MS Boeing!!!!

They did the crime, its time they did the punishment. Its your job to set it up according to the law, so they and others won't again. If you are too soft it gives them and everyone who will copy cat a green light to try it again.

Sincerely,  
Lana Weed  
10308 42nd Ave NE  
Seattle, Wa 98125

#### MTC-00002908

From: Maurice Bauhahn  
To: Microsoft ATR  
Date: 12/6/01 4:16pm  
Subject: Extremely disappointed with impunity granted Microsoft

The recent rulings concerning Microsoft did not seem to indicate justice is going to be done. This company does not operate by the normal rules of competition. It does whatever it likes ... and we computer users are (increasingly) the poorer for it. Its increasing license charges reflect its monopolistic status. Many innovative competitors have been forced from the scene by its monopolistic status.

As far as I am concerned ... you have not done your job!

Sincerely,  
Maurice Bauhahn (US citizen)  
2 Meadow Way  
Dorney Reach  
MAIDENHEAD SL6 0DS  
United Kingdom  
Home Tel: +44(0)1628 626068  
Work Tel: +44(0)1932 878 404  
Web: <http://www.bauhahn.clara.net>  
Email: [bauhahn@clara.net](mailto:bauhahn@clara.net)

#### MTC-00002909

From: Bob Hyland  
To: Microsoft ATR  
Date: 12/6/01 4:16pm  
Subject: My Views

I work in the Information Sciences field and generally believe that Microsoft is a solid company that they follows ethical business practices. However, in a few instances, I believe they have stepped over the line.

In general, I believe that if a company provides a better mousetrap (in this case, an operating system that actually delivers integrated services) then they should succeed and prosper. Some people would argue that Microsoft produces mostly marketing, and that the "mousetrap" itself is inferior. I think this argument misses the point.

However, Microsoft has been heavy handed in a few instances. They are known for signing deals with companies, gaining access to proprietary information and then developing their own product with that insight gained. Examples include: OS/2 —> Windows 3.0 and Sybase —> MS-SQL. These helped establish Microsoft's monopoly. Before this time period, Microsoft was a bit player.

Now that Microsoft does have a strong hold on the market, I believe it is important to ensure that Microsoft do not use their position to crush the competition. For instance, if Microsoft began including, free of charge, Microsoft Money with their operating system, how many people would purchase Quicken?

Intuit represents a \$1.3 billion company with over 6000 employees that Microsoft could snuff-out relatively easily.

Finally, if Microsoft does step across the line and harm another company, I believe that they need to have a strong message sent to them that this behavior will not be tolerated. This is why I believe that any forward-looking agreement must include automatic provisions for future transgressions, and that these provisions need to be scary. Sample scary provision: forfeit 50% of gross revenues for each quarter during which the company engages in <specific activity>. A \$3 Billion-plus "Sword of Damocles" will get the attention of their board and their stockholders (of which I am one).

The bottom line: I believe companies need a great deal of freedom in order to generate revenue and value, and thus stimulate the economy. And, if they can compete successfully and become huge, that is great!

However, we do need to keep a close eye on these giants such that they do not adversely affect competing companies and the customers they serve.

Bob Hyland, PMP  
14 Berry Oaks Lane  
Glendale, MO 63122  
[BobHyland@usa.net](mailto:BobHyland@usa.net)

#### MTC-00002910

From: Alva Anderson W5VCJ  
To: Microsoft ATR  
Date: 12/6/01 4:16pm  
Subject: Microsoft settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: [aanderso.cw@verizon.net](mailto:aanderso.cw@verizon.net),  
[inetgw,Roger Anderson](mailto:inetgw,Roger Anderson)

To whom it may concern:

There has been a lot of talk in the past few years about "monopolistic" practices by Microsoft, and I'd like to address these from a slightly different viewpoint than what you may normally hear expressed. First, let me state that I am in no way associated with Microsoft, nor any of the defendants or complainants, nor do I own stock in any of the companies that I am aware of participating in the suit. As a final disclaimer, I am not a lawyer, nor have I been privy to any special information about the case. However, I am a software engineer that has programmed under a variety of operating systems including Windows, various UNIX, and many others over a span of some thirty years.

We have heard it said that Microsoft has a monopoly in the operating systems software market, and that the simple fact of promoting its own operating systems amounts to 'monopolistic and anti-competitive practices'. This argument is seriously flawed, and flies in the face of historical fact.

The various operating systems known collectively as 'UNIX' began in the mid-sixties. It has evolved over time to become one of the finest operating systems ever produced. Because of its proprietary nature, and Federal actions that prevented AT&T from marketing it openly, several "versions" based loosely on the original code were developed by a number of entities. Until the early 1990s, both the hardware requirements (memory & disk space) and software licensing (price) requirements had kept it out of the "mainstream" desktop market. A claim could also be made that the technical expertise required to install, administer and maintain it were prohibitive for most potential users. So, in the early 1990s, a consortium was formed to standardize the system API, and simplify the installation and maintenance of UNIX. However, due to a number of factors (called competition) on the part of Sun, Novell, the X Consortium, and others, the effort never resulted in a serious market penetration in the personal desktop market.

In early 1984, Apple computer introduced the Macintosh and Lisa computers. This

computer system was a quantum leap forward for personal computer users, and, as the court is well aware, heralded a new ease in operating systems for home PC users. However, this also was proprietary operating system, and even the hardware interface was closely guarded (legally) by Apple Computer. It is interesting to note that when the Macintosh made its debut in January, 1984, most of the applications that ran on it had been developed by Microsoft under a contractual arrangement.

I believe Microsoft could see the handwriting on the wall, and immediately set about developing its own system that could compete with the GUI interface of the Apple Macintosh. When I first saw this machine in May or June of 1984, I immediately bought one of the Macs and enrolled as an Apple Certified Developer. Like Microsoft, I realized that this GUI interface was the "wave of the future".

Then, in about 1991, a Norwegian student, Linus Torvalds, began developing a "free" UNIX clone as a consequence of his graduate thesis on Intel 80386 memory management. This operating system, now known as Linux, was not based on any of the original UNIX code, and was brought under the umbrella of the Free Software Foundation's "Copyleft" licensing scheme. What is the point of all this? The point is that the various versions of the Windows operating system have succeeded not due to any monopolistic practices by Microsoft, but by what I believe is gross incompetence, greed, mismanagement by Microsoft's competitors, and, perhaps most importantly, by the choice of the consumer!

In the industry, it is generally agreed that Microsoft Window was not a viable commercial product, nor for business nor on the desktop, until the introduction of Windows 3.0 in mid- to late-1991. What happened to all the competitors' products during that time? Why did they not make any progress on the desktop? Sun had been in the UNIX market for at least all of the 1980s, and 'X' (the UNIX GUI interface now licensed by the X Consortium) had been around for years. Apple had practically mismanaged itself out of existence, tied up tens of millions of dollars in lawsuits against Microsoft and others, and tried to "live on its laurels". And this does not even cover the other companies like Commodore that, in some cases, had superior operating systems, viz. the Amiga. So what happened?

Competition happened, and the consumer spoke. Microsoft won convincingly, in an open market. Is Windows a "superior" operating system? Not in my opinion. It is one of several operating systems I use at home, but my heart is in UNIX. Let's look at what is available.

The cost of licensing UNIX software is prohibitive for home users. While Sun had a period of time where they "gave away" Solaris 7 for the x86 environment, the cost of their compilers are \$3000 and up. And where are all the applications? The cost of Adobe Framemaker is at least \$1000 per seat, and most of the other application software is likewise prohibitively expensive. Most of this software is targeted to the business market, by choice of the manufacturer. In other

words, they have chosen to keep their prices high, or disregard the home market.

The promise of Linux (and Free-BSD and others) may never be realized in the home market, though it has made—and continues to make—real progress in the server market. Companies like RedHat have created "distributions" that make the installation of these UNIX clones available to the desktop user. This operating system software was "free" (to RedHat and others), meaning they do not have to pay any licensing fees. Since I like UNIX, I really like this system, but it does not have the dearth of applications that make an operating system popular, and it is just barely usable by most non-technically savvy users. While Adobe experimented with a beta version of Framemaker for the Linux market, it decided not to market it. Why? It is my belief that management either could not find a way to get customers to pay roughly \$1000 per seat, nor could they find a way to reduce the cost of a product without conflicting with the per seat cost to their business customers. In other words, their price would have to come down to an affordable price. Nor have they apparently felt it desirable to port their other desktop applications to the Linux platform. In addition, there is competition between the GUIs used for the desktop in Linux: Motif, XFree86, GNOME, or KDE. With this kind of confusion, who could blame the consumer—or Microsoft?!

The are, of course, thousands of applications for the current version of the Macintosh. But, where Microsoft tries to maintain a backward compatibility with application vendors (not always possible), the Apple Mac history has been one of changing architectures, higher prices, "evangelism" to lure and keep consumers, and non-compatibility even with their own products. So, what is the complaint against Microsoft? Is it that they gave consumers what they demanded, and that they gave it to them for a price that they willing to pay while others were not? Are we to damn Microsoft for building an empire that the others had a chance to build, even with a head start of a decade or more, but did not or could not build? In my humble opinion, what we are seeing is the result of pure greed and envy on the part of Microsoft's competitors, and a desire to force consumers to pay more by throttling Microsoft.

There are many things that Microsoft has done that I do not like nor agree with. But I am NOT forced to buy their operating system. I can get Sun Solaris, OSI, BSD, Linux, Mac OS-X, ad infinitum, but I cannot get them for the same price as Windows XP, nor any of the other Microsoft operating systems. More importantly, I cannot get the applications that I want on most of the other platforms. Is this what Microsoft is to be "punished" for?

If the court—i.e., you—decide that any company is to be punished for its virtues, you enable the incompetent, the second-handers and the moochers to lay claim to all that they could not or would produce. This is a slap in the face of morality, and one which Nature will not allow the United States to get away with. The court can choose which values it wants to protect, but it

cannot escape the consequences of that decision. If it chooses to reward and protect individual effort, a free market, and the right to act on one's own decisions, then it acts to protect "traditional American values".

If, and only if, Microsoft has threatened its vendors or competitors, which would make the contracts null and void under [at least] ICC 201(g), should the court take action against Microsoft. On the other hand, if the court finds that Microsoft has not done this, it should send the complainants packing "with prejudice".

Thank you for the courts' consideration.

Sincerely,

Alva Anderson, Jr.

219 Martin Drive

Wylie, TX 75098-4847

#### MTC-00002911

From: Foerster, Scott

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/6/01 4:17pm

Subject: my opinion

Microsoft needs to separate products into these categories: applications

GUI Manager (like) GNOME GUI (X11) operating system

Microsoft should not be allowed to come out with new application unless it runs on the top three GUI and GUI managers.

Microsoft should not be allowed to release any more operating system version upgrades (products that are separately named, advertised and licensed) until they produce GUI/GUI manager that runs on the top three operating systems value added resellers (those that sell hardware and software combinations) should be allowed to control desktop advertising. Operating system vendors and/or GUI vendors should not allowed to be able to control context (advertising icons)

Scott Foerster

Senior Network Engineer

Advantage Sales & Marketing

410.715.6672

Columbia Maryland

#### MTC-00002912

From: Lee Pauser

To: Microsoft ATR

Date: 12/6/01 4:27pm

Subject: [Fwd: MS vs DOJ]

To whom it may concern,

Below is my comments regarding the proposed Microsoft Antitrust settlement:

1. The settlement (like the previous settlement) does not punish Microsoft for its past transgressions. It is has monopoly powers, and abuses them.

2. Giving software to schools is a low cost item to Microsoft because it doesn't cost much to burn another CD. It also helps entrench their products, and hinders competitor's products.

3. Years ago I bought a Dell computer. I wanted to buy it without Windows because I ran IBM's OS/2, but was told that I would have to pay more if I didn't get it with Windows. (Does this make sense???) So I bought it with Windows for a lesser price, and then formatted the hard disk, and installed OS/2. Effectively I had to buy Windows, but I didn't want it. This settlement in no way punishes Microsoft for

their consumer unfriendly licensing agreements, nor reimburses me for my having to buy Windows.

4. When I bought Window/ME, it included Internet Explorer, and other applets which I don't want. I use Netscape, and always have. I am being forced to have IE when I don't want it. The other applets that Microsoft includes are shallow in function, and I purchase more robust products when I need them. However, I pay an increased cost for things that I don't want.

5. Microsoft has a practice of initially providing new applets for free—e.g. IE and their multimedia player. (It cost Microsoft \$10million to develop IE, and they gave it away for 'free'—Over charging for other products made up the \$10 million.). This practice either hinders or drives the competition out of business—e.g. Netscape, Apple Quicktime, RealPlayer. Later the applet gets included in their OS—Windows/W2k/XP. We need to keep the OS and applets separate products, and let me buy what I want/need. (If I buy a car, I can get an after market CD player if I want to—I don't have to buy the manufacturer's CD player.)

6. This settlement is a farce, and is a political solution—not a solution mandated by the antitrust laws.

7. The judge overseeing the settlement is inexperienced and unqualified for an antitrust case of this proportions.

8. Microsoft claims to be innovative—they are very innovative at developing ideas of others, and masking unfair their trade practices.

9. What is good for Microsoft is not good for the nation.

10. I urge the remaining 9 states, and the EU to aggressively pursue a settlement worthy of Microsoft's flagrant behavior.

Thank you for hearing me out. I have little faith left in the court system, and that my comments will sway any decision.

Leon Pauser

#### MTC-00002913

From: Scott Bicknell  
To: Microsoft ATR  
Date: 12/6/01 4:30pm  
Subject: Microsoft Antitrust Class-Action Settlements

Please explain how letting Microsoft distribute thousands of copies of its software to our nation's schools, which amounts to nothing more than a way for Microsoft to extend its monopoly, punishes them for monopolistic behavior.

In the interests of full disclosure, you should make public exactly what software you use to run your computers.

Scott Bicknell  
815 Creek Dr.  
San Jose, CA 95125  
(408) 266-9692

Linux never goes down on me. . . .  
. . . . even when promised dinner and a movie.

#### MTC-00002914

From: Derek Meek  
To: Microsoft ATR  
Date: 12/6/01 4:30pm  
Subject: Settlement Will be ineffective  
Bill Gates is a smart man, I'll give him that. Smart enough to produce the even more

proprietary Windows XP while in court for anti-trust.

Also, you may want to investigate companies like Qwest possibly getting kick-backs from Microsoft for only supporting their products—for example the Intel PRO/DSL 2100 Modem which is licensed to Qwest and no linux drivers—and when you call qwest or intel about that they give you the run around. Why allow the monopolist to continue to strangle the american public with their far inferior operating system by doing things like this—and also attempting to proprietize internet protocols, etc. Linux and other operating systems are more robust, more servicable, customizable, interoperable, etc.

What you have done his slap Mr. Gates on the hands and have done NOTHING to him—you have not weakened his monopolistic position, or changed his behavior, he continues to behave in a monopolistic manner, and will continue to do so until he no longer has the market share that he doesn't deserve. The only way to remedy the problem is compulsory support for Linux operating system for all hardware manufacturers and major software firms—including microsoft with their Office and other software suites.

Derek "Kazan" Meek  
"God is dead."—Nietzsche  
<http://freespace.volitionwatch.com/babylon/>  
Founder Alliance Productions  
Programmer: AP FreeSpace 2 Kit, AP Red Faction Kit  
<http://alliance.sourceforge.net>  
UT: ZEB Clan Web Coordinator

#### MTC-00002915

From: Derek Meek  
To: Microsoft ATR  
Date: 12/6/01 4:32pm  
Subject: Oh of further comment  
By allowing microsoft to spend \$1 billion dollars to put computers running their OS in the schools of america you are HELPING them be a monopoly by putting the poorest schools in the country in monopoly lock! You should consider Red Hat Software's proposal that Microsoft purchase the hardware and Red Hat provides the operating system and support.

The general population lives with Microsoft Windows because they do not know that there is something better out there, linux.

Derek "Kazan" Meek  
"God is dead."—Nietzsche

#### MTC-00002916

From: sayre@quadlogic.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 2:57pm  
Subject: software donation

To the Department of Justice:  
Please rethink the proposed settlement. Microsoft will further extend its grip on the U.S. computer market by introducing its software into poor schools. This will provide further incentives for third party developers to develop only for the Microsoft platform, a key factor in Microsoft's stranglehold on the computer market.

Sayre Swarzauber  
CEO

Quadlogic Controls Corp  
New York, New York 10010  
(Manufacturer—user of Linux servers and Windows desktops)

#### MTC-00002917

From: Richard Kelsch  
To: Microsoft ATR  
Date: 12/6/01 4:41pm  
Subject: Microsoft government payoff

The proposed settlement with Microsoft's anti-trust violations amounts to a joke. I understand some may think it may be good for a lagging economy, but those with those misguided thoughts have forgotten why those anti-trust laws were made. They were made to protect commerce and competition. It is common knowledge, not just judicial precedent, that their business model is to stomp on all competition by numerous illegal or barely legal marketing practices that only a financial behemoth could afford to do long enough to put the competition out of business. (they see a good product, copy that idea and make it part of their operating system on the next OS release). They have not innovated or invented any technologies they currently claim as their own. All have been duplicated in operation and function as their competition was marketing as a separate software product, or the competing company has been absorbed into the Microsoft software devouring machine.

Microsoft giving free systems and products to schools essentially gives a whole new generation of computer users indoctrination to Microsoft products and not a healthy environment of alternatives. What you have essentially done was assist Microsoft in their next underhanded move. How many other competing companies can afford to give free products to schools and such without a major hit to their ability to make a profit? This same technique is what made Microsoft the over powered beast it is today.

A world without a big Microsoft behemoth that squashes all competition and extorts huge licensing fees from it's already locked in customers and instead many competing companies with competing products makes for business and a healthy economy. This country was founded to allow the little guy the ability to live the American dream, not to give a far too powerful corporation the ability to literally control the market (with strong arming and bullying) they are supposed to compete in.

I don't see how you think saying "bad boy" and it's business as usual, is going to help our economy? Punish companies like Microsoft that abuse our capitalistic system by quashing competition. Restore competition and you'll restore the economy to a healthy state.

My final words are this analogy: "What if the computer world were likened to the automobile world? What if there was only one major car manufacturer in the world setting and making all of the standards for the industry? Let's assume you demanded high licensing fees to just be able to drive that car each year? The only competition was various "kit car" groups making specialized and higher quality cars, but unable to compete with the big monopoly which stomps on those that try to compete with

them. Some of these small groups may make money making special addons to increase performance on the monopoly's vehicles. A CEO at the monopoly likes these addons, they reverse engineer the addon or extort the rights to the addon from the small company (by threatening to release one anyway to compete with them or sell to them now to save them time) and offer the addon as a standard inclusion in their next model car and then claim the car wouldn't work without it."—That's Microsoft if they were a car company.

Thank you for your time,  
Richard Kelsch  
Supporter of Capitalism

#### MTC-00002918

From: Lou Guerriero  
To: Microsoft ATR  
Date: 12/6/01 4:44pm  
Subject: I believe the DOJ settlement with Microsoft is a farce.

I believe the DOJ settlement with Microsoft is a farce. Microsoft should be broken up, and the browser should be separated from the Operating system. It can be done manually, and I HAVE done it many times on every version of their OS.

Microsoft's claims to the contrary are complete fabrications, and indications of their utter disregard for the truth.

Microsoft eats up or destroys any competition. They DO make standards, which is good. But they smother innovation. All they ever do is add bloat to their programs, and provide little new in the way of stability for their premier product, Windows.

Microsoft's settlement will do nothing. Change that. Separate their business lines.  
Regards,  
Lou Guerriero

#### MTC-00002919

From: Paul Kagan  
To: Microsoft ATR  
Date: 12/6/01 4:45pm  
Subject: Microsoft Antitrust Case Settlement  
To whom it may concern (if anyone),

I am dismayed at the terms of the Federal Government settlement with Microsoft. Microsoft has shown itself to be possibly the most voracious monopolist since the start of the industrial era, yet the settlement seems to contain neither punishment nor cure. Bill Gates has often claimed that his company has provided the engine for driving down the price of increasingly powerful computers. This is plainly not true. While Intel, Motorola, AMD, and other American innovators have brought us faster and more powerful machines at lower prices, smaller sizes and lower power consumption, the Microsoft component, Windows, has become larger, slower and dramatically more expensive per unit.

Microsoft has trumpeted their innovations, but has in reality offered mostly bundling of market tested ideas and features, developed by true innovators whom Microsoft then engulfed, pirated, or destroyed. Microsoft copied the graphical interface (Apple and PARC), the browser (NCSA and Netscape), the spreadsheet (Visicalc and Lotus Dev.), the high level database language (dBase II), the

current disk file system, disk compression (Stak) and the PC based e-mail client. Where have they innovated? Universal Serial Bus (USB) was available in hardware before it was available in windows, and for the unlucky who had the first version of Windows 95, Microsoft never made an upgrade available; Windows 95 "rev B" and "C" were not available as upgrades, only as OEM new install versions. Therefore the only option was to buy a new OS or a new computer to get this feature, even if your system already had it!

How has this helped American technology? Microsoft still blaies about the "new Technology" in Windows NT, and about the tried and proven NT core in Windows XP. This technology is largely based on the venerable Digital Equipment Corp. OS, VMS, 1980's vintage software. They compete with more inventive "early adopters" in Internet portals (MSN vs. AOL), music distribution (Media Player vs. Real Networks), gaming (X Box vs. Playstation and Nintendo consoles), Internet finance (MS Money vs. Intuit Quicken, et. al.) Web Servers (MS IIS vs. Apache), and hand held organizers (Windows CE vs. Palm OS). In all cases, the Microsoft desktop hegemony is used to hobble other players. The sum total result is that America pays more to get less, and Microsoft enriches its investors at the expense of consumers and the US government.

Now the US Department of Justice is willing to help Microsoft to force its software on schools in the guise of a punishment? I believe those tears MS is crying are crocodile tears. The DOJ is actually helping to shoehorn MS software into a market that has largely chosen to not use it, a market that is well served by Microsoft's only commercial competitor, Apple. I question the DOJ's understanding of this technology market and I challenge the validity of using taxpayer money to comfort an operation that has engaged in such egregious, illegal, and anti-American behaviors.

Sincerely,  
Paul A Kagan

#### MTC-00002920

From: Erik Luther  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 4:48pm  
Subject: Microsoft Antitrust Settlement  
To Whom It May Concern:

This settlement is the worst possible outcome for consumers. I must admit I don't know all the particulars of the settlement but on its face, it sounds like you have performed Microsoft a service. My understanding is that Microsoft was found guilty of violating anti-trust laws. The punishment is for them to spread the Microsoft operating system and software into new markets, i.e., low income school systems. MS will not change its practices and stands to gain tremendous rewards on this deal. I hear the 'free' software is a limited time offer. Five years to be exact. This is not even a slap on the wrist! This is a manicure!

Every poor soul who starts using MS software will be enslaved to endless and useless upgrades. (Useless is a bit harsh; however, I find that most of the upgrades

provide little in the way of features and alot in the way of bugs.) You have no choice but to accept these upgrades if you want to communicate with others using MS products. Backwards compatibility is a joke to MS. Even different versions of Office 97 can have difficulty reading files. MS seems to change file formats endlessly, making older systems obsolete. I have personal experience with this in cases of Word, Powerpoint and Access.

Erik Luther

#### MTC-00002921

From: Malcolm Dean  
To: Microsoft ATR  
Date: 12/6/01 4:46pm  
Subject: The Redmond Monopoly

No one doubts that the future will bring more computers, of every kind, everywhere, including Government.

If the Government cannot come to grips with Microsoft's monopoly, what hope is there for Government to control its own creeping automation? A prime goal of government is to secure future opportunity. If such a deceitful monopoly is tolerated, what opportunities will be denied? Microsoft Fraud Analysis:

<http://www.billparish.com/msftfraudfacts.html>  
Microsoft Nightmares:  
<http://www.aaxnet.com/topics/nightmare.html#money>

Malcolm Dean  
Writer, Editor, IT Strategist  
1015 Gayley Av #1229, Los Angeles CA 90024-3424  
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213-401-2197 fax  
Recent publications:  
Contributing Editor, DesktopLinux.com  
The O'Reilly Network  
(www.oreillynet.com/pub/au/228);  
CertMag; Certification Corner  
Former News Editor, Maximum Linux, XML Journal

#### MTC-00002922

From: Marilyn Traber  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 4:50pm  
Subject: Microsoft Anti-trust Proposals

As an unfortunate user of Windows, I have an interest in this whole mess. I can remember a time when I could buy Windows without Outlook, it came as a separate disc. I had no trouble with Windows interfering with my Netscape, and I had fewer system problems overall.

I would love to see a program in place where those of us who do not want Outlook or any of the other linked subprograms [briefcase, wallet and the like] could essentially 'turn in' our version of Windows and in return get a plain, unadorned version of the current windows [I happen to have had 3.11, 95, 98 and now Me.]

I also have to seriously complain about the new Xp version of windows. I have an associate who just bought a brand new computer to replace a damaged computer. She brought it home, and discovered several very disturbing things about it.

Firstly, there is no DOS environment on the machine, so all of her older DOS environment programs will not function. It

has to be plugged into a phone line to even turn it on for the first time and it automatically dials up Microsoft before she could do anything. If she adds a program, or takes one off, it automatically dials up microsoft and reports in. She couldn't upgrade her Works with a non-XP version of Office, nor could she load the older version of Office—she had to go out and buy a newer version of Works Suite to just get Word on her machine.

To me, this is even MORE of a monopolistic behavior—before you at least could use you older programs in DOS rather than have to go out and buy new programs to have what was in the older machine. ME, I just want plain unadorned Windows, like when I had 3.11! Marilyn Traber

**MTC-00002923**

From: Patrick Rachels  
To: Microsoft ATR  
Date: 12/6/01 4:59pm  
Subject: My Opinion

As a citizen and a customer of Microsoft I do feel that Microsoft is pushing it's way into everyone's life and in some cases leaving no possibilities to change to any other O.S. for some people out there.

There are applications that are only available to Microsoft OS's when they should be available to all OSC's.

Microsoft also doesn't offer the stability that other Operating Systems do. You'd think that with such a large corporation they'd put in the time and the money to make their Operating System stable, efficient and reliable.

The same reason that people buy cars and trucks. But with vehicles you buy one brand of car and that brand of car can carry people just like all the other cars. You buy a truck and that truck can carry equipment and supplies just like the other trucks. Microsoft Monopolizes by only making things available to their OS and then they don't set up their OS to Utilize the computer fully.

Also making Red Hat Linux available to the schools would show our new generation of students that there is more available to the world then just Microsoft. That there are more possibilities and that computer can be utilized to their full capacities. That not everything is expensive.

Red Hat Linux will also give those in computer programming classes a chance to learn more and explore many possibilities since Linux is the chosen OS for hackers because the OS can be suited to the user and is computer programmer friendly.

Patrick Rachels  
Former Microsoft User  
Soon to be Linux User

**MTC-00002924**

From: Marshall Schaefer  
To: Microsoft ATR  
Date: 12/6/01 4:59pm  
Subject: Micro\$oft

I cannot purchase a new personal computer from any of the major computer assemblers (Dell, HP, Compac, Etc.) with Linux operating System preloaded. If I load a Linux operating after purchase I will void my warranty. My personal opinion is: Micro\$oft (MS) will cease providing their OS

to the OEMs if they dare provide an Linux OS (i.e. Red Hat, SuSE, Mandrake, etc.) for a PC, other than their own. THERE IN LAYS THE MONOPOLY!!!

In reference to any punishment handed out to Micro\$oft, it should be severe. MS wants to corner the market on anything pertaining to software. If they get off easy they (MS) will continue their monopolistic ways.

Respectfully  
Marshall Schaefer  
1ragu@gte.net  
Using Linux and loving it!!!

**MTC-00002927**

From: Leslie Selits  
To: Microsoft ATR  
Date: 12/6/01 5:01pm  
Subject: It takes money to make money—and they have it . . .

I believe there are two (one?) nagging questions . . .

1. Is Microsoft big enough to be able to 'crush' any competition they choose to? (and)
2. Will they?

Look at their past and 'guess' at their future plans . . . . . and #1—seems they are nearly big enough to buy what ever they want . . . .

Of course, a 'move' to Canada (or another off-shore location...) should be pretty cheap . . . surprised they aren't already packing . . . but then maybe Bill likes to 'win' on his own turf???

Geo

**MTC-00002928**

From: John Fabiani  
To: Microsoft ATR  
Date: 12/6/01 5:04pm  
Subject: I'm not happy

Hi,

I'm a user of microsoft since 1984. I believe you are doing the wrong thing in settling with Microsoft. And your deal to allow microsoft to donate computers and software to schools will hurt more than help the industry (Apple). Please do what can be done by govt to stop microsoft from destroying the industry.

John Fabiani  
18 Tadlock Place  
Woodland, CA 95776

**MTC-00002929**

From: Ralph  
To: Microsoft ATR  
Date: 12/6/01 5:13pm  
Subject: poor judgement

When I read the some what skimpt details of the present D O J settlement, MY first thought was how much did microsoft donate to political parties to buy this out and out miscarriage of justice.

The LAW WAS OBVIOUSLY ignored by microsoft and full punishment should be meted out.

Any thought of the present day financial outlook to avoid punishing a obvious law breaker. is simply not acceptable, These actions in the past are the reason for such problems today . The many small companies that were put out of business by microsoft probably amounts to more job loss than any shut down of microsoft, but I do not advocate putting microsoft out of business, how ever it should be broken up just as was done with

the phone companies and the implementing of these large mergers this country is tending to lean to is just more of the same in the works because this settlement simply tells companies "do what you want we aint going to look"

I think "GOVT. BY BUSINESS for BUSINESS against the people has gone on long enough"

Ralph Hudson

**MTC-00002930**

From: Timothy Payne  
To: Microsoft ATR  
Date: 12/6/01 5:11pm  
Subject: Microsoft

I must say I was not pleased to see you fold your tent and go home near the end of a long court case. So will this be a habit of yours? O.J. Simpson, Bill Gates, Mega Drug Co. . . Just out spend the government and they will just give up.

What is the J in DOJ? Just-don't make us work hard?

BTW. . . I am a conservitive and read the Wall Street Journal every day.  
tim@tmpco.com

**MTC-00002931**

From: Al Andres  
To: Microsoft ATR  
Date: 12/6/01 5:10pm  
Subject: Microsoft Settlement.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Asst. Attorney General:

Please see the attached string of e-mails to get support from Microsoft for removal the backup and restore functionality in WIN2K and WINXP that was available in WIN95, WIN98, WIN98SE, and WINME. This type of response to customers, and stating that "This behavior is by design." This design plan therefore restricts uses of older Microsoft solutions from continuing to be able to continue to do business who upgrade from one Windows operating system to another. I object to this type of business conduct, and believe it to be inappropriate, if not illegal. See this Microsoft website's answer to this issue: Article ID: Q205588 from <http://www.microsoft.com/windows2000/support/search/default.asp> Thank you for your consideration of this information.

Allan A. Andres  
120 Wilmont Circle  
East Fallowfield, PA 19320-4274  
610 466-9651 RES  
610 466-7968 FAX  
email: aaandres@yahoo.com

----- Original Message -----  
From: "A1 Andres" <aaandres@yahoo.com>  
To: "Microsoft Standard Email Support" <mssupport@microsoft.com>

Sent: Monday, December 03, 2001 9:04 AM  
Subject: Re: Re: Windows Update Support Request

As you know, I own a registered copy of both WIN98SE, and WIN2K. One would expect backward compatability on a backup program from either of these two operating systems. I believe all of those who migrate to XP will also share this same frustration, as there is no indication that I know of that tells

you that if you have used MSBackup to make a copy of your data in the QIC format, that once you upgrade to WIN2K you won't be able to restore any of those files.

If I can't get an answer to this problem, I plan to call the Department of Justice, Anti-trust Division, and see what they have to say about this situation. I may also see about filing a class action lawsuit on behalf of so many of us that are in the same situation, both WIN2K and WINXP customers who previously owned WIN95, WIN98, or WINME, and whoever did a backup with those versions.

A response is expected to the question that has been asked now for 2 months without any reasonable response other than to contact the OEM vendor from whom I bought this computer. It is not their problem, it is a MICROSOFT problem that needs resolution.

See below on audit trail of this issue:

Hello Allan,

Thank you for contacting Microsoft.

I apologize for the inconvenience this has caused Allan. Since you have indicated you have been unable to access your case online, I have pasted the entire case history below for you review:

Allan Andres

Phone: 6104669651

Fax: 610 466-7968

Email: aaandres@yahoo.com

Community: PROVAP

Respond to me by: EMail

System

261616 kbytes RAM

I586II—1330 MHz MHz

WINNT 5.0.2195

Problem

Having problem with Office Prem 2000 for Win 2000.

C Important—Severity C

PID: 50637-757-0689417-02704

Before buying a NEW system with WIN2K, I did a full backup using MSBackup on my old system (WIN98SE). The file was saved as a QIC file. Now under WIN2K I can't open this to restore data, mail files under Outlook Explore, and document files, as QIC is not supported in MSBackup under WIN2K Professional. How do I restore files from my WIN98SE MSBackup QIC files created under WIN2K Backup?

Good Afternoon Allan,

Thank you for using Microsoft Web Support.

The Support Professional assigned to your case has determined that your issue pertains to Microsoft Windows 2000, and that you would be best assisted by a Support Professional who specializes in that area.

Please assist us in processing your request by providing the Product Identification Number for your Windows 2000. To locate this number:

1. Click Start, point to Settings and then click Control Panel.

2. Double-click the System icon to open System Properties.

3. Click the General tab to find the 20-digit number under the "Registered to" line.

Once we have this number, we will be able to provide you with the support options available for your copy of Windows 2000.

To add this information, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

\* \* \* RESEARCH LOG esrintf 09/27/01

02:17:15 PM

51873 OEM 0003461 35834

The files are Word, Excel, Powerpoint, etc files that I need to extract from the QIC files. If you try to tell me to go to the OEM provider of the system, I disagree with that assumption. This is a WIN2K issue no matter where the WIN2K software comes from. This is a SYSTEMS problem in my opinion, and I expect an answer on this, or a vendor to contact that can solve this matter.

\* \* \* Log # 3

\* \* \* Log # 4

\* \* \* EMAIL OUT 01-Oct-2001 01:57:29

Pacific Daylight Time

K2519415 10/1 cu says. . .

I have updated this incident with the data requested. Please provide an answer.

Thank you.

\* \* \* Log # 5

\* \* \* PHONE LOG 01-Oct-2001 01:57:41

Pacific Daylight Time Hello A1,

Thank you for contacting Microsoft.

For your convenience, we have forwarded this e-mail to your Support Professional.

In the future, you may submit updates to your SRZ cases directly.

1. Go to <http://support.microsoft.com/support/webresponse-nc.asp> and select the type of support you used to submit this issue.

2. Highlight your case in the list. At the bottom of the page, click Create Supplement.

3. If you are unable to access your case from this link, please send e-mail to [wrhelp@microsoft.com](mailto:wrhelp@microsoft.com), and we will add your supplement and/or send you a copy of your Support Professional's last log entry.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Ronald

Microsoft Online Customer Representative

\* \* \* RESEARCH LOG esrintf 10/01/01

02:59:22 AM

So what is the solution. The latest response is just another "no response".

\* \* \* Log # 6

\* \* \* Log # 7

\* \* \* PHONE LOG 23-Oct-2001 09:15:50

Central Daylight Time Good Morning Allan,

Thank you for using Microsoft Web

Support.

We appreciate the additional information you have provided and apologize for the delay in response.

We appreciate that you have taken the time to let us know your feelings about the "OEM" support options. We consider customer feedback an opportunity to improve our business. We have forwarded your comments to the appropriate department.

However, the fact still remains that this is not a retail version of Windows and is an "OEM" version.

Since the letters "OEM" appear in the Product ID number, your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of your computer holds the rights to your "out of package" warranty,

which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer.

Microsoft does offer support in a secondary capacity. I have included those support options below for your convenience, as well as a list of manufacturer's phone numbers and links to support sites.

Manufacturer's phone numbers and sites:

<http://support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp>

Web-based technical support from

Microsoft is available at <http://www.microsoft.com/support/>

If you are unable to resolve your issue using our online self-help services, in order to receive assisted support, you will need to create a new case.

You may submit your technical support

issue by going to <http://support.microsoft.com/support/webresponse.asp> and clicking "Submit a

Question Using Pay Per Incident (PPI)

Support"

If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800-936-5700.

If you have any further questions concerning your issue, please create supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

\* \* \* CASE CLOSE 23-Oct-2001

09:16:11 Central Daylight

\* \* \* CASE REOPEN 27-Oct-2001

10:31:11 Central Daylight

\* \* \* Log # 8

\* \* \* PHONE LOG 27-Oct-2001

10:34:35 Central Daylight Time

Reply-To: "A1 Andres"

<aaandres@yahoo.com>

From: "A1 Andres"

<aaandres@yahoo.com>

To: <[wradmin@microsoft.com](mailto:wradmin@microsoft.com)>, <[wrhelp@microsoft.com](mailto:wrhelp@microsoft.com)>

Subject: Re: SRZ010924000209

Date: Thu, 25 Oct 2001 12:35:32-0400

I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

Kana2599275

\* \* \* Log # 9

\* \* \* PHONE LOG 27-Oct-2001 10:49:56

Central Daylight Time a\_cwhite Action

Type:Incoming call

Good Morning Allen,

Thank you for again contacting Microsoft.

According to the information you have provided, your Microsoft products were included with your system.

If this is correct, your copy of Microsoft software was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement you are using a version of software that was designed to be sold with a new PC and has been licensed to your hardware manufacturer. When the OEM elected to include this product on their machines they also agreed to provide the primary product support for the Microsoft software. When an OEM decides to preinstall software (Microsoft and

most other software brands) on a computer, the OEM makes a licensing agreement for the right to distribute software on their computers. Once the OEM purchases the licensing rights to the software, the majority of the rights of the software are put under the control of the OEM.

This is noted in the End User License Agreement found within your software. Since we are not always able to notify every user directly when changes occur, we publish major changes on our Online Support Web sites. Please visit: [http://support.microsoft.com/directory/OfficeXP\\_Q\\_A—USAFinal.asp](http://support.microsoft.com/directory/OfficeXP_Q_A—USAFinal.asp) for more information about Microsoft's new support policies.

Available from the Microsoft support web site are several self-help options, including our Knowledgebase, Troubleshooting Wizards and Peer-to-Peer Newsgroups. Our Knowledgebase contains over 90,000 articles written by our engineers, for end users. Your fellow users may have a few suggestions if you post your issue to our Peer-to-Peer Newsgroups.

Our engineers are available 24 hours a day, 7 days a week for most products through our Pay Per Incident Service. To submit an incident to our engineers via the web, please visit: <http://support.microsoft.com/support/webresponse.asp>

Once there select 'Pay Per Incident Support' If you would prefer to speak to one of our engineers over the phone, they are available to assist you at 800-936-5700.

I apologize for any inconvenience you have experienced while trying to resolve your Outlook Express problem. Microsoft will be more than happy to help you resolve your technical issue, within the boundaries of our support guidelines.

In our previous emails, we have provided you with information on how to submit a Pay-Per-Incident support request via phone or Web Response. We have also included information on how to contact your OEM vendor, as well as information on our self-help informational services. I would invite you to utilize any of these options.

By utilizing any of the options submitted to you for obtaining support on this issue, you may assure a more positive experience in the future. I wish you the best of luck in resolving your issue. However, as the primary point of contact for support is the OEM vendor, and not through Microsoft, we have offered options under the parameters of support as it currently stands on your case number SRZ010924000209. I will be happy to forward your comments and suggestions to the appropriate group.

If you have any other questions about your case, please let us know.

Thank you,  
C. Loretta White  
Microsoft Online Customer Support  
Thank you.

\* \* \* CASE CLOSE 27-Oct-2001  
10:50:55 Central Daylight Time

If you have any additional questions, please let us know by replying to' this message. Please include your original message in your reply so that all the necessary information is readily available to us.

Thank you,

Paul  
Microsoft Online Customer Representative  
From: aaandres@yahoo.com  
Received: 11/5/01 8:22 AM  
To: Web Response Help  
Subject: Fw: SRZ010924000209  
Original Message Follows:

WHY CAN'T I GET A RESPONSE TO THIS ISSUE?

Original Message  
From: "A1 Andres" <aaandres@yahoo.com>  
To: <wradmin@microsoft.com>;  
<wrhelp@microsoft.com>  
Sent: Thursday, October 25, 2001 11:35 AM  
Subject: Re: SRZ010924000209

I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

Original Message  
From: <wradmin@microsoft.com>  
To: <aaandres@yahoo.com>  
Sent: Monday, October 01, 2001 5:00 AM  
Subject: SRZ010924000209  
Incident: SRZ010924000209

There has been activity on the incident that you submitted. Please go to Online Assisted Support (<https://webresponse.one.microsoft.com/wrscripts/wr.asp?SR=SRZ010924000209>) to check on the activity at your earliest convenience.

THIS MAILBOX IS NOT MONITORED—  
For further assistance, email  
wrhelp@microsoft.com  
Original Message

From: "Microsoft Standard Email Support" <msupport@microsoft.com>  
To: "al Andres" <aaandres@yahoo.com>  
Sent: Sunday, December 02, 2001 1:53 PM  
Subject: Re: Re: Windows Update Support Request

Hello Allan,  
Thank you for using Microsoft Web Support.

Allan, I understand that you would like to know if you can extract the MSBACKUP program from your WIN98SE CD to your WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

I would like to inform you that the warranty support for Windows Update site is limited to site navigation and downloads only. Since your issue doesn't involve any of this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

I apologize for any inconveniences this issue may be causing you and understand that it is frustrating.

If you have any additional questions, please let us know by replying to this message.

Thank you,  
Vivek  
Microsoft Online Customer Representative  
Original Message Follows:

It's a pretty simple question, and it's a MICROSOFT issue, as you have created the loss of backward compatibility.

Can you answer the question: Can I extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

— Original Message —  
From: "Microsoft Standard Email Support" <msupport@microsoft.com>  
To: "A1 Andres" <aaandres@yahoo.com>  
Sent: Thursday, November 29, 2001 4:19 PM  
Subject: Re: Windows Update Support Request

Hello Allan,  
Thank you for using Microsoft Web Support.

I apologize for the inconvenience caused. Please allow me to kindly offer my fullest attention towards your concerns.

I understand you would like assistance with Windows 2000. For assistance with this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

The letters "OEM" appear in the Product ID number, which indicates your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of the computer holds the rights to your "out of package" warranty, which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer. Allan, Microsoft also has support options available to you. I have included those support options below for your convenience as well as a list of manufacturer's phone numbers and links to support sites.

To locate the listing of manufacturer phone numbers and Web sites, go to  
<http://support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp>

Web-based technical support from Microsoft is available at <http://www.microsoft.com/support/>

If you are unable to resolve your issue using our online self-help services, you may submit your technical support issue through Online Assisted Support. For more information, go to

<http://support.microsoft.com/directory/question.asp>

Allan, If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800-936-5700.

Pay-Per-Incident support for consumer products is available at a rate of \$35 per incident.

Thank you,  
Sowmya  
Microsoft Online Customer Representative  
Original Message Follows:

Contact Information  
First name: Allan

Last name: Andres  
 Email Name: aaandres@yahoo.com  
 Phone: 610-466-9651  
 Fax:  
 Time zone: Eastern  
 Submit Date/Time: Wednesday, November 28, 2001 at 09:45 AM Pacific Time

#### System Configuration

Internet Browser: Internet Explorer 6.0  
 Operating System: Windows 2000

#### Professional

Computer Make: MicroFlex  
 Computer Model:  
 CPU Speed:  
 Memory (Mb of RAM):

#### Detailed Information

Issue Type: Other  
 Component Name:  
 URL:  
 Error Type: Other  
 Question Title: Restoring a QIC file on WIN2K

#### WIN2K

Detailed Problem Description :  
 I need to know if I can extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

#### Other Information

Internet Service Provider: Comcast  
 Method of Connection: Local Area Network (LAN)  
 Windows PID: 51873-OEM-0003461-35834

#### MTC-00002932

From: Phil Blake  
 To: Microsoft ATR  
 Date: 12/6/01 5:15pm  
 Subject: Amazed

I find it amazing that you have elected to show the world that the kind of illegal, and immoral business practices Microsoft have proved so expert at, is A OK.

I do understand though, that Microsoft are heavy sponsors of your department and therefore you will not find harshly against them. Another fine example of how easy it is to purchase liberty and expand the definition of freedom for the rich by the US courts. Why am I surprised.

Looking forward to the movie deal—which will no doubt allow micro\$oft to profit further from the illegal actions you condone.

#### MTC-00002933

From: Dennis cONDER  
 To: Microsoft ATR  
 Date: 12/6/01 5:15pm  
 Subject: Fw: Attorney General John Ashcroft Letter

----- Original Message -----

From: "Microsoft's Freedom To Innovate Network" <fin@MobilizationOffice.com>  
 To: <dconder@creative-net.net>  
 Sent: Thursday, December 06, 2001 10:55 AM  
 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. 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.

For more information, please visit this website:

[www.microsoft.com/freedomtoinnovate/](http://www.microsoft.com/freedomtoinnovate/)

#### MTC-00002934

From: David Smead  
 To: Microsoft ATR  
 Date: 12/6/01 5:13pm  
 Subject: Bad settlement!

The government made too many concessions that will just legitimize the monopoly they hold on software.

Sincerely,  
 David Smead

<http://www.amplepower.com>.

#### MTC-00002935

From: Don Ledford  
 To: Microsoft ATR  
 Date: 12/6/01 5:06pm  
 Subject: Settlement

I'm very disappointed with the settlement.

I've been through several hi-tech startups and now own a small Software company located in Bellevue, WA. I've watched Microsoft grow from it's inception. Microsoft is a client and I have many friends who work for the company, but MS is clearly an abusive monopoly. It has generated huge profits at the expense of consumers—simply compare the cost/performance of desktop hardware versus software in 1982 and today. And remember software does not have any significant manufacturing costs. The price of most MS software is not controlled by competitive pressure and MS execs would be doing a poor job of managing the company if they did not seek to maximize profits. MS's management will continue to use all of the company's resources to protect its profits and market position.

MS uses its monopoly position on the desktop and huge financial reserves to smother any innovation which might threaten its monopoly. Today all MS has to do to kill a new idea or fledgling company is simply mention a vague interest in that market. Venture capital will dry up immediately. VCs will not try to compete with Microsoft's monopoly and finances.

So—I was stunned with the decision. Excuses such as: "MS has a big impact on the US economy"

"If MS were split up we'd just have 2 big monopolies" are simply wrong.

I'd like to know who's responsible for this decision.

Don Ledford  
 don/ledford@surfworx.com

#### MTC-00002936

From: John B. Gibson  
 To: Microsoft ATR  
 Date: 12/6/01 5:18pm  
 Subject: Microsoft Settlement  
 TO: DOJ  
 FROM: JOHN GIBSON

To whom it may concern,  
 I believe that the settlement should only require price gouging and fair competition be available to all parties. I also think that Microsoft earned their success and should not be denied their own success. Our country is in a recession and hampering the success of Microsoft was the beginning. Microsoft is a technology. Technology is a media for others and a form to communicate one's idea's and share interests. Since it's foundation that has been true, I believe that there should be a board to overlook the practices of Microsoft periodically and those people that do so should be of high integrity.

I trust our department of justice to make the decisions that will be in the best interest of this country and look forward to your decision.

Sincerely,  
 John Brian Gibson  
 429 Emerald Street.  
 Camden, NJ 08104

#### MTC-00002937

From: Rowan Blaqflame  
 To: Microsoft ATR  
 Date: 12/6/01 5:22pm  
 Subject: disappointed

I'm a developer. I see the practices of this giant monopoly crush the little guy. I've seen new technologies come along just to have Macrosquash crush them and have the technology disappear. I was excited when the AT case started.

I'm extremely disappointed with the fact that a judge ruled them a monopoly and then our gov did nothing. In fact, all I've seen happen are some stock changes, which have since recovered better than before. Can you do nothing right? Can't you even follow up on your own decisions?

Even now they continue the practices they have followed since the beginning. Innovation is still stifled for half implemented crap.

I truly believe that MS must have paid off those in charge, how else could this obvious travesty of justice occur.

Scott Woods

#### MTC-00002938

From: Terry Hulseberg  
 To: Microsoft ATR  
 Date: 12/6/01 5:05pm  
 Subject: Microsoft Settlement

Comments:

Please don't allow Microsoft to payoff it debt to society by allowing it to donate \$830 million dollars worth of software. This is hardly a penalty to Microsoft as all it really costs them is media and shipping, maybe \$1 million. (The claimed value is a market value for sales which Microsoft isn't likely to get.)

Additionally, this gift would be anti-competitive to Apple and other suppliers to the school system as it would shut them out of a billion dollars of business with the schools.

Thanks.  
Terry Hulseberg  
HULSEBERG CONSULTING  
+1.720.294.9665 eFAX

#### MTC-00002939

From: Stephen Mandas  
To: Microsoft ATR  
Date: 12/6/01 5:22pm  
Subject: FW: Under the Brim Red Hat  
December 2001

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Red Hat. Under the Brim. December 2001.  
Dear Sirs:

The United States of America, in fact the world at large, will greatly benefit from the existence of more than ONE single home computer operating system. Microsoft created the home computer market and we are all thankful for their accomplishment, but now with Microsoft avidly competing in all three separate computer software areas, Operating System, Operating Software (such as Word), and Internet Browsing Software, the only real choice let to us is which hardware system you will put your Microsoft Computer [sic] on.

Linux is an operating platform that provides that much needed competition. What is even more important is that Linux has additional benefits, such as:

(1) Linux development reflects Americans' do-it-yourself attitudes. Linux is open to be developed by anyone and the source code is shipped with the final product. Microsoft hides its source code. Using Linux is like buying a car directly from Henry Ford and Henry himself is willing to show you how it tinker with it. Using Microsoft OS is like paying for a car that you do not own, that you cannot open the hood to look at let alone touch the engine, and that only Microsoft Gas is guarantee work well in it.

(2) Linux is safer. Unix machines and now their close cousins Linux machines have always been security minded from the first days when they were used to build our national defenses and the atom bomb. Also look at the recent plague of computer viruses, which have at times crippled parts of our industry. Those viruses only attack Microsoft products. In fact Microsoft states in its publications that it uses UNIX machines to produce distribution software CD's to prevent the accidental introduction of Viruses.

(3) Linux is neighborly. Linux will run application software made for Microsoft windows operating systems. Microsoft will not run programs made for Linux machines.

(4) Linux is yours to own and does not come with strings attached. Once you own Linux software it is your property and you can do whatever you want with it. This includes making copies and giving them away to all your friends. It also includes putting a nice label on the Linux copy and selling it for as much as you can. Microsoft products never sell you their software. They allow you to use it for a time period. With

the advent of Microsoft XP, that time period now has a limit and strict use criteria.

Bill Gates, the entrepreneur, saw the value in the DOS software, kept the rights to it in opposition to the corporate giant IBM, and developed it into the bedrock of home and business computing that Microsoft OS is today. Now the tables have turned and Bill Gates, the corporate giant, stands in the way of today's software entrepreneurs. If the early Bill Gates had corporate giant Microsoft standing in his way, the home computer and today's information based lifestyle may never have happened. The question to ask is, "What beneficial changes can the people who see the value in Netscape, Linux, Star Office, and all the other open license software products bring to us if Microsoft's monopoly is broken?"

Please review the Offer that Red Hat Linux has made to you with a favorable eye. Accepting their offer could begin to level the computer OS playing field and teach diversity in are poorest schools.

Stephen Mandas

— Original Message —

From: Red Hat  
[mailto:RedHat@redhat.rgc2.net]  
Sent: Thursday, December 06, 2001 1:44 PM  
To: smandas@rcc.com  
Subject: Under the Brim Red Hat December  
2001

December 2001  
@ redhat.com @ Contact Sales @ Store @  
Products and Services @ Support @ Training  
in this issue

a.. Red Hat responds to Microsoft antitrust,  
class-action settlements  
RED HAT RESPONDS TO MICROSOFT  
ANTITRUST, CLASS-ACTION  
SETTLEMENTS

November was a busy month for Microsoft and the US judicial system. It began when the Department of Justice announced it had reached a settlement of the antitrust suit against the company. The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.

The DOJ is collecting your letters about the settlement via email. We encourage you to share your opinions, send your letters to: microsoft.atr@usdoj.gov Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products.

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software.

@ Read About the Class-Action Settlement

@ Read Red Hat's Response

At a hearing on November 27, Red Hat executives testified on behalf of our

settlement counter-proposal. Currently the judge presiding over the case is undecided on whether to proceed with the settlement as proposed.

Want to get involved?

Start at the Open Source Now website:  
@ OSN

Join the Legislative Alerts list. We'll send you information on the latest public policy issues that affect open source as they happen.

@ Legislative Alert Sign Up

Join the Open Source Now mailing list. This your opportunity to speak directly with members of the open source community, educators, and Red Hat employees about open source advocacy.

@ OSN List Sign Up

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UNDER THE BRIM CONTEST 26:  
SUBLIMINAL MESSAGES III

For last month's contest, we asked you to pull the hidden message out of the following statement given by Bill Gates after the Microsoft settlement.

"The settlement is fair and reasonable and, most important, is in the best interests of consumers and the economy."

Here's what you came up with:

Honorable mention #1 goes to John in Ada, Oklahoma for . . .

"Naa Naa Boo Boo"

Honorable mention #2 goes to Jon from

Texas, who found . . .

"Nail the consumers"

And the winner of Contest 26, hailing from Atlanta, GA . . . Jason, who found what Bill was really trying to say . . .

"Let me resume"

Thanks for playing. Interesting side note: This contest breaks a string of two straight wins by the South African contingent of the UTB audience. Although one now lives in London, it turns out our last two winners grew up going to school together in Port Elizabeth, South Africa. Small world. . .

UNDER THE BRIM CONTEST 27: THE INK  
BLOT TEST!

We're two.

In this month's Under the Brim Contest, we shift our attention from the subliminal thoughts of Bill Gates to the thoughts of, well . . . you. To participate, all you need to do is read the following subject, then click on the URL below and tell us in 50 words or less what you see.

Subject: A world without Microsoft.

@ Click Here to See Image

The winner receives the latest edition of Red Hat Linux Professional.

To enter, send your interpretation to:  
feedback@redhat.com

If you don't mind, include your physical location (country/state/city/whatever) when you send your entry. As always, if you don't want to see your name or location in the newsletter, say so. Obscene entries will be ineligible and will be sent to Santa with a recommendation for him to put an X beside your name in the "Naughty" column.

The above email is intended for people who have opted to receive Under the Brim from Red Hat. If you think that you have received this email in error, please accept our apologies. Simply click on the link in the section below and we'll make sure that you do not receive this kind of email from Red Hat again.

Copyright, 2001, Red Hat, Inc. All rights reserved. We mean it.

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**MTC-00002940**

From: Bill Wahl  
To: Microsoft ATR  
Date: 12/6/01 5:22pm  
Subject: Microsoft Settlement

It would be best for everyone if this case were settled as negotiated without giving special dispensation to the nine states who refuse to agree. Each of those nine states represent special interests in the form of Microsoft competitors and it appears to me their rejection of the settlement is purely politically motivated. Please put this legal morass away so technology may continue to achieve positive growth.

Respectfully,  
William Wahl  
700 SE Shoreland Dr,  
Bellevue, WA 98004  
wwahl@weathergod.com  
<mailto:wwahl@weathergod.com>

**MTC-00002941**

From: Steve Scherf  
To: Microsoft ATR  
Date: 12/6/01 5:21pm  
Subject: Microsoft settlement?

I find the DOJ-proposed Microsoft settlement to be laughable. Now that Microsoft has been found a monopoly, appropriate punishment and safeguards against future monopolistic behavior must be put in place. The DOJ has not done enough, and the steps being taken by the DOJ amount to less than a slap on the wrist. Do your job!

Steve Scherf  
steve@moonsoft.com

**MTC-00002942**

From: Gerry Conway  
To: Microsoft ATR  
Date: 12/6/01 5:20pm  
Subject: Proposed settlement

Bad idea. Very bad. Disappointing.  
Gerry Conway  
gconway@labridge.com

**MTC-00002943**

From: Mike Millson  
To: Microsoft ATR  
Date: 12/6/01 5:26pm  
Subject: DISPLAYED with Microsoft Settlement

As a Web Systems Developer, I am very familiar with the technologies and issues at hand. I would like to weigh in and express my extreme displeasure and dismay over the proposed Microsoft settlement.

The settlement offers no real remedy to curb Microsoft's monopolistic behavior, and, quite frankly, would be a total waste of the tax dollars spent to prosecute the case. I am very disappointed with this proposed settlement and hope that the Justice Department takes notice of the 9 states that refuse to support it. These states are doing the only reasonable thing given Microsoft's

history and the mountain of evidence against them.

Please do not let the current state of the tech economy influence decisions on basic fairness and justice. In fact, Microsoft's activities over the last 10 years have substantially stunted the growth of this industry. Without any real competition, the software that has been produced has been riddled with security holes and productivity sapping bugs. The voices of many truly innovative companies have been squashed, their ideas never born to market. The result is a blase fare of sustaining, yet hardly remarkable products.

Now is the time to breath new life into the technology sector and send a message about fair play and business ethics. Please shelve the current settlement proposal and draft one that imposes stricter penalties and restrictions on Microsoft.

Thank you,  
Mike Millson  
AableTech Solutions, Inc.  
770.414.8834  
770.414.8206 fax  
http://www.atsga.com  
CC:Mike Millson

**MTC-00002944**

From: Carol(u)n(u)Steve  
To: Microsoft ATR  
Date: 12/6/01 5:25pm  
Subject: Microsoft judgement

Hi,

How is it that a Russian guy breaks the law and he goes to prison, but MS break the law and get a free introduction to the education market? This stinks.

Steve Jarvis

**MTC-00002945**

From: Kathy Wood  
To: Microsoft ATR  
Date: 12/6/01 5:35pm  
Subject: MicroSoft  
12-6-01

I for one, feel that the justice dept. has sold out the american people in dealing with Micro Soft. Despite what the judge did or did not do, Micro Soft is guilty as sin in being a true anti competitive company. They should be made to split the company, or provide an operating system that is not contaminated with everything else they have added to control the market. They have run a lot of small company's out of business. I would like to be able to purchase an operating system without all the MICROSOFT only add on's, and not have it crash because I want to use some one else's soft ware for applications.

GWKlee@kc.rr.com

**MTC-00002946**

From: Bradley Clark  
To: Microsoft ATR  
Date: 12/6/01 5:34pm  
Subject: Antitrust?

You know,

If the USDOJ. is unsure of exactly what their job is, or is supposed to be, I'll remind you on this one case. The court system to include the supreme court had found that Microsoft was a monopolist. It took years, and probably millions of dollars to figure this out. Everyone knew it but they were allowed

to drag this on for that long. This is the second time they have been accused of this crime.

I as a citizen of this country would like to know what the USDOJ is going to do about it, what is the punishment going to be, and what steps are going to be put in place so this does not happen again.

I am not an Open Source Zealot, a Democrat or any thing else. What I am however, is a citizen of this country who has spent most of my life defending it, and for that I paid a heavy price. What I see is something going on that is not legal and needs to be investigated. It gives me a bad taste in my mouth and a sick feeling in my stomach that my government can so flagrantly violate and disregard its own laws.

What on earth is this country coming to.

Sincerely,  
Brad Clark

**MTC-00002947**

From: John Hightower  
To: Microsoft ATR  
Date: 12/6/01 5:33pm  
Subject: microsoft settlement should be upheld as is

The proposed settlement of the Microsoft anti-trust case should be upheld. In fact, since the case never was about consumers, but about bailing out Microsoft's competitors at the expense of consumers, the settlement is far too restrictive on Microsoft. But this is a case of the lesser of many evils, so it should be upheld in order to end this fiasco and allow the Justice Department to put taxpayers' time and money to better use.

As far as offering a subset of Windows without browser, instant messaging and media player, other Operating Systems have built-in web browsers and Windows should also. Browsers were free before Netscape started charging as much as complete Operating Systems for their buggy, crash-prone product, and Microsoft did us end-users a favor by offering a better product as part of the Operating System, like other OS's have done.

Media Player has been a part of Windows since Windows 3.1, and Microsoft should be allowed to make their products better and more of what the end-users want without being bludgeoned by competitors who can't compete successfully in the marketplace without government interference.

The same principle should apply to Instant Messaging, especially since AOL, ICQ and Netscape Messenger are nothing but advertising delivery systems. MSN Messenger works far better, more reliably, and is a logical inclusion for Windows. All are free, so if AOL wants to extend it's monopoly by excluding competition, it should not be allowed to do so.

MSN Messenger is pro-consumer, and should be allowed to stand as is. If Microsoft's competition wants to flourish, then let them put in the billions of dollars and years of Research and Development that Microsoft has. Let them listen to their end-users as much as Microsoft does, instead of putting their time and money into political donations and subsequent government interventions on their behalf.

Microsoft took a multi-standard competing OS industry and made it

possible for us end-users to benefit from standards that let Windows programs work together instead of crashing constantly, and lowered the price of applications in the process. I still remember when Word Processors alone cost \$300. Now they cost less than \$100, and have more features as well. And are reliable across Windows.

Windows comes from Microsoft's Research and Development, and should be theirs to do with as they want. It's their Intellectual Property, and their competitors shouldn't be allowed to steal the results of their time, effort and billions of dollars. Their competitors didn't put in the time and money, and they shouldn't benefit from a company which did. And as far as Java, why should Microsoft be forced to put Sun's Java, or anyone's Java, in their Operating System? Who cares whether Java is in an Operating System or not? Not this end-user, not this consumer. If I want that buggy, crash-prone thing, I can download it. Again, this is NOT a consumer benefit, it's simply saving competitor's crummy products, trying to force their stuff on consumers who've showed over and over that they don't want them.

As for business discounts for Microsoft customers, other businesses do that, so Microsoft should be able to also. Nobody should be forced to buy Netscape, AOL, Sun, Oracle, or other Microsoft-competitor's products if they don't want them on their computer. Sometimes taking all this crap off computers' hard drives breaks other programs, and cripples the Operating System itself. QuickTime and RealPlayer have both done this when I've uninstalled them in the past, for instance.

The States' remedies only try to make competitors the beneficiaries of Microsoft's Research and Development, plus Marketing, efforts, so their proposed "remedies" should not be given credence. Those are definitely anti-end-user, anti-consumer "remedies" that should not be given any weight whatsoever.

John Hightower  
Little Rock, Arkansas end-user

#### MTC-00002948

From: David Walend  
To: Microsoft ATR  
Date: 12/6/01 5:36pm  
Subject: Please make sure the settlement assures competition for all

Just three quick words on the microsoft settlement:

I'm a bit disappointed that, after six years of struggle, the Justice Department is caving. The proposed settlement doesn't do much for competition. I don't see the connection between donating money to poor schools and preventing monopoly behavior. (At best, it's in the same league as an admitted arsonist donating money to save the dolphins. Letting microsoft donate software would be like letting the arsonist burn down the fleet while claiming to save the dolphins.)

One big problem is that microsoft writes contracts with computer makers that prevent the computer makers from selling any OS except one of the five microsoft makes. The agreement seems to say that they won't be able to do that with any of the big manufacturers. (Maybe . . . This agreement

has so many loopholes scattered through it.) But microsoft can still force smaller manufacturers to be exclusively microsoft shops. That stifles innovation in smaller hardware companies. Another problem is that microsoft's OS is growing by copying functions from existing software by other companies, which breaks the anti-trust rules about extending an existing monopoly, and stifles innovation in other software companies.

Last, I think the shorter the text of the settlement the better. Fifteen pages, or even five, instead of 150. Keep it simple and well-organized so that anyone can read it and see that the law is enforced.

Thanks for hearing me out,  
Dave

#### MTC-00002949

From: MARCOS COLOME  
To: Microsoft ATR  
Date: 12/6/01 5:36pm  
Subject: I think that the settlement made against Microsoft will not affect their monopolist

I think that the settlement made against Microsoft will not affect their monopolist policy, they will continue doing what they have been doing for years: trying to control the software market, Microsoft is a hungry company, they do anything in order to make profits. Others companies should be allowed to produce more operating systems, they have been producing lousy operating systems and over charging the consumers for years, which is a legal robbery and it is also a crime, the settlement is only a small touch for Microsoft. The intention of investing money in the schools is another strategy of Microsoft continuu advertising their products and their partners, schools, students and others institution will be exposed to their products which is free advertising, Microsoft is not a philanthropic institution, it is a hawk that want to have everybody under their wings. The public should get more aware of this and stop worshipping their products that are not the best in the market. Linux is a better operating system and it does not cost so much as Microsoft, Red Hat 7.2 is much superior than Windows Xp and it is free in the internet and a boxed set cost \$60.00. They should receive a bigger punishment, not only monetary punishments, they should be denounced publicly of their unfair practice and placed a price control on their products if consumers want to continue using them. I have used all microsoft operating systems from 3.1 to Windows XP, and they all crash . If Linux find a solution to use software modems more people will buy Linux, because not every consumer is willing to pay for DSL and many area do not offer DSL due to the telephone company restrictions and lackness of remote stations, At the present time consumers are leasing Windows XP for \$200.00 and \$300.00. More computers should come with Linux pre-installed.

#### MTC-00002950

From: M  
To: Microsoft ATR  
Date: 12/6/01 5:41pm  
Subject: Micro\$loth is a threat to the free

market, why are you letting them off the hook & encouraging them further?

Micro\$loth is a threat to the free market, why are you not only letting them off the hook but even encouraging them to further expand their control? The decision (which thankfully isn't final)—in which Microsoft will donate \$1 billion worth of money, software, refurbished PCs, and training to poor schools—is potentially a big blow to Apple. It gives Microsoft an inroad in the education market, where Apple maintains a 50% market share.

As Apple CEO Steve Jobs said regarding the decision, "We're baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education—one of the few markets left where they don't have monopoly power."

Gee, that's a stupid idea. They consistently abuse their monopolistic control to drive competitors from the marketplace over the last decade and their penance is to do it some more.

They seldom do anything to advance the technology or the marketplace. Windows started out as little more than an overgrown office suite and that's still how they treat it. Not as a platform for users, like the Mac for example, but purely as a tool to promote their products and services at everyone else's expense. Why isn't Microsoft required to compete on the basis of value with a level playing field like every one else?

And what's this about giving away refurbished computers? Are those old junkers Microsoft was going to toss into the recycling bin anyway? . . .

No, if this is going to happen, Microsoft ought to be compelled to give the best of the best to these schools: top-of-the-line equipment that will last four or five years, not junk that's already obsolete. I'm also not sure where the justice guys came up with the \$1 billion figure. What's that? That's not even one quarter's profits for Microsoft—remember they've gotten as big as they have and made as much money as they have based on illegal monopolistic practices. Even dumber, the company has five years to pay out the billion!

What a sham!

Cary Reid McKeown  
quoted material from a piece by Marc Zeedar posted at <http://www.macopinion.com/columns/tangible/01/12/06/index.html>

#### MTC-00002951

From: Candido Caceres  
To: Microsoft ATR  
Date: 12/6/01 5:42pm  
Subject: Antitrust Settlement

Hello sr,

I just like to tell you that I disagree that Microsoft donate software to poor schools . . . this will improve the position of Microsoft in the software world, I mind that is better that Microsoft donate hardware and other companies that work with free software (like RedHat) put the software in the hardware donated by Microsoft . . . this will be a just juice.

Thanks for your time.  
Candido Caceres.

**MTC-00002952**

From: MARCOS COLOME  
 To: Microsoft ATR  
 Date: 12/6/01 5:44pm  
 Subject: I do not agree with the settlement that the court want to approve against Microsoft. I think that mo

I do not agree with the settlement that the court want to approve against Microsoft. I think that more open software should be allowed in the schools, it is cheaper and better quality, in my childrens schools they are using Windows and old fashion computers, Red hat, Suse and Mandrake are better operating systems, much superior than Microsoft I have tested all of them in my computers. Linux is a very stable operating system and can be used for any type of workstation, for office applications, for scientific applications, for servers applications and people learn more about computers and science when Linux is being used, Linux is a scientific operating system. I would prefer see my children using Linux at their schools than Microsoft OS, they should provide the hardware and open OS should installed on these computers. One Red Hat boxed set is enough for a whole school. Microsoft is just trying to advertise their products and look philanthropic

Marcos Colomen

**MTC-00002953**

From: Keith Lyon  
 To: Microsoft ATR  
 Date: 12/6/01 5:46pm  
 Subject: Thumbs down on MS settlement

I think this solution is more reward than punishment. MS has overstepped the bounds of fair competition, and should be sanctioned. A cash fine, or doing nothing at all, would be better than this proposed settlement.

Keith Lyon

**MTC-00002954**

From: SSmith508@aol.com@inetgw  
 To: Microsoft ATR  
 Date: 12/6/01 5:55pm  
 Subject: Perspective on Microsoft Settlement

I am a 33-year veteran of the computer industry, with a home microcomputer already running and doing business work in 1977. I've followed the industry closely, and have enjoyed the very exciting technical and business environment that has characterized the last several decades.

Microsoft's clear monopoly promises to restrict this excitement by making it very difficult for other organizations to compete in three areas: Operating Systems

Office Applications (Their incorporation of Word, Access, Excel, Visio; Great Plains accounting sowaere, and of course the Internet Explorer)

The integration of Application and Operating System, with particular focus on Internet Explorer.

It is the third area that causes the monopoly to be most restricting, and this condition could be remedied. My own personal view is as follows:

A. Microsoft has a clear monopoly; a benevolent one but with a big stick.

B. Microsoft is a marvelous organization, their products are great, and their

contribution to the whole information technology field has been tremendous.

C. They have exercised their monopolistic position to improperly restrict competition.

D. There is a basis for some compensatory damages to be paid.

E. The settlement, consisting of providing software to schools, is definitely not a heavy penalty for Microsoft to pay.

F. The company should be broken into two organizations, with Windows in one and all applications (INCLUDING Internet Explorer) allocated to the other.

G. While there is a basis for compensatory damages, it does not need to be too punitive (as any of their competitors would probably have done the same thing if as successful in the market!). However, one suggestion is that they commit to, within one year, having all office applications available on Linux (Not as open source—they could and should still make money on these excellent programs). That would hurt, but it would also make sense. This could take the form of splitting the organization into to units as mentioned above; the parent being preserved as the Windows unit, and this unit charged some amount of money to fund the migration of applications to Linux. Now, THAT would be exciting. Please do not hesitate to contact me if there are questions or if I could amplify on any of the points above.

Sam Smith

Grosse Pointe, Michigan

**MTC-00002955**

From: Asa Jay Laughton  
 To: Microsoft ATR  
 Date: 12/6/01 5:54pm  
 Subject: Why the MS settlement is unequitable.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

The following opinions are drawn from personal experience and reflect my opinions only. Microsoft, the software and hardware computer company, based in Redmond Washington, simply put, has become too big for it's britches. This is manifested in several areas:

Non-competitive business practices  
 Instigating fear, uncertainty and doubt  
 Disregarding previous Court orders to cease and desist

Continued use of illegal business practices.

The freedom to innovate is non-existent  
 The DOJ must not continue to turn a blind eye to Microsoft. Through all the lobbying that MS does on it's own behalf, trying to instill comfort, they are only holding a knife to the throats of millions of computer users.

Anti-competitive business practices.

MS has defeated many independent software businesses by creating vaporware (software that is advertised via press releases, but never actually in production or development). When MS claims they are going to build a product, most companies see MS putting millions of dollars into it. The smaller business can't spend that kind of money, so they give up, usually do to the fact investors become disillusioned, knowing that MS's product is coming out soon. But then it never does. I have no instances to cite in this case, I'm sure others do. I have been told

however, that another MS tactic in this regard is to "swallow" up the smaller company, usually abandoning further development of the software.

In more recent times, regarding the release of Windows 95, MS continued to hold out critical programming information from independent software vendors (ISV's) until after the release of the new OS. This accomplished a major coup for MS, in that they were able to program all their "tie-in" applications such as Office 95, to the final API because they already knew what it was. Other ISV's were continually given newer API's as the OS development went along, most of which were "not quite right" By the time the OS was released, all MS tie-in applications were also ready, whereas most ISV applications were sorely lacking behind in development because they never received copies of the final API's in time to finish code work. This itself enabled MS to leap ahead of many ISV's almost sending them out of business. This is a clear situation where the applications side of Microsoft needs to be removed from the Operating system side.

The WordPerfect case.

10 years ago, most literate office computer users were secretaries. The people typically did a lot of typing. Ask them 10 year ago what the premier software package was for word processing, and you would have been told "WordPerfect". That is not the answer today. However, the different answer of today is not because of better features or ease of use, it because of product "dumping". 10 years ago, most new computers that came with a Pre-installed version of an MS operating system, also came with a "free" copy of MS Office. One of the components of MS Office was MS Word, a word processor. Most corporate or company accountants and managers did not see a need to purchase "another" word processor when one came readily supplied, no matter what the end-user wanted. After a couple of years of saturating the market in this manner, MS was able to "claim" they had a larger share of installed word processors than WordPerfect. Even if the installed Word was not used, because an end-user had installed WordPerfect, MS was still able to make the claim because they used "installed" numbers, ie. each computer sold had Office pre-installed. WordPerfect corporation soon thereafter sold to another company, who then sold it to a third company who then sold it to Corel. The interim two companies, Novell and Borland, both tried to package an Office suite to compete with MS, however, MS continued to have their suite pre-installed for far less money. Later, when Corel announced they were releasing a new Office Suite with WordPerfect as the cornerstone, and made an announcement of price, MS retorted that Corel could not do that, that it was cutting their own throat, and that Corel would go out of business in a year. Corel took that seriously and never really released the suite at the cut-rate price. Why did MS make that claim? Because they already knew, because that is exactly what they had done with MS Office, they had lost money "dumping" it on the market until the market became saturated. Why is it that I could buy MS Office one year for less than \$100, but to

"upgrade" the very next year would cost me almost \$500. MS found their saturation point, where consumers were engrained in the new status quo and then started charging them for the privileged of having buggy software.

Instigating Fear, uncertainty and doubt.

In summary, Caldera was in the process of litigation with MS regarding the practice of MS to detect installed operating systems and warning consumers that the MS products would not work correctly. Caldera had at one time, reams of testimony and documentation verifying this practice. The fact was, the MS software worked "better" on the competing operating system, but MS didn't want that. MS wanted the consumer to "only" run their operating system, even if it meant their own applications would crash. By installing detection routines, MS was able to know what operating system their program was installed on. Once known, if the OS was a competitor, and most specifically DR-DOS, MS would pop-up a window explaining to the consumer the operating system was "not" MS and cautioning the user the software would not work correctly unless it was running on an MS OS. This was a blatant lie and caused frustration among consumers who had to put up with this "nag" screen until they either uninstalled the software, or switched the operating system.

Disregarding previous court orders to cease and desist.

In the early days of the Operating system wars, MS had contracted with many hardware vendors to have MS OS installed on the vendors hardware. That is innocent enough, that practice is used across a great many products. However, MS, in their contract, required the vendor to pay MS for each "processor" that was shipped. The agreement being that every processor has to have an operating system, and whether or not it shipped with a MS operating system, MS was going to be paid for every processor shipped.

This was found to be an illegal business practice by Courts of law in the United States, and MS was admonished from that practice. However, it was too little too late from the DOJ. Vendors had come into the practice of "only" shipping computer with an MS product. Up until just a couple of years ago, it was almost impossible to purchase a computer "without" an MS operating system. Vendors "refused" to sell consumers, computers that did not have an MS OS installed. And this was certainly years after the DOJ required MS to cease and desist the practice of charging vendors "per processor" for licensing MS OS's. Most recently, when I contacted a computer hardware vendor, I asked why I couldn't buy a computer without an MS OS, and I was told that it was a contractual agreement with MS.

MS has just come down from the whole anti-trust debacle with Netscape and they don't care. MS is still illegally tying products together and are doing so in an even bigger and more anti-competitive way that ever before. And they are waving it in the face of the DOJ, feeling secure they are doing no wrong and that the DOJ will not lift a finger. Well, it really pisses us off.

Windows XP, the latest OS from MS ties more product together than ever before,

putting out of competition, some of the more premier companies of our time. And the DOJ just turns a blind eye. Who suffers? The consumers, why . . . because

The freedom to innovate is non-existent

MS claims they are one of the premier innovators of computer software. To those of us in the industry we balk at that. Apple computer has been way ahead of MS in many ways, but MS uses anti-competitive business practices to saturate the marketplace. Linux has developed more innovation in a fraction of the time it has taken MS.

The fact is, when you become a monopoly, there is no reason to innovate. People will buy the product because it is the only one around, whether it works, or not.

I once had a software programming friend who had an MS employee friend visit him one day. A conversation ensued about the MS memory model, the way MS handles memory for the OS and applications while the computer is running. The employee was complaining how MS had ignored improving the memory model for over 10 years, stagnating the innovation needed to improve the model to protect applications from crashing. This was necessary and prudent innovation that was being purposely ignored by MS. Other companies had to come in and provide certain services to try and "patch" the problem-plagued model. Companies like Stacker, and Norton. Eventually, MS simply "stole" some of that outsider innovation and implemented it in their own OS.

MS-DOS 6.0 was the product. In a tug-of-war court battle,

Symantec claimed that MS had used Symantec proprietary code in some utilities distributed with the OS. MS was found at fault and fined something like \$22M. Likewise, Symantec was fined about \$2M because they had to "reverse engineer" the OS from MS (which is a breach of the EULA). This situation only underscored the fact that MS was no actually "innovating" new software, they in fact were only interested in stealing patches.

So where does that leave the user? At this point, MS has left us with a broken product. I say broken, because 1) they don't supply enough information to outside software vendors for them to effectively program new products against the MS OS, causing them to crash in many cases, both the application and the OS, 2) MS fails to effectively "fix" it's own OS, relying on continued patches that the customer must "buy" in the form of an upgrade. This does not include some patches available for download, however, the point I make is that each successive release appears to include more "whistles and bells" than actual OS fixes.

For example, I am writing this on an MS OS system. I have had to reboot this machine a few times today. Mostly, it will run well for a maximum of about a week before it really starts crashing things and I have to reboot it. Against that, I have three other systems I maintain that use non-MS OS products. Each of them has been running for several months without a reboot, and they typically do a lot more processing than a Windows machine.

My points are all over the map and there just is not enough room to effectively

communicate how displeased I am with MS. I once really believed in MS as a decent Software company, but I can no longer in good conscience believe that. They have stifled innovation, they have driven other companies out of business, never released promised software, or been very late with it, have limited my personal freedoms to choose, through anti-competitive business practices with other vendors, and have generally just been a royal pain in the ass.

It's time to stop this madness. Break 'em up!! I'm so tired of losing time to problem MS products, when their answer to every technical question I have had in the last 10 years has been to "re-install the OS". I'm sorry, but that's just a mark of a bad company, like telling me I have to replace my electric company's transformer every time the power goes out. It's just ridiculous. There has been more than enough litigation, information, testimony, etc. (I followed the whole court battle, this one and others) and I am simply tired of the Federal Government caving in to MS. Break them up! Make MS pull all the "tied" applications out. Make them offer them separately, not bundled, or at the very least, make them go back to small "applets" (programs that gave a "taste" of something, but you'd have to buy the full-fledged program to get all the features) To be honest, I'm not looking forward to MS as Big Brother, which is exactly the direction they are taking with Windows XP. The DOJ has a responsibility to stop that, the DOJ has the responsibility to protect my privacy and freedoms as an individual.

Free giveaways are not the answer, slaps on the wrist are not the answer. It's time to dig up reprimands from the Big Blue era. Let's see what the DOJ did with IBM and start applying some of THAT to MS. Get on the ball.

Sincerely,  
Asa Jay Laughton

**MTC-00002956**

From: Steven W. Mitchell  
To: Microsoft ATR, microsoftcomments  
@doj.ca.gov@inetgw,...

Date: 12/6/01 5:55pm

Steven W. Mitchell  
10286 Greystone Rd  
Manassas, VA 20111

Dear Sir or Madame;

I believe that the remedies in the proposed settlements of the various anti-trust lawsuits are totally inadequate because they do little to reform and nothing to punish Microsoft with respect to its monopolistic behavior. It is well established that Microsoft has a monopoly on operating systems for desktop computers, and that it has used that monopoly to destroy competitors both in the operating system market and in adjoining markets, and thereby extend it's domination. The proposed settlements allow Microsoft to retain it's monopoly, and to continue to drive competitors in other markets out of business by integrating additional application functionality into its operating systems.

It has been proposed to remedy this abusive behavior by splitting Microsoft into an OS and an applications company. Even if this were done, it would not address their abuse of their operating system monopoly. If

the government wishes to actually address the problem, the Microsoft should be split into two operating system companies encompassing the 'professional' products based on Windows NT in one company, and a 'home' computer operating system company based on the Windows 95/98/Me product line in the other. This would create competition in the operating system marketplace, and make actual innovation in that marketplace more likely to the vast benefit of the public. In addition, the 'professional' and 'home' application products should be split up into two more companies, creating a more level playing field across the marketplace.

As to the argument put forth by some observers that breaking up the Microsoft empire would somehow damage the US economy, I think the split-up of the telephone monopoly of AT&T offers convincing evidence to the contrary. In spite of the claims of the apologists for Microsoft, it is well established that competition is good for the economy. Microsoft is hardly the font of creativity: on the contrary, previous lawsuits (such as Stak Electronics vs. Microsoft) have established that Microsoft often steals the technologies that it claims to have innovated. If Microsoft had to compete on a level playing field against the smaller companies which traditionally have represented the source of most of the technological innovation in this country, then more technological innovation would likely reach the marketplace to the benefit of both the consumers and the economy as a whole.

For these reasons I urge you to refuse the proposed settlements, and aggressively pursue the breakup of Microsoft monopoly for the future benefit of the consumers and the economy as a whole. In addition, Microsoft should be forced to pay fines in retribution for their past behavior. Part of those fines should be used to reimburse the various governments for the expenses of litigating these cases, and part should be paid directly to the immediate injured parties (Digital Research, IBM, Apple, Netscape, etc).

—Steven W. Mitchell

<mitch@alumna.caltech.edu>

<steve@collegeparksoftware.com>

#include—"Unix and C are the ultimate computer viruses."

std—disclaim.h

Richard P. Gabriel

#### MTC-00002957

From: Paws

To: Microsoft ATR

Date: 12/6/01 6:02pm

Subject: Microshafted

To the DOJ and Monoposoft,

Over the past 20 years, I have enjoyed employment as a computer operator, programmer, instructor and lately, end user myself. During the 80s and early 90s, I enjoyed Microsoft products as I did many others. For the last 6+ years, I have sought only to support any product that was not Microsoft, and have found it a virtual impossibility to function as a professional without using Microsoft's overpriced, unwanted, and increasingly obtrusive products. This sad fact is entirely the result

of illegal practices on the part of Microsoft causing the demise of many worthy contenders, and limiting the choices of tired consumers. The freedom to choose our own product purchases is gone.

The recent and overdue finding by the DOJ that "Microsoft is a monopoly" might have provided very small concillation if the punishment were grave enough and restitution to all the victims were enforced. Imagine my dismay to find that no punishment for past actions, no restitution to the victims of their crimes, and no protections against future monopolistic practices are provided for in the DOJ settlement. What a joke!

We are all so proud to be American tax payers. Thanks for your protection.

See ya,

Ron Tapp

rtapp@lsu.edu

Microshafted Consumer

#### MTC-00002958

From: Matthew McGee

To: Microsoft ATR

Date: 12/6/01 6:03pm

Subject: Microsoft Action

I cannot believe that we as a government could lie down as Microsoft rips through our economy. I watch as Microsoft removes all of their competitors from the market. Not by having a better product but by breaking other programs compatibility with windows and bundling their own ripped copy of the same software with their name on it, By threats and by giving a product away for free until after their competitors are out of business. It was interesting to note that after moving a machine from an older version of windows to the new version other chat programs no longer work, save for Microsoft's messenger service. Your current idea of forcing Microsoft to do give away computers to poor schools is the most ridiculous idea I have ever heard!

You obviously are going to be Microsoft's PR reps huh?

Hey, Microsoft it is ok to forcibly put all of your competitors out of business ... All you have to do is give a few computers away and we the government will turn a blind eye to any illegal actions you take, break the law see if we care.

If this bull goes through, it will be a sad day for America! On that day I will be ashamed to be referred to as American, for we are only telling the world that with a few dollars you don't have to obey the laws of our country. Break up the darn company! Show the world that we will stand up and protect our market, our laws, our principles and our country!

M. McGee

#### MTC-00002959

From: JP

To: Microsoft ATR

Date: 12/6/01 6:07pm

Subject: Microsoft donation is a joke

My name is Jean-Philippe,

I think if the US accepts the settlement offered by Microsoft the government is just saying that there is no more justice in this world.

There only given their software away, it costs them nothing, perhaps only the CD they

put the software onto. They don't loose any part of the market since those school probably wouldn't have the money to by the OS and software anyways. And what about in 5 years, those schools won't have more money purchase their software. So they are not helping the system at all.

It is just a joke.

J-P

#### MTC-00002960

From: cj

To: Microsoft ATR

Date: 12/6/01 6:10pm

Subject: Microsoft

Microsoft has hurt us all and held computers back 20 years:

1. No more tying agreements, one price for all customers, all welcome.

2. Uniform free nondiscriminatory developer support, e.g. mirrorable website only.

3. Unedited, unabridged W3x and W9x source code open sourced.

4. \$30,000,000,000 fine.

5. All disk and network structures 100% documented.

#### MTC-00002962

From: BLong91986@aol.com@inetgw

To: Microsoft ATR

Date: 12/6/01 6:26pm

Subject: Microsoft

In apparently letting Microsoft set the terms of the settlement, I think you've failed your responsibility to protect the American people from the proven predatory and illegal marketing activities of Microsoft. Shame on you.

#### MTC-00002963

From: Jim A. Cornette

To: Microsoft ATR

Date: 12/6/01 6:23pm

Subject: Views on proposal—Schools

I have just read the basics for the proposed settlement for the DOJ settlement with Microsoft.

I think that the provision ought to be setup, so that Microsoft only provides the hardware. Instead of providing software to the poorest school districts.

This would extend the amount of computer related equipment, that could be obtained, by the schools.

Also, I have been using open source software and have found it to be a worthy development. I have found that it provides the tools needed to allow schools to develop positive educational goals. Without burdening the school system with extra costs for proprietary software.

I have used a few of the open source distributions. I find them great products. But I use the Redhat distribution presently.

Since Redhat software has committed itself to providing free software and also support. Through their Internet accessible network. I think that the students will be greatly aided by the co-operative effort put out by both providers.

Thank you,

Jim

Brontosaurus Principle:

Organizations can grow faster than their brains can manage them in relation to their environment and to their own physiology:

when this occurs, they are an endangered species.

—Thomas K. Connellan

**MTC-00002964**

From: smobley@easystreet.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 6:30pm  
Subject: settlement

Apparently in america you get just as much justice as you can afford.

**MTC-00002965**

From: bebryant@compuserve.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 6:33pm  
Subject: DOJ MS Settlement

It seems to me that the DOJ settlement is unlikely to curtail MS's monopolistic behavior. I have watched over the years as MS has adopted ideas from outside entrepreneurs, poured massive development effort into making their adopted software better than the original, included it in the OS bundle, and thus put the originator out of business. This has happened time after time.

The problem is not that MS's adopted programs are poor products, but rather that repeated crushing of innovators has resulted in a dearth of really new ideas. MS often says they just want to "innovate"—what they really want is to dominate by whatever means they can find, including what I would term "plagerism".

I think that even breaking up the company into an OS and an application company would fail to solve the problem unless very strong oversight is added to the mix.

In any event I don't believe for a minute that a more drastic remedy would adversely affect the software development business in this country or the general economy. To the contrary both would flourish give a chance for true competition to replace monopoly.

Ernest A Bryant

**MTC-00002966**

From: Matt  
To: Microsoft ATR  
Date: 12/6/01 5:32pm  
Subject: Microsoft Agreement Not Good

The decision doesn't solve anything. It makes the problem worse. Microsoft will donate everything, but I'm sure at some point Microsoft is going to try to get thier piece of the pie. If the schools are poor to begin with why let Microsoft take advantage of them? If Microsoft is a monopoly why let them extend the reach. I think Red Hat hit the nail on the head. So much more could be done with the money. Let open source software be introduced. Promote competition. That is all you hear about, Microsoft is destroying competition and the you see a ruling like this. This is the opportunity that open source software has been waiting for. Don't take it away.

**MTC-00002967**

From: Bill Wimsatt  
To: Microsoft ATR  
Date: 12/6/01 6:43pm  
Subject: Microsoft Settlement

I whole heartedly disagree with the settlement with Microsoft. I have been working in the computer industry since 1983 and have found that Microsoft is an

immovable rock and an untrustworthy partner.

(1) The settlement should not allow MS to provide their software to schools. This will further entrench them into the market; furthermore, it is the one market where they are weakest. So, this solution will give them an astonishing new capability in this segment. Furthermore, they will be able to extol upgrades, and service contracts that will line their pockets once again. The money should be donated to schools or the solution should be Apple, Linux, or Solaris based.

(2) I was involved in the Air Force Desktop IV contract case in which the contract award was challenged on the basis that it was an unfair award. Microsoft and Intel were the big winners in that contract and it was not possible to win without their solutions. Not because they had the best technology, but because they were pervasive in the Air Force and no other solution could topple their strangle hold. During this contract, we had to negotiate with Microsoft for their suite. They would not allow us to put just one part of their suite with our bid. We had to take it all or nothing, even though there were better solutions for calendaring, and presentations. But since we had to use MS Word, and Excel to be even considered during the bid process, we also had to take an inferior PowerPoint and outlook products.

(3) As a developer now, I am continually up against the Microsoft compatibility issue. MS Windows compatibility is required in every effort because MS is pervasive in the industry. I cannot bring a competitive offering to the market because it will not be seriously reviewed unless it is running on Windows or has Internet Explorer as the Browser.

I find it disheartening the DOJ was not able to remove MS's monopoly in the market. MS is stifling the industry and causing impenetrable economic barriers to entry.

Regards,  
Bill Wimsatt  
VP, Engineering  
CorAccess Systems  
2525 15th St. Suite 1B  
Denver, Co 80211  
303 477 7757 (o)  
720 480 2985 (c)  
<http://www.coraccess.com>

**MTC-00002968**

From: Eliot Gable  
To: Microsoft ATR  
Date: 12/6/01 6:51pm  
Subject: Anti-trust settlement

I think you should go with Red Hat's proposal to have Microsoft only supply the hardware to the schools and let Red Hat or some other OS developer supply the operating systems and other software.

Otherwise, Microsoft will just expand its monopoly.

My \$0.02,  
Eliot.

**MTC-00002969**

From: ecomond@xnet.ro@inetgw  
To: Microsoft ATR  
Date: 12/6/01 6:13pm  
Subject: opinion

I think this settlement looks like another opportunity for Microsoft to "enforce"

windows on the market. Students will get used to Windows and that's free promotion for Microsoft.

**MTC-00002970**

From: David Vennik  
To: Microsoft ATR  
Date: 12/7/01 9:56am  
Subject: Microsoft anti-trust settlement  
BEGIN PGP SIGNED MESSAGE

Hash: SHA1

I am a resident of australia, however the monopolistic practices of microsoft reach us here too, and I want to comment.

I agree with Red Hat's proposal that microsoft's donations be purely in hardware, partly on the basis that they shouldn't be allowed to spread their monopolistic software (I agree that their browser is probably the best in the industry, but then they've got more money to pay more people), and besides that the value of the donation would be fluffed out by the addition of software, their operating system is overpriced, as is their office software, and I feel that it would benefit school children more to be introduced to unix, as, though most computers are running windows out there, the internet constitutes the largest mass of computing power, and it is primarily running unix, and about 50% of it is linux, and though at this time there is more work in using windows systems, Linux is a young operating system in comparison, and its use in embedded and special purpose systems means that it will eventually become more common. By the time 6-12 year old children are looking for work, unix will be the basis of most computer systems (as it already is within the higher-level government organisations in america, due to it's greater maturity in networking which means it is more secure).

Making Microsoft only provide hardware will mean that a greater number of children will have access to computers, as about 15% of the average computer system cost is microsoft software, that means they will have to provide 15% more hardware than they otherwise would have. Also giving Red Hat the opportunity to provide its software will be a big step towards balancing the lop-sided current situation with respect to just exactly how dominant windows is, especially in the future. Besides this, the average poor family, should it be able to provide the children with a home computer, would be wise to choose a free operating system, as, to use australian dollars, it would mean they could buy an aud\$600 computer, and spend au\$20 on the cd's for the operating system. Otherwise they would be forced to have to cover the cost of a microsoft operating system, most likely win95, which is buggy as hell, but it's also the cheapest at about au\$125. And then there's ms office. Sun's Star office would be the sensible alternative, and where I am at least you can get red-hat linux, star office and even mandrake linux as well for au\$20.

Anyway, I hope that you choose to take up red hat's offer, perhaps though get other companies to contribute operating systems too, like mandrake, caldera, sun etc. as the singular donation from red hat would be favouring them too much.

David Vennik

(+61) [0]401 592 641

**MTC-00002971**

From: greg@gadgeteer.net@inetgw  
To: Microsoft ATR  
Date: 12/6/01 7:03pm  
Subject: Microsoft judgement

While I fully understand the need to get the DOJ vs. MS issue out of the way, the current settlement proposition is actually a considerable bonus to Microsoft's monopoly position...in terms of computer users, what could be better for Microsoft than a whole new generation of people raised exclusively with Microsoft products for the 12 (or more, depending on locale) years of school?

Please, rather than settling this in this way, give the money directly to the schools for use in computer departments as the educators (who in the end must learn, support, and teach whatever products are chosen) to implement as they decide what will work best for students.

Thank you,  
Greg Webster

**MTC-00002972**

From: Ken Shackelford  
To: Microsoft ATR  
Date: 12/6/01 7:04pm  
Subject: Microsoft settlement

I am writing to convey my dismay at the results of the anti-trust lawsuit against Microsoft. After all the time invested and all the money spent, MS gets away with what is essentially a slap on the wrist and the ability to go back to it's "business as usual" tactics of being a monopoly. I don't get it. AT&T was broken up for what seems to me to be the same, if not less, reasons. What is it about Microsoft that the United States government fears? Does the DOJ have too many workstations and servers with Microsoft Windows on them and it fears that if MS is punished, somehow their (DOJ) software will crash? Again, I am really dismayed at the results of this dog and pony show. It is no wonder that most of the American public holds public officials in such low esteem. I am sure that there are some in the DOJ that are all smiles and their wallets are nice and fat . . .

Ken Shackelford  
Marietta, Georgia

**MTC-00002973**

From: Simon Fuller  
To: Microsoft ATR  
Date: 12/6/01 7:09pm  
Subject: Microsoft

I was disappointed to read about the conclusion of the microsoft case. As an IT Specialist for 16 years I have seen the demise of peoples choices for operating systems and applications. When I started out the operating systems were less sophisticated , but at least you could choose based on its features rather than be forced to stay with one brand. In the past years I have seen Microsoft deliberately kill dos compatibles like dr-dos and in last few years OS/2, I wonder if they will attempt a similar strategy against linux? If they do, this surely cannot go unpunished?

I hope that if Microsoft continue reducing choice (like removing any java compatibility) that this case is reviewed.

Simon Fuller

**MTC-00002974**

From: Dennison  
To: Microsoft ATR  
Date: 12/6/01 7:15pm  
Subject: MicroSoft Antitrust Settlement

To Whom It May Concern: Although I support the right of each business to conduct themselves as they see fit within the law, the actions of Microsoft clearly violate US antitrust laws and the proposed settlement does nothing to dissuade them from their current behavior. Rather than imposing a government sanction expansion of their monopoly, as guaranteed by the current proposed settlement, Microsoft should be broken up into at least two pieces: an Operating Systems and Applications companies.

In no way, shape, or form should Microsoft be permitted to invade the educational system and expand their monopoly.

Jeff Dennison

**MTC-00002975**

From: Stallins, Curtis  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 7:13pm  
Subject: Microsoft case

Good day,

I have followed with interest the MS/DOJ case these past few years. I want to say only that I am saddened and disheartened at the direction the case has taken. When company email is found that says they wanted to Cut Off the Air Supply of Netscape, for starters, and they are found to have bullied PC manufacturers and had a very large say in what software gets bundled on new PCs, then something is terribly wrong. The list goes on, and nothing substantial is being levied against the company.

Let me say this: A company that manufactures and sells the operating system to the great majority of the world's PCs has no business being allowed to evolve their OS so that it includes a browser, music-playing software, etc, so that it destroys or greatly inhibits the progress of other companies that market browsers, music-playing software, etc. These are NOT operating system-specific tools. They are add-ons, and Microsoft knowingly and deliberately used their dominance in one market to crush competitors in others.

They deserve far more punishment than I have read they are receiving. Break up the company and make them compete fairly, so that other companies have a fighting chance.

Thank you for your time,  
Curtis Stallins  
BroadVision University  
Senior Technical Instructor  
W: 650.542.7323  
All glory is fleeting.....

**MTC-00002976**

From: Doug Clifton  
To: Microsoft ATR  
Date: 12/6/01 7:18pm  
Subject: Microsoft Settlements

To Whom it May Concern,

I am writing to you to voice my concerns over the recent microsoft settlement and to state that in my professional opinion (as a computer programmer which has (for the

past 20 yrs) and continues to use much microsoft technology) the actions that microsoft has continued to exercise in the marketplace are very wrong and counter-active to good fair market development. Given the current situation, if I owned a small company offering a product/service in which microsoft decided to compete, I would immediately try to sell (probably to microsoft) the company while it had any value to speak of. Microsoft has continued it's cycle of waiting for new technologies to arise and then to produce a no cost/low cost product similiar (but competing) to the original. Since microsoft can provide the item at no cost (due to bundling and revenue received by the sale of the Operating System itself), why would I want to compete with it on a sales/revenue playing field. They can produce good quality products that often drive the others competitors almost out of business while continuing to expand their software base. People are simply not going to purchase a competing product when they can get good to excellent similar products for free with the Operating System. Even for those products where the Operating System is not directly including it, the price of the product is dropped to run the other company's product into non-sales situations, and then the price is considerably raised when they no longer have enough market share to be a competitive threat. There are numerous examples of this even today. I therefore ask that the company be stopped from it's corporation death squeezing plans and that they be made to live up to a fair market strategy where a technology which they want suddenly can not compete with them.

Thank you for your time  
Doug Clifton  
2309 Woodglen Dr.  
Richardson, Tx 75082-4511  
email: clido01@airmail.net

**MTC-00002977**

From: Bruce Bales  
To: Microsoft ATR  
Date: 12/6/01 7:17pm  
Subject: Microsoft Settlement

Dear Sirs:

After acknowledging that Microsoft has engaged in unlawful and monopolistic practices for years, the Department of Justice has come up with the perfect punishment for these practices: admonish Microsoft to not do it anymore.

This is less than a slap on the back. It is a pat on the shoulder and a wink. All the signs of a complete sellout to the biggest monopoly in American history. The American people (and indeed, the people of the world) deserve better.

Microsoft software has become dominant not because it is the best (it's not even close), but because its ruthless practices have successfully (and illegally) eliminated almost all competition. The situation will not change as long as the the makers of the operating system provide applications for that operating system.

Sincerely,  
Bruce Bales  
2012 N. Lakeside Dr.  
Andover, KS 67002

**MTC-00002978**

From: Mark Byram  
 To: Microsoft ATR  
 Date: 12/6/01 7:19pm  
 Subject: why hurt Apple?

Making MS give away PCs and Software will only further crush it's competition by training a new generation of customers to depend on MS tools. This would injure Apple's only remaining stronghold: Education (both Apple hardware and Software which is not PC compatible).

It would be better to force MS to pay a cash settlement and have the government use the money to fund various educational programs! This way MS is not influencing and increasing its already out of control Monopoly.

Thanks,  
 mark

**MTC-00002979**

From: Joe Doherty  
 To: Microsoft ATR  
 Date: 12/6/01 7:24pm  
 Subject: Microsoft settlement

I am against allowing Microsoft to "donate" computers with its Windows operating systems to poor schools as part of the anti-trust settlement.

There are three operating systems that are appropriate for use in schools: Windows, Apple and Linux. Of the three Windows is the least adaptable to educational use and the most likely to fail on a regular basis. Apple has a long history of providing support for education, and Linux is a free operating system that will run flawlessly on recycled computers (as well as new ones). Both Apple OS-X and Linux are open-source operating systems, which means that students with a technical bent can write software for them. Windows is not open-source, which is probably just as well because it is a mess.

If Microsoft is allowed to "donate" \$500 to \$850 million dollars worth of software (at an actual cost of, what, \$1 million in duplication expenses?) as part of its \$1 billion settlement, it will represent a near-complete capitulation of this Justice Department. Microsoft should spend the entire \$1 billion on computer hardware, leaving it to the schools to decide which operating system they prefer.

Joe Doherty  
 Los Angeles, CA  
 mailto:joeandvelda@earthlink.net

**MTC-00002980**

From: dieckert@cabnet.net@inetgw  
 To: Microsoft ATR  
 Date: 12/6/01 6:18pm  
 Subject: Microsoft anti-trust

Microsoft has had a policy of consistently taking software technology as their own while making it difficult for others systems to operate. Many good companies with good products have been destroyed by their tactics.

Joe Dieckert

**MTC-00002981**

From: Jack Daniels  
 To: Microsoft ATR  
 Date: 12/6/01 7:26pm  
 Subject: Microsoft trial

In my opinion Microsoft is a monopolist, because in the beginning it was the "command line" and there were many Disk Operating Systems (DOS) which made our computer go as far as MS-DOS. I remember when I DR-DOS, IBM-DOS and others were very good, rich, fast. MS-DOS was not bad, but it was not the best. When Windows came out, the use of the PC became more and more easy, and this adventure finished with the issue of Windows 95: the Graphic interface but also an Operating System. Somebody learnt to use a PC with Windows 95 installed, but other refused to learn Windows, because there were nothing to learn, except the use of the "mouse".

Now the Graphical interface seems to be the standard method to use a computer at home, but the use of Servers needs an operating system more transparent, which allows an administrator to set up the whole system, to repair damages. An OS more stable and safe like Linux and other Unix systems.

Now Linux has a GUI even nicer than Window's, the X system, and has been ready to be used by millions of users (who are not "wizards") for several years.

But never happened.  
 Daniele Bortoluzzi  
 Martano LE  
 ITALIA

**MTC-00002982**

From: Ryan Peetz  
 To: Microsoft ATR  
 Date: 12/6/01 7:32pm  
 Subject: free software to every school in America

Dear DOJ USA,

I am an American citizen currently living in Canada. I am outraged at this proposed settlement. All this is going to do is introduce Microsoft to a new market, one that will allow them to further extend their monopoly. Red Hat Linux has offered to provide free software to every school in America if Microsoft provides the value of its donation in hardware costs rather than its own software. This is the perfect solution and will not allow Microsoft to victimize us with their unstable, expensive, software that cant be customized. Well I hope you are aware of the advantages of using Linux in our nations schools. I am counting on you to make the right decision.

Ryan Peetz

**MTC-00002983**

From: Stephen Hawkins  
 To: Microsoft ATR  
 Date: 12/6/01 7:38pm  
 Subject: Microsoft settlement

To whom it may concern,

I am stunned at the light slap on the wrist that you are giving Microsoft. They have a monopoly? Clear and simple. I went to ComUSA two days ago in Modesto California. I asked if I could buy a computer without Windows XP. The answer was NO, YOU CANNOT.

I do not like many things about all of the Windows operating systems and you leave me no choice. They include stuff that I do not want that I cannot get rid of. Their applications disable any of mine that do the same thing only better. Yet I cannot buy a

computer that does not come with their OS forcing me to pay for something I do not want.

I am asking you one, maybe two simple questions.

1. Do you really think that this is good for the consumer?

2. What are you smoking?

Steve  
 Stephen Hawkins WV6U  
 grayline@mindspring.com  
 wv6u@arrl.net  
 73 49 111 0100 1001

**MTC-00002984**

From: mcgowan@smtp-2.llnl.gov@inetgw  
 To: Microsoft ATR  
 Date: 12/6/01 7:40pm  
 Subject: Microsoft should be strongly reprimanded!

Please take issue with Microsoft for monopolizing their O.S., Web browser, PCs, etc.. It would be a good thing if they felt some of the pain that they have inflicted on millions of user's and consumers for many years.

In my opinion, they should be required to give their source code to any who desire to see it. We could then take it and fix it like only the Open Source community can.

Jay D. McGowan mail stop: L-54  
 email:jdm@llnl.gov  
 Work Phone:(925)423-9860 Fax:(925)422-9560

"How you handle pressure determines how you handle life"

Lawrence Livermore National Lab  
 7000 East Avenue, Livermore, CA 94550

**MTC-00002985**

From: Andrew J S Hamilton  
 To: Microsoft ATR  
 Date: 12/6/01 7:42pm  
 Subject: Say no to the Microsoft Monopoly 'Penalizing' Microsoft by requiring them to donate Microsoft software to schools is like requiring the tobacco companies to donate free cigarettes to kids in schools. This is worse than no penalty at all.

Don't do it!

Yours sincerely,  
 Andrew Hamilton  
 Professor, U. Colorado, Boulder  
 Fellow, JILA

CC:Andrew. Hamilton@colorado.edu@inetgw

**MTC-00002986**

From: Eric Juve  
 To: Microsoft ATR  
 Date: 12/6/01 7:46pm  
 Subject: Microsoft the monopolist

To whom it may concern,

I find it hard to believe that anyone even remotely affected by Microsoft could believe they are not a monopoly. I have several concerns that need to be addressed.

1. The security of the U.S. internet. Many times recently, major losses have been incurred due to the lack of security in the Microsoft software used to interface to the internet. This lack of security is well known to the industry.

2. Microsoft is attempting to hijack all aspects of the public access to the internet through the use of its "Passport" gateway.

3. Microsoft is putting all Windows users on a permanent upgrade escalator using its new software registration policies. This same policy restricts users who often upgrade or otherwise change the hardware platform they run under.

4. Microsofts recent attempt to block alternative browsers access to MSN sites. This is a blatant example of the control they will impose if they succeed in their ambitions. This recent example occurred AFTER the ruling about their monopolistic tendencies.

5. Microsoft is now going after cable internet carriers. I can only imagine what will happen to me as a Linux/Opera internet user as they put up more barriers to the non-windows community.

6. Microsoft is also going after the Gaming community with their x-box technology, we will have to wait and see what kind of mischief they are intending in that arena.

Yours Truly

Eric K. Juve, Chief Engineer  
Nautamatic Marine Systems, Inc.  
3248 SE Ferry Slip Road  
South Beach, OR 97366  
541-867-6751  
541-867-6754 fax  
ejuve@nautamatic.com

**MTC-00002987**

From: matt bourke  
To: Microsoft ATR  
Date: 12/6/01 7:51pm  
Subject: Hi

The microsoft monopoly is spreading soon with there MS.NET they will own the internet and all smaller ISP's like my ISP will be sewing Microsoft the first day they bring in MSN internet access in my country of Australia and so will probably even the biggest isp's here as well .

kind Regards Matthew Bourke

**MTC-00002988**

From: Danny Crawford  
To: Microsoft ATR  
Date: 12/6/01 7:58pm  
Subject: If your rich

I guess if you have enough money in this country you can get away with murder. I just can't believe that you guys let that republican Bush push your department around. After the OJ case, I had my doubts about the judicial system in this country and now I have no faith at all in this judicial system. Microsoft will continue to keep the little guy down. I wonder who is doing the pitching, Bush or Gates.

Danny Crawford

**MTC-00002989**

From: Charlie Houp  
To: Microsoft ATR  
Date: 12/6/01 7:53pm  
Subject: Microsoft—DOJ settlement

To whom it may concern:

I as a consumer, do not agree with the DOJ's antitrust settlement with Microsoft. I believe the DOJ has sold the American consumer out in this settlement and has failed miserably to protect entrepreneurial and small business interests.

After having found Microsoft to be a monopolist, you have rewarded them with nothing more than a slap on the wrist. I find

this very disheartening and unfair. You have convinced me that there is no such thing as justice, nor fairness in our federal judicial system. When you have size and clout like Microsoft, you can manipulate the outcome.

Charles Houp

**MTC-00002990**

From: Todd Benson  
To: Microsoft ATR  
Date: 12/6/01 7:55pm  
Subject: Microsoft is a monopoly

Microsoft is a monopoly in the pc computer business, which makes up a huge share of the computer business. Their products are good, but the computer business could have been better without Microsoft being the monopoly that it is. Monopolies always hurt innovation and competition no matter how good they look. I believe that you have gone the easy route by settling with them. They control 90% of the PC operating business, which gives them great leverage and power for resources. Either you play with Microsoft the Microsoft way or they crush you. Please break them up so that we can enjoy greater innovation. They are bad for innovation. It's just the way it is. Punish them like you punished AT&T.

Look at how much innovation and lower prices that happened when they were broke up.

Best regards,  
Todd Benson

**MTC-00002991**

From: Michel Matte  
To: Microsoft ATR  
Date: 12/6/01 7:59pm  
Subject: DOJ/Microsoft Antitrust

As an independent developer I find it a pity that Microsoft should continue to prey on the industry with its abusive practices. The monopoly should have been broken up like Standard Oil. I agree that the government should play a role to prevent monopolies from taking hostages of smaller businesses and consumers. The government should encourage open source software such as the products distributed by Red Hat.

Michel Matte  
Canada

**MTC-00002992**

From: Steven Smith  
To: Microsoft ATR  
Date: 12/6/01 8:02pm  
Subject: settlement

We desperately need competition in the OS and applications market. As Microsoft pulls more and more functionality into the OS we are left with fewer and fewer choices. I don't think the settlement provides the right incentive for Microsoft to end its monopolistic ways.

Regards  
Steven M Smith, 4302 Chestnut, Temple, Tx

**MTC-00002993**

From: wmr@neomail.tns.net@inetgw  
To: Microsoft ATR  
Date: 12/6/01 8:10pm  
Subject: Microsoft ????

I highly recommend that you go out and do some computer shopping. Try to find an off the shelf IBM compatible PC system that will

correctly function without Windows. The number of PC peripherals that require the Windows Operating System is appalling. Many printers, scanners, modems and other devices will not function on any other operating system i.e. Linux. It is likely that if you acquire an off the shelf PC system, you will have to replace several devices to run Linux.

Take a look at <http://www.vcnet.com/bms> it shows a different yet incomplete history of Microsoft tactics!

Walter M. Reinemer

**MTC-00002994**

From: Bob Becksted  
To: Microsoft ATR  
Date: 12/6/01 8:13pm  
Subject: Settlement

Thank you for hearing our concerns. In particular I'm concerned about high quality, innovative alternatives to what Microsoft offers as Windows components. Microsoft has closely followed the aftermarket to Windows, and brazenly included features in Windows which effectively kill competition. Microsoft includes, at no extra charge, non-operating system components such as Media Player, Internet Explorer Internet browser, a CD burner, email with Outlook Express, a personal firewall, and other more subtle utilities—all which were preceded by products from small independent vendors who may now be unable to compete. Allowing these products to be included as free features stifles creativity and competition. This results in less for everyone.

These features have been slowly added over several releases of Windows and, for the most part, have reduced competition. Where their was some effective competition, such as Netscape, the resulting Microsoft products have been of a higher quality. However, the longer effect has always been damaging. Netscape did not fare well and never turned a profit, finally selling to AOL. I hope some more thought is given to the actions that should be taken to prevent the kind of oppression Microsoft has created.

Yours Truly,  
Bob Becksted

**MTC-00002995**

From: Terry Bohach  
To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw,...  
Date: 12/6/01 8:12pm  
Subject: Microsoft Settlement

I am writing to voice my concern over the proposed settlement with Microsoft. I feel that as a consumer, I do not enjoy the amount of choice I should in the computer software industry. There is no credible alternative to many of the product categories that Microsoft dominates. It is clear that they have continuously "strangled" new technologies that they saw as a threat to their dominance (Web Browsers, Word Processors, Java, Media players, etc).

Please consider taking a stronger position against this company that was found GUILTY in court for being an anti-competitive monopolist. Also, that the current settlement would only increase Microsofts market share while hurting other companies.

Terry Bohach

Computer Professional and Educator

**MTC-00002996**

From: Michael Beck  
To: Microsoft ATR  
Date: 12/6/01 8:14pm  
Subject: Your proposed settlement is a travesty! At the end of all these years,

Your proposed settlement is a travesty! At the end of all these years, you seem to have accomplished absolutely \*nothing\*, after winning on virtually every significant point in court. Microsoft is a bloodthirsty monopolist which will \*never\* be stopped by your ridiculously laughable "remedies." I write this from a Hotmail account, on a Windows-based computer. I can't get away from this crappy MS software if I tried! And what will happen in the future, as MS continues to leverage its dominant position to extend its reaches? I mean, come on: what the hell is .NET other than a thinly-veiled attempt to force us all into MS-controlled "standards?" Do you really want all \*your\* personal information in a Redmond depository?

I'd like to think that this monumental cave-in wasn't precipitated by the Bush appointees to your department, but of course that's not true. How many MS lobbyists have you people seen over the last year? Do you feel ashamed? Do you have any regrets? Do you even still believe in a representative democracy anymore? Nauseatingly transparent and deeply pathetic.

Thank GOD I live in California, where our justice system isn't quite as anxious to kowtow to Bill Gates' money and power. Even as you stab us all in the back, some brave souls carry on.

Good luck—the purity of humankind will be somewhat redeemed when you find it increasingly difficult to live with what you've done. The moment of realization is intense; your betrayal will haunt you for the rest of your life.

Michael

**MTC-00002997**

From: Mark and Suzette  
To: Microsoft ATR  
Date: 12/6/01 8:41pm  
Subject: Settlement Joke

The Microsoft settlement is a joke and an insult to the American consumer. Ordering Microsoft to donate software and hardware to the poorest schools will push traditional educational product providers (like Apple) and completely out of them out of the market. The idea of giving a punishment is to make someone want to stop what they are doing. You're not punishing Microsoft, your helping them tighten their grips on the market. I'm a Computer Scientist. I fear for the computer industry. Every year Microsoft takes over larger segments of the industry. Most of their product are poorly written, large, slow and buggy, but as the consumer, we have no choices. We have to buy what's available, and in most cases that means Microsoft.

I think the DOJ drop the ball on this law suite. No company should have the power Microsoft has. I think Microsoft's punishment should be a 5 Billion dollar fine, all of their Operating System's code should

be made available as open source, and Microsoft needs to be split up. Mark LaForest

**MTC-00002998**

From: Jan W Nelms  
To: Microsoft ATR  
Date: 12/6/01 8:25pm  
Subject: Microsoft Deal

My wife and I personally know Attorney General John Ashcroft and we believe that the nine states that oppose this landmark deal should drop their objection to the stipulations of the Microsoft deal. To continue to drag this situation out over a long period of time is not the right thing to do because it is our opinion that this should all be settled now without any further litigation or delay. My e-mail address is jannlo@juno.com

**MTC-00002999**

From: Dr Oog  
To: Microsoft ATR  
Date: 12/6/01 8:27pm  
Subject: microsoft is not a monopoly

There should be no settlement. MSFT is NOT a monopoly. did we all forget what a monopoly is? they do not have exclusive control over the computer market, the OS market or the software market. people have choices, and as long as they have choices this doesnt constitute as a monopoly. hmm whata a monopoly? how about QWEST? nowadays a phone is a necessity and not a luxury, yet we dont have a choice who our local carrier is. why is that? as long as their is competition, how does a monopoly exist?

Microsoft competes with Apple and the many other Flavors of UNIX. as long as competition exists, how can a monopoly?

**MTC-00003000**

From: Raymond Clark  
To: microsoft.atr(a)usdoj.gov  
Date: 12/6/01 8:30pm  
Subject: Microsoft Settlement

Sirs,  
I do not support your settlement with Microsoft. There is no provision for correcting the companies anti-competitive business practices. Please fix this problem and do not let Microsoft get away with the crime they have been convicted of committing.

Thank You  
Raymond J Clark  
10650 Utrillo Lane  
Northglenn, CO 80234  
Raymond Clark  
raymond1clark@earthlink.net

**MTC-00003001**

From: Don Butto  
To: Microsoft ATR  
Date: 12/6/01 8:31pm  
Subject: Allow microsoft to advertise to my kids as a punishment? YOU MUST BE JOKING

The new settlement that "forces" Microsoft to donate software, hardware, and services to America's poorest schools is a JOKE. It's great for the schools but even "BETTER" for Microsoft. Currently in my area the schools have a lot of Apple computers. If these Apple computers where replaced by Microsoft's "Generosity", then the settlement, that was meant to punish Microsoft for monopolizing

their industry, would simply further their cause.

Who says "you can win for losing". Sounds like Microsoft certainly will.

Thank you for allowing me the opportunity to voice my opinion,  
A Microsoft User

**MTC-00003002**

From: Joseph Venezia  
To: Microsoft ATR  
Date: 12/6/01 8:32pm  
Subject: Microsoft Action

There is no question that Microsoft used its desktop monopoly and a free web browser to destroy their browser opponents. This was down because people enjoyed using the browser interface in lieu of the GUI that is part of Windows, and Microsoft knew that if anyone ever put a different operating system under another popular browser interface, they would lose their desktop monopoly. The only way to rectify this malicious monopolistic act that has and still is wreaking havoc with other browser and operating system purveyors is for Microsoft to release all code for version 5.5 Microsoft Internet Explorer Browser including that for any underlying DLL/OCX's to the public domain. This action would rectify their action with regards to other browsers and operating systems, and any claim of financial harm would be groundless because after all, they claim to offer this product free.

This does not address their latest actions with regard to other products such as media players, but the release of the above mentioned code, and the operating systems that would soon use it, would deal with that problem in due time. The only other area needing addressing is to require Microsoft to publish all the Windows Operating System API so others can develop programs for the operating system. Even if you did not do this, it would not be a problem because the release of the browser code would lead to alternative desktop operating systems making in roads. To date Windows has offered no free Internet Browser for Linux. Its the only thing holding back Linux desktops. They make IE(older versions) for HP and SUN Unix because they know no one uses them for the personal desktop. Microsoft knows that any solution that neglects releasing the browser code to the public domain is a win for Microsoft.

Sincerely,  
Joseph A. Venezia  
joe@townportals.net  
941-694-9454

**MTC-00003003**

From: Lambert David  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 8:36pm  
Subject: Microsoft Settlement  
To Whom It May Concern:

I understand you're collecting opinions on the settlement, so I thought I'd add my \$0.02. Microsoft is a large corporation—so large, I believe, that for it to be severely damaged would probably adversely impact the economy of the country. This would, obviously, be bad for everybody.

The problem is that our system (which is the best there is) has flaws, and one of them is that Microsoft was allowed to grow to the

size it presently has. That any one company could, by its failure, drag down the whole economy is a failure on the part of the system in its entirety—and of the DoJ and judicial system in particular. You have a responsibility to prevent such things, a responsibility implicit in the antitrust laws (if not explicit), IMHO. Even ignoring the dangers inherent with such an anomalously large corporation, the behavior of Microsoft has been reprehensible in many ways. The court's original ruling (against Microsoft) was heralded as a major victory by most of the technical community, not because of a dislike of Microsoft products or even its pricing (though there are grumbles there, to be sure) but rather because so many fine companies and initiatives have been quashed by the heavy-handed policies of Microsoft.

I write this opinion using Microsoft Outlook, which in turn uses Microsoft Word as its editor. These are two of the finest products of their kind that have ever been, and represent only a small portion of the fine work that has been done by Microsoft. This does not change the fact that unless Microsoft's behavior is changed, and changed radically, the industry as a whole and consumers in general will be impacted in a deeply adverse way. The economy will remain at risk—and the consensus opinion among my peers is that Windows(tm) XP may be the block on which Microsoft finally stumbles. If this product does not destroy the company, it may still damage it to the point that the economy is severely hurt. Now may not be the time for fines of sufficient size to correct the company's behavior—I don't know—but the anti-competitive behavior must be stopped before the rest of the industry is ruined.

Finally, I must add that as an Engineer, I keep up with opinion, feeling, and trends in my industry. I hear from conservatives, liberals, and neutrals; from technophiles and technophobes; from Microsoft fanatics and Microsoft-bashers; from management, labor, and (in short) just about everyone. Nobody with whom I've spoken, or who offers an opinion on the subject, thinks the Microsoft settlement is just. None of my technical acquaintances (even those most enamored of Microsoft) believe that the company's policies are conducive to competition or growth within the industry. I know that such opinions must exist (perhaps among economists?), but I believe they must be taken as shortsighted.

Thanks for your time,  
David Lambert, Jr.

#### MTC-00003004

From: Brian W. Masinick  
To: Microsoft ATR  
Date: 12/6/01 8:40pm  
Subject: Punitive damages for conviction

The message I get out of the Microsoft case is that if you are big enough and you are important to the economy, you can do almost anything, and even if caught, you will not have any costly consequences. In the case against Microsoft, I understand that Microsoft was found guilty on several counts of Antitrust violations, including modifying operating system software to prevent competition of layered products,

manipulation and coercion, and other questionable and illegal practices—in effect, using their size and power to knock the competition out of other markets.

Though there are supposedly penalties, I question if they will have any effect at all. As compensation for these crimes, I think that Microsoft should be required to open their source code, at least to the specific companies that they offended, particularly those who have virtually gone out of business. Perhaps that would fairly level the “playing field”. Since Microsoft Office is so dominant, maybe requiring Microsoft to completely open up all document formats would be fair and reasonable punishment. That would certainly enable other companies to fairly compete.

Brian W. Masinick  
mailto:masinick@yahoo.com

#### MTC-00003005

From: Bigelow, Scott M NWP  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 8:41pm  
Subject: Short statement about proposed settlement

Hello,

I have been following the Microsoft Antitrust case since its beginning, when I was still using and recommending Microsoft products when I had a choice. It wasn't until I read about the many ways Microsoft was abusing its power that I decided that something needed to change, and that change could start with me, and it has, but very few Americans understand the concept of an operating system, so they have chosen to let Microsoft choose for them. I understand that the proposed settlement to fund schools with technology (including software) does not require all Microsoft software be provided on these systems, but certainly many would, extending Microsoft's monopoly. There are a great number of alternatives for software, including Red Hat, which has made a generous offer to the proposed settlement. Aside from this, however, Microsoft is turning the focus away from their business practices, which continue to this very day as seen in Windows XP, to the poorer schools of our nation. Money will not be a problem for Microsoft for a long time, and therefore not an adequate solution. I hope the DOJ does not let Microsoft choose form them, or turn their attention away from that which matters.

Thank you for your time,

—Scott Bigelow

#### MTC-00003006

From: dhvanika@home.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 8:45pm  
Subject: Red Hat

Dear DOJ:

<http://www.redhat.com/about/presscenter/2001/pressusschools.html>

I fully support Red Hat's proposal as listed at this site. I want Red Hat to provide software for the schools and Microsoft to provide hardware for the schools. I like the fact that the number of schools who are receiving aid increase to 1 Million. As a public school student, we had restricted access to restrictive machines. I feel that Linux would encourage students to solve

their own problems thereby stimulating education as a whole. Microsoft's software may stimulate learning but would not encourage independent thinking or problem solving. I speak as a Computer Science student who has used both Microsoft and Linux systems. I strongly support Red Hat's proposal. Thank you for listening to my opinion.

Sincerely,  
Dhvanika P. Gandhi

#### MTC-00003007

From: William J Kenny III  
To: Microsoft ATR  
Date: 12/6/01 8:47pm  
Subject: Microsoft “Punishment” need to be adjusted, rather changed all together.

I am sorry, but as a red blooded american, I can NOT say I understand the DoJ's position on this settlement. It seems as this solution is a contract, rather than a punishment for Microsoft monopolizing the computer industry. Are we truly to believe that an agreement where public schools are given funding, and a portion of that funding will go to increase Microsoft's monopoly is a good solution? If we really want a settlement which will stop Microsoft from continuing their illegal practices, we have to do something drastic. My suggestion would be to release the file formats and document handlers for Microsoft Office, and have microsoft document how commands are executed (as in POSIX standards for Unices).

I appreciate your taking our comments as this situation develops further.

ET3 William J Kenny III, USCG, Navigation Center West, Petaluma, CA 94952, (707) 765-7426

#### MTC-00003008

From: Michael Finney  
To: Microsoft ATR  
Date: 12/6/01 8:49pm  
Subject: Monopolies

Monopolies should be broken up and prevented from happening where possible. There is a statement that Microsoft was found guilty of being a monopoly and was not punished nor broken up. What's to prevent further monopolistic behaviors?

Michael Finney

Sun Certified Programmer for the Java 2 Platform

Sun Certified Developer for the Java 2 Platform

Co-founder of PPJJDG—<http://www.ppjdg.org>

Co-founder of cosAgile—Colorado Springs XP Users Group—<http://www.yahoogroups.com/group/cosAgile>

#### MTC-00003009

From: John  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 8:52pm  
Subject: Microsoft settlement

I am dissapointed in the DOJ settlement of the Microsoft Antitrust vs US & States. The settlement provides for a penalty much less than the face value of 1 Billion for several reasons.

1) 1 Billion is MS Software and old office computers to a class of citizens not currently using Microsoft products, resulting in no loss of customers.

2) Except as subtracted out of profit (which won't be realised with low-income families), the 1 Billion represents pennies on the dollar, it's pure hypothetical profit.

3) It does nothing to address the issue of monopolistic practices by MicroSoft(tm). Government oversight of monopolies can result in something resembling free markets. I borrowed this from Laura DeAndrea Tyson's book, "Who's Bashing Whom?"

4) A 550 Million dollar writedown, this year to pay down a 5 year commitment to maybe a 10th of the 1 Billion Settlement. That's like a get-out-of-jail card, allowing them to look very profitable Pro-forma, since a writedowns excuse large hunks of liability. Buy MS stock on the news of this settlement, I heard. It's a marketing expense disguised as a "off the books" writedown.

This all looks like accounting trickery.

I'd be happy with anything that might help open interfaces, and encourage a thriving software market with diverse sources of interoperable software. That is the core of many government aquisition programs, and a result of much thought. Everywhere this happens, whether it's between hardware, software or in networks, it's an additional technical hurdle for this industry. Lowers productivity, and some say, stifles innovation.

We have to keep an eye on all the players, Sun, Apple, IBM. They have done well so far.

#### MTC-00003010

From: Jim Ehrlich  
To: microsoft.atr(a)usdoj.gov  
Date: 12/6/01 8:51pm  
Subject: Microsoft Settlement

DOJ is failing in it's responsibility to the American Public by letting Microsoft off without significant punishment for their crimes. I am opposed to the settlement. I favor real punishment for Microsoft to limit the damage they do to computer users. Judge Jackson had it right.

Jim Ehrlich, D.V.M.  
Jim Ehrlich, D.V.M.  
Dairy Veterinarians Group  
832 Coot Hill Rd.  
Argyle, NY 12809  
jehrlch@dairyvets.com

#### MTC-00003011

From: jcromie@divsol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 8:51pm  
Subject: msn.com now blocking netscape browsers

Ive heard reports that MS is now blocking browsers from accessing their websites. I dont have specifics on which sites or which browsers, but its disturbing. for what its worth, they have the technical ability to block browsers on ANY item in the string below, or all of them together. "Mozilla/4.78 [en] (X11; U; Linux 2.4.9-13 i686)" In other words, they could block Mozilla, or Mozilla/4.7, or Linux, etc, ad-nauseum. and they can get away with it, cuz most people dont know better, any more than they know that theres arsenic in their water. I think its your job to insist upon a modicum of fairness, and letting them continue business as usual is inadequate.

#### MTC-00003012

From: Phil Percival (CSI)  
To: Microsoft ATR  
Date: 12/6/01 8:44pm  
Subject: Oppinion on decision against Microsoft

When does a capitalist become a monopolist? When the competition fails to take advantage of the same oportunites. Why should the successor be punished for the continued failings of others. And there's the argument, are the continued failings of the other competitors a result of a concious effort by Microsoft to stifle or is it a result of something else ... Microsoft have cornered the market by taking advantage of early opportunity, and continuing with a superior marketing strategy. While they may not have the best technical product they do have a more readily available, supportable and presentable product.

Back when the Unix gurus of the world were hiding in main-frame basements churning out enhancements to an already superior operating system, Microsoft was exploiting a virgin personal computer market. If only Red-hat and the other UNIX vendors had been around 20 years ago. If only the conceited, self-absorbed Unix developers of the late eighties/early nineties had been a little more business minded and less ignorant ... Then of course Apple came along with their high priced, rigid operating system and hardware attitudes offering incentives to universities and schools but missing the point when it came to the "average user" market—and still missing the point to this day, surviving only on marketing brilliance in the US.

We owe Microsoft for pushing hardware and software technology forward. That a lot of the momentum of the computer software and hardware technology surge has happened because of them is unquestionable. But that technology is not necessarily owned by Microsoft and thanks in some part to them is available freely to the world—hardly a monopoly. Now is the perfect time for Unix vendors to capitalise on their superior OS technology but first they have to loose their non-constructive "anti-microsoft-Unix-is-GOD" attitudes and produce better software for the lamens. They seem to be heading in that direction but with a total lack of standardisation I fear that direction is somewhat non-linear.

I can only hope that it wont take a further twenty years for a "Windows" based Unix OS to be competitive—Red-Hats buggy "MS Windows-like" desktop is almost there—if they could only improve Unix's hardware support and plug-play strategies ... As for Apple .... I'm afraid they just don't seem to get it, you can only "create" a market for so long; maybe if they combined their existing OS technology with the more versatile Unix technology and concentrated on software rather than hardware they could move with the market rather than tangential to it.

Regards  
Phillip Percival  
BEng. Electronics/Software

#### MTC-00003013

From: Mark Eagar  
To: Microsoft ATR

Date: 12/6/01 8:52pm  
Subject: microsoft anti-trust settlement

I am writing to express my dissatisfaction with the current remedies imposed upon Microsoft for their flagrant unethical and monopolistic business practices over the last 10 years. I have seen product after product eliminated systematically by Microsoft thru un-fair business practices. Products such as word perfect, quatro pro, lotus 123, netscape, harvard graphics, dbase iv all provided significantly better functionality at a substantially lower cost than the microsoft equivalent product at the time they were eliminated from the consumer market. Since that time, microsoft has increased prices very significantly in all areas where they have eliminated their competition. I think a remedy for these practices should cause them some financial pain, benefit those they have injured, and make future software development more palatable. Current computer hardware is approaching the price of the computer operating system, a thing unheard of in any other industry. Linux, Beos, and os-2 all provided significantly lower cost alternatives before they were systematically eliminated by microsoft's unfair business practices of pre-installing their operating systems on oem machines. I think the remedy of providing computer hardware to poor schools and making source code available to competors would be a significant start to rectify these problems.

sincerely  
Mark Eagar

#### MTC-00003014

From: Ed@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/6/01 8:56pm  
Subject: Microsoft

Get real! This company broke the law! They must be prosecuted and held accountable. The only way to assure both consumer protection and further violations of copyright and antitrust violations is to break the company up so that they will be governable.

Ed Lynn  
763-566-3019

#### MTC-00003015

From: Jones MV (Michael)—CSC  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 8:55pm  
Subject: Class-Action Suit

I have followed this case very closely, and There is a lot to be argued on either side of the coin. Being a person who works in Information Systems as a Systems Administrator, I will simply share my views and opinions, as I am a user of Both operating systems in my line of work, and I like both of them.

Microsoft: For what they have done for the PC industry, my hat is off to them. The monopolistic power they are today, for the majority of the companies lifespan, was earned. Microsoft, for years, released superior products than its competitors for the PC market. The ease of use and availablility is what made Microsoft the company they are today, however when you lead the cow to pasture, you are usually preparing to do one thing, to cut it up once it gets big enough.

Microsoft has flexed its financial muscles much too often in the past 3 to 4 years. I feel the web browser wars were the first signs of it, by flooding netscape out of the market by giving people a free alternative, yet Internet Explorer is still property of Microsoft Inc. It is not open-source. This makes a substantial difference in a technical sense. Its like giving a man a fish, rather than teaching him to fish. Once that fish is gone, you have to go back to the same man who gave it to you, and hope he is feeling generous. Nothing is gained by anyone except Microsoft, and many things have changed in the industry since this occurrence. Microsoft now has limited control over what can and can't be viewed on the on the web by PC owners In order to see certain public web based content, you must now be a Windows user, but moreso than that, a IE user. They offer a free browser, but just for Windows users. They have tools like Active-X, but just for IE. Have you tried getting to MSN.com with a browser other than IE? you can't anymore.

With Windows XP, Microsoft is outlining its OS to be even more slanted towards monopolistic practices by checking against hardware to validate its really you that is using the OS. A person should not have to validate a hardware upgrade to their OS manufacturer to be able to continue to use their product, which they purchased a liscense to use, when their hardware becomes outdated. Microsoft has done a lot, but now they are doing too much, because there are more and more alternatives out there that are exceptional, and as more and more come around, Microsoft is flexing their muscles more and more to make things as incompatible as possible for the competition, while Microsofts competitors do exactly the opposite.

Redhat: Redhat Linux is an Open Source operating system that Intrigues me. It has, in many ways, filled the gaps that Microsoft OS's couldn't fill, during one of the most diffucult times in our industry to do so. What Redhat lacks is exposure. What Microsoft hopes to prevent by its practices is Redhats exposure. This is wrong. I feel the proposal by Redhat to put their operating systems on the computers in order for Microsoft to be able to support more schools is the best thing that could happen for both companies in this situation. In time, it will establish competition in the PC OS market once again. This needs to happen, because as Linux becomes more refined, and more streamlined for less technical end users, it will indeed be a prosperous operating system at the desktop level in 4-5 years to come. Linux, is based on UNIX, which has existed much longer than windows and is important to know in this industry. Learning Linux will give people the ability to diversify their knowledge of computer operating systems on several levels. What better place to do this than at school? There are many breeds of UNIX out there, and they are all similar in nature. Learning Redhat Linux, opens the doors for SUSE, Mandrake, Corel, BSD, Slackware, and many others. This school proposal needs to go down to insure a stable, compatible market for the future.

I consider this point in time, in both hardware and software markets, the

crossroads of PC's future. On one road, we have Open Source, and on the other we have licensed based. Without breaking Microsoft up, they will program Linux out of the desktop market, because of the percentage they hold. They are bigger in that market, they are wealthier, they have more history in the desktop model than Linux, so Microsoft had something Redhat will not have if nothing happens to stop them, time. Bigger does not mean better, Older does not mean wiser. Reguardless of personal opinion, Redhat has the right to compete, without being driven out by a much larger company with a much bigger checkbook. I've seen many, many efforts by open source companies to work within Microsofts OS, and almost none by Microsoft in comparison. When I see Microsoft Office for Linux, I know then that we will be on an equal playing field, for once, in the PC industry. I am all for standardization, and it is needed in our industry (Standard Document Formats, More Hardware standards, etc), but the tools in which we standardize with need not apply (MS Office, Staroffice, Windows, Linux) If I'm blueprinting a house, weither I use a Paper-Mate pen or a BIC pen does not matter. When I'm blueprinting a house in a CAD program, weither I'm using Windows or Linux shouldn't matter either.

Thank you for your time,  
Michael Jones  
On site Technician for CSC  
On site Technician at the Bay-Valley Complex  
A division of Equilon Enterprises LLC Ph: 661.326.4355 Helpdesk: 1.877.786.5821  
mailto:mvjones@equilon.com  
mailto:cscss@equiva.com  
Life's a journey, not a destination.  
—Steven Tyler

#### MTC-00003016

From: Alan Meyer  
To: Microsoft ATR  
Date: 12/6/01 9:04pm  
Subject: Settlement of the microsoft monopoly case

Ladies and Gentlemen:  
I am writing to request that stronger measures be used to curb Microsoft's monopoly power in the software market. I am a professional computer programmer with no knowledge of law or economics, but with many years of experience in working with Microsoft produced and other software products, and in working with organizations that have chosen to buy Microsoft products. It is often the case that organizations I have worked for have chosen Microsoft products, not because they thought they were the best, but for fear that significant competitors would be destroyed by Microsoft and that purchasing those competing products would leave them out on a limb in future years.

It also often happens that an organization chooses a Microsoft product because the cost is cheaper than a competitive product. But the low cost may only continue until Microsoft dominates the market. For example, the cost of all word processors and spreadsheets—probably the two most common business applications, has declined for all vendors except Microsoft—which now totally dominates this business and still sells

its Microsoft "Office" package at a high price. SQLServer, Microsoft's database, used to be dramatically cheaper than the Oracle database from Oracle Corporation. It is still somewhat cheaper. However as Microsoft's market share has grown, the cost of SQLServer has significantly increased, while the cost of Oracle has decreased.

Both of these outcomes—selling inferior software to buyers who are afraid that competing products' vendors will be driven out of business, and defying the general trend towards lower prices in the software industry—result from Microsoft's monopoly position. I haven't seen anything in the projected settlement which addresses these issues.

Thank you.  
Alan Meyer  
AM Systems, Inc.  
Randallstown, MD USA  
ameyer@ix.netcom.com

#### MTC-00003017

From: Rollin Strohman  
To: Microsoft ATR  
Date: 12/6/01 9:07pm  
Subject: Microsoft settlement

It is hard to conceive of a proposed settlement for an antitrust case where the defendant is aided in developing a monopoly in another area. Surely there must be a way to help education without supplying a business advantage for Microsoft. Giving cash for technology to school districts would seem to be a better answer.

Rollin Strohman  
BioResource and Agricultural Engineering  
Department Cal Poly  
Phone 805 756-1184 Fax 805 756 2626 San Luis Obispo, CA 93407 Internet  
rstrohma@calpoly.edu

#### MTC-00003018

From: Tim Gravlin  
To: Microsoft ATR  
Date: 12/6/01 9:07pm  
Subject: Monopolistic

Hey, Why are we paying you guys?  
Good work punishing Microsoft for taking advantage of the American people, that's great! I am sooo glad to see that Democracy is for the people and not here to protect the interests of the biggest companies with the deepest pockets.

Sincerely,  
tim  
www.timgravlin.com

#### MTC-00003019

From: Jacks  
To: Microsoft ATR  
Date: 12/6/01 9:13pm  
Subject: Microsoft monopoly

If Microsoft really wants to provide quality software for our schools they will provide some OTHER operating system besides Microsoft windows. Their attempt to fan out their operating system to the schools is nothing short of a HUGE bribe to the country to further extend their monopoly.

Someone in the justice system has got to see that Microsoft is not worthy to provide software to our school systems.

Jack laster

**MTC-00003020**

From: Joseph Bottero  
 To: Microsoft ATR  
 Date: 12/6/01 9:12pm  
 Subject: Microsoft settlement

The DOJ's settlement with Microsoft is a scandal. It is a sweetheart deal if ever I saw one. It fails to punish Microsoft for illegal behavior in the past, and puts no barriers in place to illegal behavior in the future. The DOJ needs to withdraw this action and resubmit an appropriate sanction to the court.

Joseph Bottero  
 jmbottero@attbi.com

**MTC-00003021**

From: Maurice McCabe  
 To: Microsoft ATR  
 Date: 12/6/01 9:17pm  
 Subject: Microsoft Settlement

To whom it may concern:

While I do not support any settlement by the DOJ with a company which to any common sense observer is a monopoly, I vigorously object to allowing Microsoft to spread its hegemony by allowing them to establish the incumbent operating system in educational institutions. There are other alternatives such as LINUX.

The DOJ is responsible for maintaining the public trust, and as such, should be held responsible for mistakes and errors in judgement. Please let me know how the DOJ is being held accountable for its actions in this particular case.

I look forward to your response.

Maurice McCabe  
 Maurice McCabe, Orbsoft, Inc., 1028 N. Lake Ave, Suite #108, Pasadena, CA 91104  
 mmccabe@orbsoft.com, Tel: 626 798 2800,  
 Fax: 626 798 9602, http://www.orbsoft.com

**MTC-00003022**

From: David J. Looney  
 To: Microsoft ATR  
 Date: 12/6/01 9:26pm  
 Subject: Inadequacy of Proposed Settlement with Microsoft

To Whomever It May Concern:

I can find no other word than "betrayed" to describe my feelings concerning the U.S. Government's accommodation of Microsoft's monopolistic practices. If this settlement is approved, it is clear that no software innovation will be safe from assimilation, that consumers will never be given any chance of preloading other operating systems on PC architecture computers by major vendors, nor have any respite from paying for Microsoft operating system software when purchasing laptops, even if they do not intend to use the software at all.

Here is a company that has used pricing practices for over a decade to make it economic suicide for any hardware vendor to offer alternative operating systems (as much as 400% pricing differential in many markets), sneering at the settlement reached in the previous DOJ action (concerning per cpu licensing), continuing to effectively enforce severe penalties through pricing against any company that would offer the consumer a choice.

Here is a company that has routinely precluded development for alternative

platforms (e.g. OS/2 in the past) as a condition of participation in programs for development support, and which currently seeks to prohibit the use of any open source tools in conjunction with Microsoft development tools. Microsoft deliberately introduced seemingly pointless changes to revisions (erroneously termed "upgrades") of the Windows 3.x series to "break" compatibility with OS/2 and to prevent or make difficult the use of DR DOS. While Caldera successfully sued, all of us consumers were still stuck with the inconvenience and left without compensation.

Here is a company which stated in leaked memos that the way to increased control was to subvert standards (the "Halloween" memo), introducing proprietary changes or alternatives, in an effort to control communication over the internet, force adoption of Microsoft server software, over more dependable and "free" software, and generally turn the internet from a public freeway into a corporate toll road. Here is a company that represented fabricated video in court to a U.S. judge as the truth. Here is a company that has also chosen to "borrow", rather than innovate. The basic graphical user interface was clearly inspired by the Apple Macintosh, in turn derived from Xerox. The basic taskbar and menu interface added to Windows/95/98/Me/Xp was essentially a duplicate of the Lotus Smartbar system. When Microsoft wanted disk compression, they stole it from Stac, and didn't even consider doing that until it was first introduced by DR DOS. When Microsoft wanted a browser, they stole it from Spyglass (not paying agreed upon fees), and stole the name from an ISP which they drove out of business over the trademark of "Internet Explorer". Here is a company that loses again and again in court (most recently to a new England software development company over restrictions on software tools) and finds it cheaper to pay than play right. It was laughable to see Microsoft touting implementation of voice controls and an "Internet Desktop", years after a truly internet integrated and voice enabled desktop was introduced in OS/2 Warp. The only innovation introduced by Microsoft has been an incredibly fertile breeding ground for computer viruses and worms, preying upon Microsofts' operating systems fundamental lack of security and ill-considered capabilities built into email clients, browsers, and servers.

Here is a company that, when their browser didn't stack up against Netscape's, made it mandatory, "integrated" with the operating system. When they realized that video real estate on the installed OS screen was valuable, they loaded that icons generally useless and annoying to the consumers, and sought to control even the bootup screen. While initially making some concessions to hardware manufactures, just how quickly do you think Microsoft will backpedal once they secure the proposed love-pat-on-the-wrist settlement? They've already begun. How long before "SmartTags" reappear, changing the content of the web pages viewed tailored to the tastes of Microsoft, or those who pay Microsoft to

change it, while tracking your every movement on the web, and cross-referencing your internet excursions with your credit card, password, and other information in their Passport database, the use of which is built into WindowsXP.

Their offer to donate software to disadvantaged schools reeks to the heavens of self-service. It is the largess of the cat as it plays with the mouse. The schools are the last place where Microsoft still faces significant competition (Apple). How convenient to be donating completely Microsoft systems. What a "penalty" for them to endure. Why not make Microsoft purchase Apple computers for every school in the US (running MacOS/X), and/or hardware capable of running the Linux operating system, which RedHat Software has agreed to donate free to every school in the country. That would make some sense, and at least show our children that they do have a choice. Do that, and make Microsoft agree to an absolutely open pricing structure, with only some capped volume discounts (i.e. top level over >1000 copies \$\$\$/copy), no special deals or contracts, everyone can buy the same volume for the same price, under penalty of breakup of the company. Ban Microsoft from including restrictive agreements with software developers—let them offer any incentives to develop for Microsoft operating systems they want, but don't allow them to offer disincentives or prohibit developers from targeting other platforms.

Then we would see just how far the quality of Microsoft's software would carry it. I am not a computer professional, and I have no financial interest in any of Microsofts' competitors. I'm just a computer user, who doesn't like Microsoft's software "solutions" or their behavior.

David J. Looney, M.D.

**MTC-00003023**

From: Zachary Johnson  
 To: Microsoft ATR  
 Date: 12/6/01 9:28pm  
 Subject: Don't Settle With Microsoft To Whom It May Concern:

I would like to take this brief opportunity to voice my objection to the proposed settlement with Microsoft. As someone who grew up with computers, I've watched quite a bit of technology come and go, not all of it deserving. Names which once carried great excitement, now consigned to history, abound: Stack, Netscape Navigator, Word Perfect, Amipro, Lotus 1-2-3, OS/2, Telemate and so many more; each of these products fell victim to classic Sherman-style monopolistic predation: using the Windows Operating System monopoly to effectively "squeeze" out competitors. Microsoft quashed Stack, then the leader of disk compression software, when it included DoubleSpace into MS-DOS and later Windows 95 and up. Microsoft quashed Netscape Navigator when it included Explorer into Windows 95, NT and up. Microsoft quashed Word Perfect my giving Office developers access to critical Windows computer code (Application Programming Interfaces) not available to other companies. Microsoft quashed Ami-Pro the same way.

Microsoft quashed Lotus 1-2-3 the same way. Microsoft quashed OS/2 by predatory licensing practices that punished PC vendors for including non-Microsoft operating systems and by refusing to make other applications, like Office, compatible with OS/2 despite demand. Microsoft quashed Telemate out of existence, and many other serial communications programs, by including Hyperterminal with Windows 95 and up.

The vicissitudes of the software industry over the last ten years has brought improvement, but at a great price: innovation. Consider disk compression alone. During the great Stacker versus DriveSpace competition, compression technology went from non-existent to 2x compression in just a few years. That was 1993. Drive compression technology has not improved significantly ever since. The same can be said for dozens of other market niches.

Keep in mind the story of OS/2. I remember how excited hundreds of independent software vendors, and tens of thousands of consumers, were when Microsoft was before Judge Stanley Sporkin in it's previous anti-trust trial. Many people were excited when Judge Sporkin refused to sign the settlement between the Justice Dept and Microsoft. I also remember how dejected we all became when the Appeal Court intervened. OS/2, a truly innovative Operating System which featured cutting edge technology long before it was incorporated into Windows, soon withered under the dark eclipse of Microsoft's licensing practices.

Bear this in mind:

Most likely you are using a Windows-based PC to read this message. Much of the software included on this machine represents a once-thriving segment of the software industry that no longer exists because Microsoft tied one of it's products, or a product of a company in which Microsoft has an equity stake in, to its Operating System monopoly.

Please, for us tired and weary computer users, reject the agreement lest we be back here again in another five years.

Sincerely although tired,

Zachary Johnson

Computer Professional, Enthusiast, and Legal History Wonk.

#### MTC-00003024

From: stoddard@mail.altelco.net@inetgw

To: Microsoft ATR

Date: 12/6/01 10:27pm

Subject: Microsoft comment

This is not about Microsoft being bad because they are Microsoft. This is to point out that the Department of Justice is passing up an opportunity to make America a better place by re-introducing competition back into the PC software industry.

If you look at the history of the software industry you will see that whatever market Microsoft has decided to enter, competition dies. Look at spreadsheet software: at one time Lotus (now IBM) ruled the market but had plenty of competitors. Microsoft entered the spreadsheet market and practically took over the market in just a few years. They did the same thing with word processing

software. Wordperfect (now Corel) was the market leader with a healthy quantity of competitors. Microsoft entered the market and most competitors went out of business. The same happened with disk defragmenting software. Many competitors until Microsoft entered the market.

The loss of competition in the office productivity software happened concurrently. What event caused all of this? Bundling of Microsoft applications on new PC's. At first they were not the best but they were "free" and good enough. Why buy the best or even something else? Now everyone sticks with Microsoft applications for "compatibility". Everyone who buys a pre-made PC, as opposed to assembling out of parts, pays a Microsoft "tax". Windows and some kind of Microsoft productivity application are pre-loaded by the manufacturer. There are a few exceptions but none that amount to more than a few percent of the market. Competition is lost. Please take a look at the number of software companies today as opposed to ten years ago. Also look at the average size of the top five companies in each category. Now look at the same information for today. I think you will see a disturbing trend.

#### MTC-00003025

From: e-racoon webdesign

To: Microsoft ATR

Date: 12/6/01 9:29pm

Subject: letter to the department of justice

Dear Department of Justice,

In respond to some e-mails I received in the case of Microdoft I would like to point out that I do not agree with the attitude of Microsoft. My opinion is the following:

First of all, I am not a happy customer of Microsoft. They bring out software that does not work properly, a way of resolving that problem is to download patches or buy upgrades. Since Apple can bring out a quite good OS and Linux works good for free, Why can't Microsoft do the same. They are giving a false illusion of safety by pretending that their software is secure.

second: I really dont like all those stories about Microsoft that I hear. I might be paranoia but I have the feeling that my privacy is at stake if I continue to buy or install software of Microsoft. All those required fields to fill in with questions that actually dont need to be filled in for a working software. With XP I have to online to register my computer. I dont have the need that micosoft knows what I have for computer at home.

Third: The prices... absurd from microsoft to charge that much money for a software that has blue screens of death as standard feature, linux is a far more advanced OS for free. Im sure that the programmers of microsoft has an equal knowledge of programming that those of the linux community. Why the difference in price (?). receive free software that rocks or pay lots of bucks for a software that needs contineous patching and update and still not work good. Easy choice.

Conclusion: Dismantle Microsoft in smaller companies. This should be a solution. That way they will less have the opportunity to monopolise the IT sector.

The computer industry needs concurrence to evolve, monopolizing it would result in a low development rate and always the same software. My trust is in the maerican department of justice. make the right decissions and the world will be gratefull to you.

Sincere regards

Jim

web-developer

Netherlands

CC:Red Hat

#### MTC-00003026

From: Scott Jacobs

To: Microsoft ATR

Date: 12/6/01 9:30pm

Subject: Concerned about settlement

As a software developer and consultant, I am concerned about the new direction the US DOJ has taken with respect to the case against Microsoft Corp. I think the evidence is clear that Microsoft strongarmed OEM's using anti-competitive and exclusive contract terms, using their dominant market position to back OEM's into a corner with no alternative but to sign on the dotted line.

This kind of arrogant disregard for fair competition needs to be addressed in such a way that Microsoft is taught a lesson. I can't see how that is being accomplished with the current settlement terms.

Regards—

Scott R. Jacobs

srj@mindspring.com

#### MTC-00003027

From: Brian (038) Christine

To: Microsoft ATR

Date: 12/6/01 9:33pm

Subject: Antitrust settlement

I am from a small country which is dominated by Microsoft software. They are, in my belief, stamping out any form of competition in our primary areas of Government and Education. I am appalled by the DoJ settlement because I cannot see any form of punitive action, nor any remedy to prevent the continuation of abuse by this software monopoly. The danger of allowing Microsoft to continue its blatant behaviour is to see the U.S. become isolated technologically from the rest of world, Europe, and Asia in particular. The perception here is that Microsoft is above the law, untouchable, contemptuous of justice, and encouraged by the current U.S. Administration.

I support the states that oppose the settlement. It is a pity that they have to try and do what the DoJ should have done.

Yours sincerely

Brian Moyse

Christchurch New Zealand

#### MTC-00003028

From: Chris Embree

To: Microsoft ATR

Date: 12/6/01 9:30pm

Subject: My opinion

Dear Sirs:

I have been a computer professional since 1985. I have worked with DOS, OS/2, Apple Computers, Windows, Linux, AIX and Solaris and a few others. In the mid-80's IBM was considered the Evil Empire. Sun would have us believe that they are here to save us;

Linux zealots would have us all work for free; and Steve Jobs and co. would have sitting around in our bare feet making "really cool" graphics with our Macs. I don't believe that any of these groups have the consumers best interest at heart. As bad as they are, Microsoft continuing to operate as described in the settlement agreements is 10 times worse. Microsoft has a continued history of stealing add-on software, breaking it, then jamming it into their core operating systems. Microsoft designs and develops incredible insecure software then makes plans to have all its customers connected to the internet all the time. They simply must be stopped. If Microsoft is allowed to continue, it will surely damage America. Their software is responsible for the overwhelming majority of systems outages and lost productivity in operations centers where Windows is in use.

The Commodore Amiga OS was better in 1985 than WinXP is today. Microsoft has not done us any favors. Stop them now.

Chris Embree <cembree@email.com>

**MTC-00003029**

From: James T. Garland  
To: Microsoft ATR  
Date: 12/6/01 9:42pm  
Subject: Microsoft Anti-trust Settlement

I develop computer software. I never had any intentions of competing with Microsoft. Back in the days of DOS, I was able to get the information that I needed to write software for most any purpose. But, when Windows 3.1 came out, Microsoft made it virtually impossible for me to get access to the information that I needed to write Windows applications. Consequently, my days of developing software came to an end with the introduction of Windows 95 and the death of DOS.

I believe that Microsoft is a monopoly and that they have been a predator. Their operating systems market is unchallengeable. They have destroyed numerous application software developers over the years to enhance their bottom-line. Why is it that you want to let them off with a slap on the wrist?

James T. Garland  
Network Consultant and Software Developer  
GarTek, 210 Thirteenth Street, Knoxville, TN 37916-1527, E-Mail: gartek@rocketmail.com

**MTC-00003030**

From: c.deveaux  
To: Microsoft ATR  
Date: 12/6/01 9:45pm  
Subject: PUNISH Microsoft, Don't be tricked into rewarding them!

In having Microsoft donate free software to schools, you are playing right into their hands. This is no punishment at all, all this will accomplish will be to further entrench their software's dominance in the marketplace. Only this time it will be among people who probably never had computer skills before; they had nothing with which to learn. If this goes through, they will be trained to go into the workplace with Microsoft-only computer skill; in other words, only capable of working in some flavour of Windows.

One of the reasons Windows is dominant is because most software is written for it; following a vicious circle:

—third party vendors sell more because Windows is much more popular. (It is absolute crap for the money we pay, BUT SINCE EVERYTHING IS WRITTEN FOR IT WE HAVE NO CHOICE!)

—because everything is written for windows, Microsoft maintain its stranglehold continuously.

No one can buy another OS that has even a tenth of what is available for Windows. Contrary to what Mr. Gates et al spew out, Microsoft is not about choice or innovation, it is about gouging the consumer and maintaining their monopoly and to hell with what consumers want. They just couldn't give a crap. Linux, for example, is free and doesn't crash even 1/100th as often as the most popular Windows. Microsoft has a billion-dollar budget and they can't even debug their own product. Why? PLANNED OBSOLESCENCE. After all, if the old version has loads of bugs (and with Microsoft it always does) they can sell a new version with bug fixes and not even have to.. \*GASP\*... ACTUALLY EARN THE MONEY THEY ARE GETTING BY GIVING THE CUSTOMER WHAT THEY WANT!!

Yes, for the record I HATE Microsoft and absolutely everything they stand for. When I think of all the money I had to spend on their crappy system it makes my blood boil. No-one wants to take a chance on lesser-known OS's so I HAVE NO CHOICE BUT TO USE MS WINDOWS (to my continual chagrin)

Force them to break up. Force them to reveal their source code. Do something to break the death grip they have on the PC industry. I personally want them GONE. But I'd settle for having a choice.

Regards,  
Chris Deveaux

**MTC-00003031**

From: Jannumber9@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 9:44pm  
Subject: RE: Microsoft's Position in the OS / PC Market

To Whom it May Concern,

As a PC owner, I am less than thrilled with Microsoft's ability to force me to accept their Windows-XP operating system on my new PC, and with it, their police-state-tactics imbedded in the Operating System. Not only do I feel it a violation of my personal privacy (to allow them to run software on my machine that essentially permits them access to anything and everything I have installed), but I am very annoyed at the performance degradation of all this policing software. I am a law abiding citizen, who does not steal software products, so why should they have the right to force me to accept an agreement to run the only choice any home PC user really has—Windows (in whatever version they choose to provide), and at the same time add all their strong-arm-tactics built into their Operating System! I am truly sorry I did not buy my new PC before they switched over to this new Windows-XP. What does XP stand for? "eXtra Paranoid (Bill Gates)"?

Please view the Microsoft Corporation as the 10,000 pound Gorilla it really is.

Someone needs to protect the customers from their position as the "only game in town"—so take it or leave it" attitude. Please force them to back off! To open up their operating system so that customers such as myself can turn off the nonsense that eats up resources (Disk Space, CPU usage, Memory). I suggest you go to your local PC store (Gateway, CompUSA, whatever), and try to buy a PC without Windows-XP. You can't find one—trust me. Then, when you get it home, read the agreement that Microsoft requires you accept, if you want your new PC to work at all after 30 days! Perhaps this will show you what they truly are about.

I wish I had a choice. Thank you for your time,

Sincerely,  
Janet Sinclair  
CC:Jannumber9@aol.com@inetgw

**MTC-00003032**

From: drostrander@att.net@inetgw  
To: Microsoft ATR  
Date: 12/6/01 9:46pm  
Subject: Dear Department of Justice:  
Dear Department of Justice:

The present settlement arrangement shows off Microsoft's extensive manipulative ability afforded to them by their monopolistic wealth. It is difficult to believe that this arrangement was not influenced by Microsoft money. The stench of corruption surround this entire settlement agreement, and it definitely erodes faith in the ability of our justice system to make impartial decisions. The ugly, corrupting influence of money appears to have replaced your soundness for decision-making. POINT BLANK- Microsoft is guilty of Monopolistic practices that have hurt/ruined competing businesses, not by shrewd innovativeness, but by deceptive deployment of computer piracy practices. The general public is naive concerning these matters, but anyone with any substantial history/experience in the computer industry is aware of that trend, and the hands off policy adhered to by the justice department. The U.S. Justice system is emulating and reinforcing the backward business payoff methods used in corrupt systems, such as Mexico. ANYTHING for a buck, appears to be the new official slogan of the U.S. Justice department, because it is painfully obvious that there is no priority on what is right, moral, or what is the longterm good for the public.

**MTC-00003033**

From: Justin Bush  
To: Microsoft ATR  
Date: 12/6/01 9:48pm  
Subject: Monopoly

Maybe I am not completely clear on the monopoly issue here, but it seems to me that there is no such issue at hand. You should know that I do not solely use Microsoft products. I use many companies products on Microsoft Windows, but I also use many companies products on Red Hat and Mandrake Linux. So, I have used and still do use other operating systems other than Windows. Microsoft does put out incredible products. And, Windows is, in my opinion, the best operating system available. To say that they have a monopoly because they sell

more of their operating system than competitors is ridiculous. They sell more, because the majority of people want it. It is very user-friendly, and that is what most people want. I mean, why not...would you rather get a can of pop that tastes great and just requires that you pull a tab up to open it, or would you take the can of pop that isn't so great tasting and requires that you use a can opener to get it open? It's common sense. And, as far as requiring that Microsoft Windows come standard with other companies products installed is outrageous too. I can't state which one sells more, but let's say for instance that Pepsi sells more per year than Coke does. Does this mean that Pepsi has a monopoly and should be required to provide one can of Coke for every case it sells?

It's not like you don't have a choice either. Even if your computer purchase comes with Windows installed...you still have a choice. You are not required by law to use that operating system just because it was installed. If you don't like it, then remove it and install the operating system that you desire. If Linux ever get's close enough to compare to the user-friendliness that Windows has, then they will get more business. But until then, open source or not, Microsoft deserves what it gets...Money!

Justin Bush

#### MTC-00003034

From: Michael I Schwartz  
To: Microsoft ATR  
Date: 12/6/01 9:50pm  
Subject: Microsoft Antitrust summary

When I first read Thomas Penfield Jackson's summary on the Microsoft case, I was astonished. Here was a judge who had cut through the maddeningly lengthy arguments, avoided what could have been impossibly tangling technical discussions, and convincingly, summarily, and clearly described the kind of illegal and despicable behavior that Microsoft has engaged in for years.

Here, I thought, may be the beginning of the end of the strangling hold that one company has put on innovation by slowly encroaching on area after area of competition and innovation, using popularity of one product to drive the business out of another area, for over 10 years. My only concern about the proposed settlement was counting the appropriate number of entities that Microsoft should be split into. Instead, the Government not only lost its will to promote innovation and prevent financial gouging of the American public, but has turned a blind eye while Microsoft continues to prevent innovation and increases the cost of entry into its market to ever higher and unachievable levels.

I am sad that the proposed remedies do not prevent this behavior by Microsoft, but rather continue to encourage their particular kind of piracy and hostage taking.

In hopes that you will promote fair competition in future court cases,  
mschwartz@du.edu <http://www.du.edu/mschwartz>

"Be very quiet ... for it goes without saying" The Phantom Tollbooth

#### MTC-00003035

From: Jeff Waters  
To: Microsoft ATR  
Date: 12/6/01 9:46pm  
Subject: Microsoft Case & Settlement

Greetings,  
I had high hopes that the DOJ would stand up for the American citizen during this trial, I was wrong. The DOJ joined others in bowing down to Microsoft and to punish them by forcing their 2nd rate software into schools is no punishment at all!, in fact it's a favor. Has the U.S. Government somehow been bought off by MS ?? I do not have the answer to this, only the evidence that there has been no justice at all.

Please stand up and make Microsoft actually pay for their horrible business practices and dishonorable methodology. Also do not get me wrong, I am for capitolism, making money and the American dream. However when they operate their business in the manner Microsoft did and still does, someone needed to step in and put a stop to it.

Regards,  
Jeff Waters  
Columbus, OH

#### MTC-00003036

From: Chris Russo  
To: Microsoft ATR  
Date: 12/6/01 11:41pm  
Subject: Microsoft settlement

As a fairly consistent Republican voter, I must say that I'm deeply disappointed in the slap on the wrist settlement deal being offered to Microsoft. Free, unrestricted markets are the way to go 99.9% of the time, but when a monopoly such as Microsoft comes along that abuses its advantage to such a degree, I feel that consumers are truly hurt in the long run.

The DOJ should press its advantage as much as possible and retract the settlement offer being considered. If the entire settlement isn't completely rethought, at very least, consider proposals to add some teeth to it—like the one submitted by Apple Computer, Inc.

You have a real chance to benefit consumers and free the tech industry from such an onerous burden.

Regards,  
Chris Russo  
Houston, TX

#### MTC-00003037

From: Tom Davis  
To: Microsoft ATR  
Date: 12/6/01 9:57pm  
Subject: Views on Microsoft and Monopolistic Practices

Dear Sir or Madam,  
In this email I wish to present my view of Microsoft as it relates to monopolistic practices, the world of computing, and our society. First off, let me say that my opinion of Microsoft is that held with the highest regards. I salute the company for many things, including the advancement of the Internet, helping less knowledgeable people be able to participate in computing, and helping businesses to put their best foot forward with products like Office and the Windows OS. Next, let me say that much of

my success thus far can be attributed to my understanding of Microsoft technologies, like ASP. Currently, I am a Senior Web Developer for Northrup Gruman IT contracting to the United States Air Force. In addition, I run a full service Managed Web Development and Hosting company from my home in Yukon, Oklahoma.

I would like to present what I think is a realistic view of Microsoft and how it impacts our society. First, let's take a look at security. I believe that Microsoft's Flagship Server (IIS) is one of the best static and dynamic content web servers on the market. The problem is that proper testing has not been performed on the product. It is obvious with the amount of patches that need to be applied on an all to frequent basis. From a small business standpoint, I no longer host any of my clients on IIS. Bottom line, I don't trust it's stability. Over the last year, I have been loyal to Redhat Linux and have reaped the rewards. First, Linux introduces you to REAL computing. For a very low cost you are provided with Enterprise level software that is as reliable as the Energizer Bunny. So if you ask me what the best enterprise solution is for our military, school system, and government agencies at all levels, my answer is Linux. You get a better product for a fraction of the cost, which enables you to spend money on things that count like giving pay raises to our nation's teachers, instead of paying another licensing fee.

Forgive me for being a huge sports fan and using an example that relates to sports, but Microsoft reminds me of the star athlete that keeps asking for more money. For fear of what will happen without him/her, the organization keeps paying out more money. Soon, the organization is headed for failure due to lack of funds for new talent. Ever heard of the Dallas Cowboys? While it is true that they won three superbows in fours years over the last decade, it is also true that now that are fighting to stay afloat. I ask you, why is that? The high price they paid for some of their athletes, namely Deon Sanders.

The point is this, Microsoft is Deon Sanders. You might wonder, if Microsoft is Deon Sanders, who is Linux? The answer is Roy Williams of the OU Sooners. If you are not familiar with who he is, you should watch this kid play sometime. He is incredible.

Thanks for your time,  
Tom Davis  
Owner/Hostmaster Impressions Web Design, Okc. <http://www.impwd.com>

#### MTC-00003038

From: NCC74656@subDimension.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 9:53pm  
Subject: Microsoft vs. "the rest of us"

IMHO, requiring Microsoft to donate their own software to schools only further extends their monopolistic control over the personal computer market. The money would be better spent on hardware, as there are a number of open source alternatives to Windows available for free. This would place computers in a larger number of schools.

Microsoft should also be required to change their business practices, as was

required of AT&T years ago. Otherwise, they're no better than a traffic offender that continues to get speeding tickets but never loses their license.

**MTC-00003039**

From: Hawkeye King  
To: Microsoft ATR  
Date: 12/6/01 9:54pm  
Subject: Microsoft settlement.

In regards to Microsoft's donations of computer equipment to schools, I think it would be a great idea to supply open source Linux software rather than proprietary MS software. For one thing, future upgrades of Microsoft software will be expensive, whereas open source software upgrades are better than free. Furthermore, open sourced software is effectively in the public domain. Thus, no one group or person will profit from this move. Finally, kids will learn more from a Linux box than they will from a Windows box. On a windows machine you learn how to use windows. On a Linux machine you can see the whole computer in front of you. In biology class, we dissected frogs in order to learn about anatomy. This is the kind of thing kids could do with a Linux computer.

My two bits,  
Hawkeye King  
Network Engineer

**MTC-00003040**

From: Todd Watson  
To: Microsoft ATR  
Date: 12/6/01 9:59pm  
Subject: Opinion regarding DOJ-Microsoft settlement

Hello,

As I read the proposal to allow Microsoft to donate software, hardware and services to America's poorest schools as a means for settling this suit, I felt compelled to register my opinion of this proposal. Ladies and Gentlemen, it seems to me, that while this appears to be a noble gesture, let us not forget that this is the same organization that has already been ruled to be a monopoly and/or engage in monopolistic practices. With due respect, since this ruling I've not seen any issuance of any order that seeks to regulate their practices, as we have seen with other monopolies and oligopolies in our society.

As you consider their proposal, I'd encourage you to NOT allow Microsoft to provide software or services, especially their own, as a part of this settlement. This has nothing to do with an anti-Microsoft position, but rather the application of common sense. We, as a people, generally craft our punitive measures in such a way that the guilty cannot continue to harm the injured party. For example, we often take the right to drive away from someone convicted of a crime that involves a motor vehicle. We take away a criminal's right to be a part of society until he has paid his debt to that society. Microsoft should not have a remedy that allows them to further weave its products into the fabric of our society.

Please understand that the issue is far greater than the offer of goods and services. The issue has to do with an indoctrination of school children with computer software technology that sources from a single point. Our children should be given the opportunity

to use products from various vendors. This more accurately reflects the type of an environment in which they will work after they enter the work force.

The proposal, and presumed acceptance of such a remedy, in my opinion, is a thinly-covered ploy to enable Microsoft to extend its reach. This does not even speak to the point that a remedy of donated software would have no real dollar value, since every copy of the donated product is essentially provided to schools at no cost to Microsoft. I realize the products have retail value, but the REAL cost to Microsoft is near zero. I'll bet they will write the costs of this software off in their taxes, and this should not be allowed, either. Please make your remedy have some barbs. The American people expect and deserve no less.

I'd suggest an alternative plan. Let Microsoft provide the goods and services, but let them be products they have to buy (with REAL money), such as Sun Solaris workstations, IBM AIX servers, Silicon Graphics workstations, Linux workstations or servers, Oracle databases, Apple OS-X, and other competitors' products.

Thank you for taking time to listen to the American people as you consider your decision.

W. Todd Watson

**MTC-00003043**

From: Dean Pulsifer  
To: Microsoft ATR  
Date: 12/6/01 9:58pm  
Subject: Anti-trust settlement

I think that what ever is being set as a punishment needs to actually be a punishment and not an easy way for Microsoft to enter a market it is still trying to gain market share in. The punishment of providing free software for schools is really a punishment for Apple and Linux vendors, not for Microsoft.

Microsoft has driven a lot of useful improvements in software development, but they have done so at the expense of a lot of other companies.

Dean Pulsifer  
(pulsifer@bigfoot.com)

**MTC-00003044**

From: Gary Lowther  
To: Microsoft ATR  
Date: 12/6/01 10:03pm  
Subject: Microsoft monopoly

To Whom It May Concern,

Your proposed settlement with Microsoft does not do nearly enough to correct the current market imbalance. I have little doubt that Mr. Gates and company had quite a celebration after the "settlement" was reached. Why did you bother? You should not have started what you didn't intend to finish. Oh. That's right. You didn't start it, the previous administration did. And this litigation was one of the very few things that I could whole-heartedly support from the mostly miserable Clinton administration. The damage you have caused with this settlement will not be really felt for several more years. Eventually, Microsoft will have to be stopped by the government, and due to your inaction at this time, the eventual "clean-up" will be all the more costly and painful for everyone (worldwide).

Thanks for nothing.  
Sincerely,  
Gary Lowther

**MTC-00003045**

From: Tom Stephenson  
To: Microsoft ATR  
Date: 12/6/01 10:04pm  
Subject: Justice For Whom

This Microsoft antitrust scam has gone on long enough.

The only parties hurt by Microsoft has been their incompetent competitors. They want the government to, in some way, hobble Microsoft since they can't compete in a COMPETITIVE marketplace. I don't think Time/AOL, Sun, Oracle and the rest care about the consumer one bit. The rogue states continuing the campaign either want some sort of recognition or are trying to protect Microsoft competitors located in their state. It is unbelievable that anyone could consider the consumer harmed by almost any of Microsoft's products or services? A free browser; standardization; an easy to use operating system; an excellent office product, etc. etc. etc. If Microsoft doesn't offer products/services customers want, they will buy it from someone else. Let the market decide not a group of zealous attorney's.

Thanks,  
Tom Stephenson  
Surprise, Arizona

(It's also curious to note that the NASDAQ meltdown began shortly after the Clinton Whitehouse began this whole effort.)

**MTC-00003046**

From: David DILGER  
To: Microsoft ATR  
Date: 12/6/01 10:04pm  
Subject: Gateway Information

To Whom it may concern,

Up until recently I had worked for computer maker Gateway in Sioux Falls South Dakota. It had been talked about for years that for every machine shipped had to have a fee paid to Microsoft this is rather it shipped with a Microsoft Os/Application or even a competitor such as Novell.

Also I do know first hand that Gateway needed to provide employees to remove Microsoft labels from the returned Gateway machines this costs Gateway as well as other machine manufacturers thousands of dollars each per year.

The functionality of the software is also limited and I am sure this must be an agreement between the manufacturers and Microsoft, but the limitation involves Microsoft Software.

If you have any additional questions I would call the Gateway Sioux Falls facility and ask to speak to the following people:

David Reznicek  
John Landon  
Kevin Erickson  
Chuck Limoges

If there is anything else I can help you with please feel free to ask.

Thanks for your time.  
David Dilger

**MTC-00003047**

From: Nicola Vitale  
To: Microsoft ATR  
Date: 12/6/01 10:04pm

Subject: Microsoft anti trust case

I am science teacher in new york city. I believe that microsoft donating its software to schools only works to increase the microsoft monopoly. I think that public schools should do nothing to support private, for profit interests. It is unfair to other companies and to the students themselves.

**MTC-00003048**

From: Sunshine Smith  
To: Microsoft ATR  
Date: 12/6/01 10:04pm  
Subject: Anti-trust settlement

Unbelievable, that is my response to this so-called settlement, just another example of, throw enough money to the government and they will come around to your way of thinking. I would like to know where is the punishment for past wrong-doing by Microsoft, they have over 20 billion dollars in their coffers, how could you possibly punish them with a fine. As for Microsoft giving software to schools, boy there is a self-serving action. Unfortunately, "might doesn't make right in this case, money does".

Thank you for your time,

Don Kidd

P.S. DOJ if you are going to get in bed with Microsoft, at least turn out the lights, your embarrassing yourselves.

**MTC-00003049**

From: jpavlo@ilm.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 10:10pm  
Subject: AtATgram: Lobbying For Smackdown (12/6/01)

Joe Pavlo <jpavlo@ilm.com> is sending you a scene from As the Apple Turns! Scene 3435 follows:

Lobbying For Smackdown (12/6/01)  
Remember how Microsoft recently offered to settle a couple hundred private antitrust suits potentially worth some \$12.5 billion by donating \$1.6 billion in refurbished computers, software, and services to the nation's "poorest schools"? Yes, it was a baldfaced attempt to turn what should be a penalty for abusing monopoly power into a cheap and easy grab for yet more market share. As such, that settlement proposal is the latest and most obvious piece of evidence that Microsoft thinks the rest of the world is suffering from massive head wounds. Then again, who can blame them for thinking so? After all, 90% of the world is using Windows; we're hard-pressed to come up with a better explanation for that statistic than widespread cranial trauma. But we digress. You probably also recall that Steve Jobs was among those who found Microsoft's proposal just slightly... incongruous with the whole "antitrust punishment" angle.

Being the quintessential diplomat (at least, when he wants to be), the man generally keeps his yap shut about Redmond antitrust issues, but when suddenly faced with the possibility of a billion-dollar tidal wave of Windows, Office, and Outlook crashing through our schools and wiping out one of Apple's last market strongholds, Steve issued a cautious statement of protest last week, stating that he was "baffled" as to how handing Microsoft a new market on a silver platter constituted any sort of penalty for breaking the law.

Now, see, we thought that was the end of it as far as Apple was concerned—and certainly Steve's short statement attracted a whole mess of media attention, so we figured that Apple had made its point and moved on. Evidently we were wrong, though, because faithful viewer GUMBY informs us that Apple plans to file a supplemental brief tomorrow morning in hopes of persuading the judge to reject the proposal. According to Reuters, one of El Steve-O's big points will be that \$830 million of that \$1.6 billion settlement consists of free Microsoft software—which, in reality, doesn't cost anywhere—near—that much to reproduce.

In his own divine words, "We think people should know that the actual costs to Microsoft for this donated software will likely be under \$1 million." Mmmm, you just—gotta—love that 100,000% markup!

So instead of letting Microsoft get off cheap by donating software valued at full retail price (yet costing only pennies to reproduce), Steve proposes the same idea we rattled off last week: make Redmond cough up the cash and let the—schools—decide what they want to buy with it. By our count, shelling out \$1.6 billion in cash to settle hundreds of cases worth up to \$12.5 billion is still a great deal—especially for a company with pockets as deep as Microsoft's. Heck, if it were up to us, we'd tack another billion or two on there just to smack Microsoft around for proposing such a weasel-headed settlement in the first place. We'll see soon enough if the judge bites.

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit: <<http://www.appleturns.com/scene/?id=3435>>

To see the complete, unadulterated episode in which this scene was originally broadcast, visit: <<http://www.appleturns.com/episode/?date=12/6/2001>>

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**MTC-00003050**

From: Scoobsjk  
To: Microsoft ATR  
Date: 12/6/01 10:07pm  
Subject: RE: Microsoft

Hi,

I think it a sham to let Microsoft donate software to poor schools or any schools for that matter. Microsoft has their software in almost every school in North America now. This proposal gives Microsoft an open door to get students to use "THEIR" software, so naturally when students buy their first computer they will assume that Microsoft is "THE" operating system and software to use without knowing they have a choice or go out into the work force obvious to the fact that the company that might hire them doesn't use Microsoft products and that job opportunity might just fly out the door. Where is the justice in that.

I have used Microsoft's Windows 3.1, 9x and 2000 and I don't like the idea of having to install their Internet Explorer, Outlook Express, etc., when I don't want it installed, because I don't use it. I also feel that their products are highly over priced and highly over rated. An operating system that crashes as frequently as the Microsoft family of operating systems do, is not a great system. I have changed to a Linux OS and haven't had any crash problems what so ever. There are a number of operating systems out there, we have to show people there are alternatives, what you are doing is giving Microsoft the "BRASS RING".

I think you should rethink this problem.

Cheers,  
Scoob

**MTC-00003051**

From: Franz Hamann  
To: Microsoft ATR  
Date: 12/6/01 10:12pm  
Subject: antitrust

Dear sirs,

My name is Franz Hamann, I am a PhD candidate in economics at North Carolina. It has called my attention the fact that a company charged and found guilty of exercising monopoly power to destroy competition is not being punished for the past damage. As I economist, I know, more than anybody else, that a monopoly imposes high costs to a society. You, at the DOJ, using resources from us (the taxpayers) have failed to the commitment of restoring one of the most valuable assets of America: economic competition. Shame on you!

Franz Hamann

Franz Hamann

Economics Department, P.O. Box 8110, North Carolina State University, Raleigh, NC 27606-8110, <http://www4.ncsu.edu/~fahamann> mailto:fahamann@unity.ncsu.edu

**MTC-00003052**

From: Chuck Talk  
To: Microsoft ATR  
Date: 12/6/01 10:17pm  
Subject: Microsoft Settlement unjust

Dear Sirs,

I wish to state for the record that the Microsoft settlement is unjust, and only furthers their monopolistic practices. The proposed settlement to "donate" software and hardware to schools is only designed to undermine Apple even further in their traditional school system markets. There is no dealing fairly in Microsoft's business.

I cannot believe that this nation, which has always played fairly would allow this monopoly to continue to crush the innovations of other companies, and continue the unjust licensing practices they have had in place for so long. The future of true value and stability lies elsewhere. The future of computing does not begin Redmond Washington making the few wealthy at the expense of the public.

I pray that the Department of Justice negotiate a settlement to curb the Microsoft businesses which, when seeing someone else's success, ultimately enter that market and destroy it for all others. Would we allow Standard Oil to set the price of Gasoline? No, we did not. Would we allow AT&T to stay

a monopoly? No, we did not. What possible benefit can be gained from allowing this one company (which has had a habit of releasing substandard imitations of others' innovations) to continue to dominate the market through monopolistic practices? I say no benefit other than the personal gains of the officials at Microsoft.

If Microsoft is allowed to do what it wants, Real Networks, Kodak, Syamantec, McAfee, and many other companies will eventually be forced to cede their markets to Microsoft through the Windows Media Player (ins't this just another re-hash of the Video for Windows debacle?), the Personal Firewall in XP, the digital photo suites, everything that others built—they copy and destroy. They are also exerting tremendous pressure on OEM's to keep them from delivering Linux-based PC's to consumers. They want to destroy the open-source movement with lies. Scott McNealy has it right—they do not even flirt with the truth anymore.

I pray that you take punitive action and stop them before we have a Government by and for the Microsoft.

Sincerely,  
Charles Talk  
ctalk@austin.rr.com

Nature abhors a vacuum, and so does my dog.

**MTC-00003053**

From: Joe Hoffman  
To: Microsoft ATR  
Date: 12/6/01 10:17pm  
Subject: My comments on the proposed settlement

As someone who has worked in the software development industry for over 20 years, I feel I have a strong opinion about the Microsoft settlement issue.

My biggest concern is living in a world that continues to allow Microsoft Corporation to continue to monopolize the software industry and crush competition. This is wrong both from a legal perspective and a moral perspective. Microsoft has demonstrated a desire and willingness to crush any other company and they have the capacity to do just that. This needs to be kept in mind and addressed in any agreed settlement. For example, allowing Microsoft to donate their products to disadvantaged schools is a farse.

All this will do is further extend their monopoly. Redhat's proposed ideas need serious consideration, however I'm not sure how this compensates companies who have been crushed and ruined by Microsofts anti-competitive practices. Please keep this issues in mind when considering the Microsoft settlement.

Thanks for listening.  
Joe Hoffman  
Denver, CO

**MTC-00003055**

From: jamestheriault@excite.com@inetgw  
To: Microsoft ATR  
Date: 12/6/01 10:18pm  
Subject: A suggestion

A simple suggestion; Keep Microsoft propoganda and their brain damaged products out of public shools. Schools are about learning. If children must learn about computers, let them assemble them from old

parts and install a free, open operating system. This way, they will learn about computers, not about using Microsoft products.

Jim Theriault

**MTC-00003056**

From: Lee Larson  
To: Microsoft ATR  
Date: 12/6/01 10:20pm  
Subject: Microsoft Settlement

Dear Sirs:

I write this letter to state that I oppose the negotiated Microsoft settlement. Here are my reasons.

(1) Microsoft is guilty of monopolistic practices, yet the settlement encourages the extension of that monopoly into schools—one of the few areas where they still have non-trivial competition.

(2) The settlement is not punitive. The cost of providing software is negligible to Microsoft and, in the end, they will probably profit by eventually charging the schools upgrade fees for their "free" software.

This is a variation on the scheme they used to corner the spreadsheet, word processing and browser markets.

(3) The settlement does nothing to correct the wrong created by Microsoft's criminal actions, and does little to keep them from doing the same things in the future.

Lee Larson

Lee Larson, Mathematics Department,  
University of Louisville, <http://www.louisville.edu/~lmlars01> (502) 852-6826. CC:attorney\_general@po.state.ct.us@inetgw.ag@oag.stat..

**MTC-00003057**

From: Alan Meyer  
To: Microsoft ATR  
Date: 12/6/01 9:12pm  
Subject: Software for schools

Ladies and Gentlemen:

I am writing to ask you to prevent Microsoft from giving away software to our nations' schools.

Giving away computer products to schools is a long standing technique for increasing market share. The children learn to use the products in school, then come home and ask their parents to buy the same products for use at home. The product they used in school is the only one they know and are comfortable with. If Microsoft wishes to give cash to schools, or to donate computers (which they don't sell themselves) to schools, that will not strengthen their monopoly position in software. However if they give away Microsoft software to schools (which doesn't really cost them anything) it will strengthen their position and is very akin to "dumping", and other techniques that harm competition. Also, it is my understanding that Microsoft will only license the software to the schools for a limited time. I have read that, in the Microsoft proposal, after five years the schools must start paying fees.

It seems to me that this proposal by Microsoft shows that Microsoft still doesn't understand that building a monopoly is illegal, harmful to the people of our country, and morally wrong. I ask you not to permit this proposal of Microsoft's to go forward.

Thank you.

Alan Meyer  
AM Systems, Inc., Randallstown, MD USA,  
ameyer@ix.netcom.com

**MTC-00003058**

From: Mike Combs  
To: Microsoft ATR  
Date: 12/6/01 10:28pm  
Subject: Settlement

I am an avid Linux user, but I am also a systems administrator for 2 Microsoft Windows Local Area Networks in the employ of the U.S. Navy. It is my firm belief that if the United States Department of Justice allows the settlement to include disbursement of Microsoft Windows software, then not only is the Department impotent, it would at that time be propogating the acts of a convicted monopolist and abetting in the expansion of such monopolies.

Look at the facts...Microsoft would be "giving" away free versions of its software to needy schools to teach the next generations how to use computers. This is brilliant for Microsoft in that it is an investment in several ways.

First, it is an investment in that in 5 years, the software would have to be upgraded in order to retain proper taining for the young people of today and tomorrow, but also to retain compatibility. As it stands now, Microsoft, in the near future will no longer provide support for Windows NT4. This will force all businesses that use it, including the Department Of Defense which uses Microsoft products almost exclusively, to upgrade. Therefore they areinvesting in a tremendous rush on per seat licensing to occur 5 years from now...

Secondly, they would be training the next generations to use computers, but not providing them with any other education other than Microsoft Products. And it is obvious to anyone that cherishes reason. Those who are taught to use Microsoft Products as youth will buy those same products as adults because that is all they know how to use, because the free computers and software is all they can afford. (It is acknowledged that the computers and software will go to the less fortunate schools that cannot afford computers to teach their children.

If this is allowed to happen, I fear for free trade everywhere. I hope, as a servant of a great Nation that our leaders, and the enforcers of laws of the greatest Nation on earth will recognize the marketing genius of such a move and stop it before it is too late and they themselves are rendered imptent by a long range corporate marketing scheme.

Brgds,  
Michael Combs ET2(SW) USN

**MTC-00003059**

From: Paul Dormeyer  
To: Microsoft ATR  
Date: 12/6/01 10:29pm  
Subject: Microsoft Monopoly

It is a joke to think that Microsoft is not a monopoly. If Toyota had the same share of the vehicle market that Microsoft has in the software market, you would be finding ways to stop Japan from sending vehicles to America.

Get real and don't let Microsoft off with a slap on the wrist.

Paul Dormeyer

**MTC-00003060**

From: Easling  
To: Microsoft ATR  
Date: 12/6/01 10:30pm  
Subject: Microsoft AntiTrust Decision

I believe what you are doing to Microsoft is a miscarage of justice.

You weren't so lenient on AT&T nor on Standard Oil. WHY? Break them up into separate companies. One as an OS company. One as a Software Company (office, etc.). One as a hardware company (MS-Mouse, Keyboard, XBox, etc). Your decision to "punish" them by making them pay with software is a JOKE. If anything, make them pay money. Then install Linux on school systems. This will help keep them from being even more monopolistic. Why punish them by putting them in the very market they want to get to in the first place? Isn't it kind of like sending your kid to his/her room where they've got a radio, TV, PC, etc? What kind of punishment is that?

ME

**MTC-00003061**

From: Carl, Steve  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/6/01 10:33pm  
Subject: Appalling

Everything I have read about this settlement says that MS has been found guilty of being an illegal monopoly, and will now be rewarded for it. Unbelievable. They aren't going to have to even open up their API. Utterly useless. Why even bother?

Steve Carl  
Manager, R&D Support  
BMC Software

**MTC-00003062**

From: Van T. Wright  
To: Microsoft ATR  
Date: 12/6/01 10:33pm  
Subject: Cost

I am a computer technician with knowledge of Microsoft products. I have used the products up until a year ago. I could not afford to go out and purchase new software every time Microsoft roll out a new operating system. I am not using RedHat software and I find it practical. Microsoft should pay some fees that cause many users to upgrade additional software because the old software is not compatible with the new operating system. By not supporting old operating system, which works well for the majority of users, forces a upgrade of live with the consequences.

**MTC-00003063**

From: maverick@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/6/01 10:37pm  
Subject: hardware only

To whom in may concern,

Please only allow Microsoft to contribute to the school system with hardware only, and no software what so ever. Allowing schools to have a choice in what operating system they wish to install on the hardware. I do not want my children to know that Microsoft is the only choice for operating systems and

software. Having a diverse collection of hardware and software will insure our future with industry standards and not defacto standards or proprietary standards. As a monopoly, we need to reduce Microsoft's presence, not increase it.

Thank you,  
Maverick Merritt

**MTC-00003064**

From: Stephen Nay  
To: Microsoft ATR  
Date: 12/6/01 10:37pm  
Subject: Comments on Microsoft settlement

I am very disappointed in the proposed settlement between the DOJ and Microsoft. Where is any penalty for Microsoft being found guilty of illegal practices in its monopoly position? The remedies in the settlement don't give me any hope that Microsoft will do anything markedly different in the future.

My biggest concern is that the problem of "bundling" other software with the Windows operating system was not addressed directly. With each new version of windows, Microsoft adds new "features" which really have nothing to do with an operating system, but step into the market space of other companies. Because Microsoft includes their features "free" with the operating system, the other companies have little room to try to sell their products and make a profit. I thought that was the original complaint and that it was that very practice that found Microsoft to be illegally using its monopoly position. But I don't see anything close to an adequate answer to this problem in the settlement. How many more companies must fall by the wayside because Microsoft includes their competitive feature for free in the operating system. Features in Windows XP are a direct attack on Real Media and also on Symantec's pcAnywhere.

Those products may not die—they may just wither and limp along like Netscape has since Microsoft started bundling Internet Explorer in with Windows. Since when is a browser part of an operating system?? It's not—it's a separate application. I have no confidence that the DOJ is representing the best interests of American enterprise and consumers in this settlement. On the contrary, it appears to be a complete sell out. I'm a republican, but Bill Clinton's administration was much more effective in this case than the current leaders of the Justice Department. Microsoft is squelching competition, and now they have the government's approval to continue doing so. Sad.

I'm incredibly disappointed. I wish I lived in one of the states that is not going along with the settlement so that I could encourage my own attorney general to keep up the fight. Sell out, plain and simple. You can't even put a good face on it because it's so obvious. Microsoft had agreed to greater concessions a year ago, and our current DOJ can't even get back to that spot. Sad.

Stephen Nay

**MTC-00003065**

From: Robert Discher  
To: Microsoft ATR  
Date: 12/6/01 10:38pm

Subject: MICROSOFT ANTITRUST SETTLEMENT

Dear Sirs,

I am very disappointed in the settlement of the antitrust suit against Microsoft. There is no question that they have a monopoly. The sorry software that they churn out, including their operating systems which do not work, is perfect proof that their monopoly is not good for the computer industry or consumers.

Their latest offering, Windows XP, is an example of their boldness due to the unwillingness to hold them responsible. The information gathered and sent to Microsoft is nothing short of criminal, not to mention the fact that they are putting everything into place to require a regularly paid ransom to continue to use their software. Quite frankly, the bugginess of all of their software, including their operating systems, shows that it is all way overpriced as is.

Continuing to allow Microsoft free reign is not good for the computer industry, it is only good for one company, Microsoft, and primarily good for one person, Bill Gates. This is not good for the economy or businesses. It is long past time to hold Microsoft accountable. It should be broken up into an operating system company and a software company, and all contracts which remove buyer options for the operating system installed on a new computer should be declared null and void.

Thank You,  
Bob Discher

**MTC-00003066**

From: Jonathan Bernhardt  
To: Microsoft ATR  
Date: 12/6/01 10:40pm  
Subject: The splitting of MS

Dear DOJ,

I am thrilled that you did not split Microsoft into two. However, this is where my approval ends. Allowing MS to get away with linking their browser to the Operating System is a travesty, bordering on criminal. Other companies have been punished for attempting this sort of thing in other industries—why does MS get a bye? Most importantly, you have now told them that they can push the envelope between legal/illegal, even farther, further squelching innovation, and improvement in rest of the industry.

It saddens me and angers me that our government is encouraging unethical activities at such a grand scale. Luckily, you have not completely eliminated our great capitalistic system in the US—which will soon take care of MS [one way or the other] without your intervention. In summary, you have proven to be yet another government organization that spends massive amounts of our money, yet provides no benefit. Any legislation, or political candidate that calls for the DOJ demise will get my vote.

I apologize if this sounds emotional. However, I am getting very tired of the suppression of innovation that you clearly support. And splitting MS? What were you thinking? If I have it wrong, or am missing something, I would very much like to be corrected. My expectation, however, will be that you will not respond, or will respond

with something that defends your organization instead of telling me how you are going to start protecting honest, ethical businesses.

Regards,  
Jonathan

**MTC-00003067**

From: Steve Holden  
To: Microsoft ATR  
Date: 12/6/01 10:40pm  
Subject: Why the Microsoft Settlement Should Be Stronger

**Introduction**

I am an independent consultant and trainer with over thirty years in the computer industry. I would argue that the currently proposed settlement of the states' and the DOJ's anti-trust action against Microsoft does not address the inequities which the company's monopolistic behavior has created. Further, it is likely to allow the defendant to extend such behavior into new markets by providing it with the opportunity to dominate the software market in underprivileged and underfunded US schools. Further it will not enable competition in key market areas which Microsoft's illegal actions have so far successfully defended against non-commercial competition of a completely legal nature.

**Complaint (Competition)**

The current proposal for settling the Department's anti-trust suit against Microsoft, as well as private settlements proposed by Microsoft in separate class action suits for overpricing, would have Microsoft donate software to the country's poorest schools.

This cannot be considered a punitive action: the marginal cost to Microsoft of an extra copy of any Windows operating system is as close to zero as makes no difference: development costs have already been amortised many hundreds of time over. Further, since such donated software effectively locks the recipients into Microsoft products for their future purchases, it actually increases the marketplace in which Microsoft is free to act in a monopolistic and anti-competitive way. If the Department sincerely wishes to see Microsoft pay for its illegal behavior then it should insist on remedies which have a measurable effect on the company's net worth. Microsoft should be made to donate the products of other computer industry companies to the schools. Since software to compete with Microsoft products is available at no cost from diverse sources, it would seem more sensible that Microsoft be compelled to donate computer equipment, which could then be provisioned with software chosen by the intended users. The users could choose to provision software at no additional cost using readily-available open source components such as GNU/Linux. Alternatively they might choose to pay for Microsoft software, should they consider it worth the additional cost.

This would also have the advantage that it would create a worthwhile target market for further open source products, against which Microsoft would have to develop new (and hopefully legitimate) forms of competition.

**Complaint (Interoperability)**

The proposed settlement required Microsoft to provide information to competitors to allow them to interoperate with Microsoft products in far too limited a way. I am particularly concerned that the settlement, as currently proposed, would allow Microsoft to defend the actions they have in the past taken to limit the interoperability of the SAMBA software ([www.samba.org](http://www.samba.org)), which offers a way for open source operating systems to provide file sharing and printing capabilities to computers which run Microsoft desktop operating systems, avoiding lock-in to Windows 2000 or Windows NT for infrastructure support.

A summary of supporting opinion can be seen at [http://linuxtoday.com/news\\_story.php3?ltsn=2001-11-06-005-20-OP-MS](http://linuxtoday.com/news_story.php3?ltsn=2001-11-06-005-20-OP-MS) The major problem appears to be that Microsoft would be allowed to determine the interpretation of certain key clauses in the settlement agreement, which would allow them to create loopholes through which they could continue to deny vital interoperability data to legitimate developers of competing (though perhaps non-commercial) products.

**Summary**

Ultimately the only way to change Microsoft's behavior, which despite all their protestations \*has\* been ruled anti-competitive, is to take action which hurts the company (and be extension the stockholders who have profited by its success) in the pocket-book. To do any less it to teach the lesson that anti-trust laws can be ignored with impunity by any 800-pound gorilla that wishes to start making political contributions once it finds itself to be the object of legal action by the DOJ.

Sincerely  
Steve Holden  
<http://www.holdenweb.com/>  
CC:president@whitehouse.  
gov@inetgw.scott@mcnealy.sun....

**MTC-00003068**

From: Magillanix  
To: Microsoft ATR  
Date: 12/6/01 10:42pm  
Subject: Microsoft is a rip-off

I care about my security while I am on the internet. It costs just too much to buy a windows operating system, and when I buy it I have to deal with viruses and no protection, the only way I can fix those problems is to buy third-party software. It costs even more, like the virus scanners, protection programs etc. I dont know why should anyone put up with those issues. I got linux free and very well secured and all the software free. I demand microsoft to be like linux, so that everyone will be happy.

**MTC-00003069**

From: varghese@emirates.net.ae@inetgw  
To: Microsoft ATR  
Date: 12/6/01 10:46pm  
Subject: Shame

Dear Sir  
It is terrible to think that even the last bulwark against Microsoft is crumbling. The unfortunate future generations have to pay for your follies. Now, nobody could save this

world other than God. How could DOJ type of bodies ignore Microsoft's evil practices and help it to become a monopoly. Is it just vested interested? Then why should you exist?

It is like America was ignoring global terrorism for quite some time and in some cases even using it to further its interests. Finally it had to pay the price with its own innocent citizens' lives. It is going to happen with MS also. One day they will become a terror and nobody will be in a position to challenge them.

Regards

**MTC-00003070**

From: Charles Landau  
To: Microsoft ATR  
Date: 12/6/01 10:48pm  
Subject: opposed to proposed Microsoft settlement

My name is Charles Landau. I have been a software engineer since 1968. In my career I have written major parts of numerous operating systems. I have authored several technical papers on operating systems that were published in peer-reviewed journals, and I am the sole inventor of three software-related patents.

I must add my voice to the chorus of outcry over the incredibly lenient settlement that the Department of Justice proposes for the Microsoft antitrust trial.

I'm sure others have detailed the problems with this proposal. This settlement does not include any punishment for past illegal actions. It would be ineffective in protecting against future monopolistic practices. And it has no effective enforcement provisions. To approve this settlement would be a travesty of justice, and a clear signal to Microsoft and others that antitrust law is meaningless.

**MTC-00003071**

From: Leonard Werner  
To: Microsoft ATR  
Date: 12/6/01 10:48pm  
Subject: Settlement

I believe that the DOJ should have left its hands off of Microsoft. It may be a monopoly but there is nothing else. There have been other operating systems in the past, while they had some better features than Microsoft, they did not always work. Linux today is a better operating system than Microsoft but it has some growing to do. Computer persons no Microsoft is not the answer but there is nothing else.

Thank you.  
Leonard

**MTC-00003072**

From: Al Weimer  
To: Microsoft ATR  
Date: 12/6/01 10:53pm  
Subject: Microsoft Settlement

I believe that more restrictions need to be placed on Microsoft for their anti-competitive practices. Little companies like Real Networks will automatically go under when Microsoft is allowed to continue to bundle its Media Player with its XP Operating System. Microsoft can sit back and do nothing but wait for their Media Player to wallop the Real Player even though Real Networks will spend considerable money advertising and developing, etc. I have heard that one

potential option being considered is to force Microsoft to supply a bundle free XP. This makes sense and will allow competition from companies like Real Networks that don't even have \$0.5 billion market capitalization compared to Microsoft's \$350 Billion.

Its time to put a stop to the walloping Microsoft did to the likes of Netscape, Lotus, and WordPerfect.

Sincerely,

Alan Weimer 6967 Springhill Drive Niwot, CO 80503

**MTC-00003073**

From: astirust

To: Microsoft ATR

Date: 12/6/01 10:58pm

Subject: DOJ & MicroSoft Settlement 12/06/2001

Dear Sirs:

The proposed Microsoft settlement is unacceptable. It does nothing to protect consumers from the continuing monopolistic behavior by Microsoft. It does nothing to remedy the damages that Microsoft has already done to competitors, which in turn has and is hurting consumers.

At the very least finical penalties in the area of 20 Billion Dollars should be levied against Microsoft. This would send a clear message to Microsoft, that they broke the law and that continuing to do so will be even more expensive. Also a finical penalty of this size would disrupt Microsoft enough to allow other companies to have a fighting chance against Microsoft and regain their footing in the industry that Microsoft illegal took from them.

In closing, I do not see how this settlement has done anything what so ever to punish Microsoft. In fact it appears to send the opposite message. "Go ahead break the law, the worst that will happen is; you will spend Millions of dollars on legal fees. However while the case drags through the courts you will be making Billions of dollars and furthering your monopoly."

Thank you for your time:

Jeff Shaffer

**MTC-00003074**

From: lynn wilkins

To: Microsoft ATR

Date: 12/6/01 11:03pm

Subject: Proposed Microsoft settlement

You must punish Microsoft for monopolistic practices. If Microsoft gets away with such practices then what about other companies, say Standard Oil! Some point to Microsoft and praise what the company has done for computing in America. I, and many others, point to Microsoft and ask what has the company done for computing in America? The answer is nothing that company has not copied, plagiarized, or stolen. The bad behavior must stop now. You must stop it here.

l a wilkins  
bellevue WA

**MTC-00003075**

From: sdaniel@wt6.usdoj.gov@inetgw

To: Microsoft ATR

Date: 12/6/01 11:03pm

Subject: Reject the Settlement

Gentlemen:

In my opinion, the proposed Microsoft settlement should be completely and utterly rejected. Microsoft has been found guilty in federal court of being a monopoly, and of using its monopoly power to damage its competitors. The proposed settlement:

- Does little or nothing to penalize Microsoft for past actions
- Does little or nothing to prevent future excesses by Microsoft
- Does nothing to address the damage done to Microsoft's competitors

I believe that the proposed settlement constitutes a miscarriage of justice and turns a government victory into a decided defeat. The Justice Department has a responsibility not to cave in to the demands of a large corporation, regardless of its wealth or influence. I believe it is in the best interests of all concerned if Microsoft is decisively and visibly punished for the illegal actions of which it is clearly guilty.

I hope you will give serious consideration to these points.

Sam Daniel, 1748 Silvertree Drive, San Jose, CA 95131 (phone) 408-456-6461

**MTC-00003076**

From: wfh@byesdomny.woland.net@inetgw

To: Microsoft ATR

Date: 12/7/01 12:12am

Subject: I am against the settlement

Dear Sirs,

I am strongly opposed to the settlement between the DOJ and Microsoft. Microsoft should not be allowed to donate its own software to underprivileged schools. Microsoft's cost for assembling a CD-ROM with a few pages of advertising in a box is minimal.

They will give away a few hundred dollars worth of published software for each school, then claim that this represents thousands of dollars of donations.

Pennies on the dollar, I say.

You are screwing the public with this settlement.

Shame on you!

Bill Honeycutt

wfhoney@pacbell.net

bill@1800radiator.com

510-593-1195

**MTC-00003077**

From: lab@NetReach.Net@inetgw

To: Microsoft ATR

Date: 12/6/01 11:11pm

Subject: Opposition to settling with Microsoft

I have followed this case closely since its inception. Already WindowsXP does exactly with MS was accused of doing in this case. It incorporates more software "into" the OS, at the expense of other independant software vendors. MS is unrepentant, and will not change on its own. And the proposed settlement, does almost nothing to prevent MS from continuing to abuse its monopoly position, it only makes life a little easier for computer manufacturers whom microsoft will no longer be able to bully quite so easily.

The ONLY settlement that I think would have any hope of providing a remedy, and prevent future similar behavior is a break up of MS. MS should be split into two companies:

1. An OS company

2. An applications software company

If this were the result, then there would be incentives on the OS company to produce a platform that is easier to port software to, by making it more POSIX compliant. And the Applications company would have incentives to make the Apps available on other OSes, because it would increase market share. In both cases, the consumer (who has been determined by the court to have been harmed), competition, and industry as a whole would benefit.

It seems to me that the settlement proposed is a major cave-in by the DOJ, that at the very least smacks of the influence of MS campaign contributions to the Bush presidential campaign. I think the DOJ should be ashamed of its cowering before MS. It is very disturbing that a hard won verdict is being tossed away by the DOJ.

Lincoln A. Baxter

149 Silver Springs Rd

Phoenixville, PA 19460-1919

**MTC-00003078**

From: Steven Christensen

To: Microsoft ATR

Date: 12/6/01 11:15pm

Subject: Comments on Microsoft Anti-Trust Settlements

Hello,

I am writing regarding the proposed settlement terms for the Microsoft Anti-Trust suit.

I am in 100% support of Red Hat's counterproposal that Microsoft's donation to the schools be in hardware, and Red-Hat provide free software plus support, for the following reasons:

- 1) It increases the number of students who can benefit from the donation, by about 5-fold as I understand it. The more students who can be helped by this donation the better for them and for the future of our country.

- 2) For a company accused of monopolistic actions, to provide them an avenue to secure hundreds of thousands of more mandatory "customers" seems very counter-productive. Microsoft's 5-year time limit on the use of the software is ridiculous.

- 3) I support the idea of competition in the area of computer software; if students are exposed to an alternative set of software (like Red-Hat) they will be better able to make informed choices in selecting software when they get into the "real world". If all they were taught is Microsoft, how will they know any better?

- 4) This is not really a dis-incentive to Microsoft to stop future monopolistic activities—the software they wish to contribute really doesn't cost them anything, and they lock in more users.

Best of luck in making this important decision; I don't envy your positions.

Regards,

Steven V. Christensen, 100 Maple Court, Fayetteville, GA 30214, Phone: (770) 719-4471

**MTC-00003079**

From: Nate Berry

To: Microsoft ATR

Date: 12/6/01 10:35pm

Subject: Microsoft Settlement

I wanted to take a second out of my busy day to let you know that I am absolutely flabbergasted that Microsoft is getting out of this horrendously expensive affair with a slap on the wrist. And to allow them to gain further foothold in our schools and call that compensation. What kind of settlement is that? As a grad student, I can say that students would benefit far more with access to an open source OS in their schools. By being able to read, tweak, change and basically fiddle with the operating system, they will build a far greater understanding of the underlying processes that make a computer work. If this software were Linux or BSD, this software is free and without license fees.

In light of the fact that Microsoft has ALREADY been proven to have engaged in unfair business practices, a more fair settlement might be to have Microsoft supply the hardware for underprivileged schools and let an open source vendor supply the software.

Yes Microsoft is dominant now in the industry, lets not reward them for the unfair manner in which they gained that position.

Nate Berry

<http://www.fireresearch.com>

#### MTC-00003080

From: mr theoden

To: Microsoft ATR

Date: 12/6/01 11:28pm

Absolute total joke—how much money did Microsoft pay you guys behind the scenes huh? Sorry I don't give a shit what excuses you make, we all know what happened, MS bought you guys. Hell I bet MS even "owns" President Bush. I think the people of USA should sue the DOJ for waste of funds—how much did it cost all up to prosecute Microsoft. You could have just made a deal outright in the first place.

#### MTC-00003082

From: Malcolm H. Goosey

To: Microsoft ATR

Date: 12/6/01 11:18pm

Subject: Microsoft Settlement

Microsoft should have been penalized for its business practices, and current events show that it has not changed its tactics!! Please do not compound this error by allowing MS to invade our public schools with their offer of \$1B of donated software etc (which will really cost them only the cost of producing CD's, but which will be charged at retail, probably a 400 to 1 ratio). Most schools presently use Mac's for learning "keyboarding". Once MS succeeds in having the kids use only MS products, they will never know that there are other alternatives, and MS domination of the software industry will be complete! This offer is nothing more than a "trojan horse"!!

#### MTC-00003083

From: Glenn Bowlsby

To: Microsoft ATR

Date: 12/6/01 11:30pm

Subject: MS

I do believe Microsoft has created a product like no other and keeps improving. Is MS a monopoly? Yes, but is is because of us the customer. Customers does have a choice of what computer they, and what OS

they have installed. MS had become a standard to the industry making it difficult for Open Source OS like Linux to really get notice. Also there is not alot of software or drivers for Linux. I know because it took me 5 days to found them for my hardware. Windows has every driver I need. So for Linux and other open source to become popular they need MORE drivers and MORE software. Neither of these MS should be blamed for but rather the companies who make the product. Such as a software company like westwood. They make games for windows because They probably would not make any money making that software for Linux. Is this MS fault NO. A driver for my sound card which is available on windows but not Linux. Is this MS fault NO. Therefore MS should not be sued the other companies should get more applications and games by big companies like westwood and correll, and have a more complete drivers list. From the cendors. MS should not be blamed for the actions of vendors and customers.

#### MTC-00003084

From: Randy Morrow

To: Microsoft ATR

Date: 12/6/01 11:31pm

Subject: Microsoft Settlement

This settlement is outrageous! The department of justice is NOT enforcing any restrictions and the DOJ is helping Microsoft to extend it monopoly into our public education system. This entire case had a basis at the beginning of providing a choice to the consumer. So, why now does the government not only ignore that original goal, but helps to force our education professionals into the corner the average home user has been in for years. This is not an agreement that would in any way, shape, or form, promote a consumer's freedom of choice. If anything this agreement would show that a known monopoly can buy it's way out of court.

Over the past few months I have heard of a few suggested resolutions to correct this very unjust agreement. There is only one that I would say makes any sense. Instead of Microsoft donating \$1billion dollars in software, force Microsoft to donate \$1 billion in cash to be used by the schools and our very competent education professionals to purchase the technology that they choose to be the best for them. This would not only promote freedom of choice for our schools, it would also prevent the onslaught of upgrade costs that Microsoft would surely impose in the years to follow.

Thank you,

Randy Morrow

#### MTC-00003085

From: Scott Fallon

To: Microsoft ATR

Date: 12/6/01 5:46pm

Subject: Microsoft Settlement

Dear Sir/Madam: I strongly applaud the proposed settlement with Microsoft. It is fair to all involved and most importantly maps to the findings and conclusions that came out of the Appeals Court. What Microsoft competitors and others fail to accept in their criticism of this proposed settlement is that Judge Jackson's findings and conclusions are

NOT the ones of record at this point. The Appeals Court substantially reduced and/or eliminated much of what Judge Jackson produced. The critics of this settlement continue to behave as though the Appeals Court ruling never happened. They continue to refer solely to Judge Jackson's ruling. You have done an admirable job of crafting a remedy consistent with the Appeals Court ruling and ignoring those who lack respect for rule of law and for their own personal reasons cling to the misconception that Judge Jackson's now discredited ruling is still relevant.

Scott Fallon

[scott@fallonhome.com](mailto:scott@fallonhome.com)

#### MTC-00003086

From: Ed Tidwell

To: Microsoft ATR

Date: 12/6/01 11:32pm

Subject: Concerned that justice was not given

I've been a software developer for 15 years and at one point I was the biggest MS fan on the planet. I have as a professional witnessed time and time again MS destroying technology companies ONLY because they had more money or dumped on the market to kill the small guy. In 10 years we will be buying robots from Japan or operating systems from Europe. MS it NOT a leader but a follower that hunts down and destroys the competition. How any company can buy another companies software for around 100 million and then put there name on it and dump it on the market as free BOGGLES my mind. Internet Explorer (was Spry Mosaic) was NOT what MS wanted the consumer to do. MS tried to FORCE EVERYONE to use MSN which was in direct competition with Compuserve. When MS made the WRONG decision on the marketplace they SHOULD NOT have been able to FIX IT by FORCING THEIR Netscape CLONE ON THE OPERATING SYSTEM. When MS was smaller they ALWAYS changed DOS to break Lotus 123. Guess which spread-sheet you can buy today?

When MS purchased OneTree which became their SourceSafe (version control software). They sent out within WEEKS to EVERY CUSTOMER that ALL support for any OTHER operating system was being dropped EXCEPT windows. THIS WAS THE NUMBER ONE TOOL FOR OS/2 AND THEY PURCHASED IT AND KILLED THE TOOL ON OS/2!!!

I have a shrink wrapped copy of Word for OS/2 in my cube. When MS LOST TOTAL CONTROL OF THAT operating system to IBM they STOPPED SHIPPING SOFTWARE FOR IT AND IT WAS KILLED!!!! Think I can get support for that product to work with the last OS/2 version IBM shipped? IBM purchased Lotus Notes so they could have a software company to ship applications for OS/2.

IF YOU REALLY WANT TO FIX THIS PROBLEM ... Break MS into two separate corporations. THEIR IS NO OTHER WAY. When you buy their software development tools their was a note in the license that you COULD NOT USE THE TOOL TO BUILD PRODUCTS TO COMPETE AGAINST MS OFFICE. If you looked at MS Office the software DLL's they use compared to WHAT

THE GIVE for software developers are COMPLETELY DIFFERENT AND NOT DOCUMENT HOW TO USE THEM. FORCE THE GROUPS TO BE PROFIT CENTERS.

MS has for a long time hired developers that worked for the competition and given them 1 million dollar signing bonuses JUST TO PREVENT other companies from having access to great talent. Look into the author of C# who was the lead developer at Borland and did JBuilder. MS hired him away. WHY WOULD A COMPANY FOCUSED ON RESEARCH HAVE TO PULL A STUNT LIKE THAT? Because they DO NOT FOCUS ON PLAYING FAIR. WIN AT ALL COSTS. If MS has to ship applications that RAN ON EVERY AVAILABLE OPERATING SYSTEM OUT THERE THEN MS would HAVE TO COMPETE! MS owns the OS and the applications. If you can read or write Word files they change the format. If you can load Windows application like OS/2 did they change the API. MS changed a DLL and FORCED IT ONTO THE OEM PC makers to PREVENT "OS/2 for Windows" from working. No feature offered BUT ONLY SABATOGE.

MS has no guilt nor do they have remorse. The consumer WILL NEVER GET A CHANGE TO CHOOSE. Not while MS spends a 100 million to market an operating system and ANOTHER 100 million JUST to make them look good and the government bad.

You SOLD ME OUT! The battle is not over with MS. Now they will just be harder to catch. They WILL NOT CHANGE what they do but only do it in a smarter way to skirt the law. The original ruling that MS should be broken up was valid. What you need to investigate is ALL of the games MS played to make the judge look bad as well as buy the press. Don't you think it is odd that a COMPANY put people on PAY ROLL to write LETTERS to politicians that the COMPANY IS BEING DONE WRONG??? If that action does not show you HOW FAR MS will go to WIN then I don't think you guys justify my tax money. MS is smarter than you and basically owns the market place. How did having MS DUMP software on the schools FIX THEIR MONOPOLY??? So would asking a drug pusher to give away the cocaine he has in storage freely out to everyone SOLVE THE DRUG PROBLEM? YOUR PUTTING SMALL SOFTWARE COMPANIES OUT OF BUSINESS THAT HAVE SOFTWARE IN THE EDUCATIONAL CHANNELS!!! Why wouldn't you make MS put money in a trust for startup company funding for companies to COMPETE AGAINST MS???? WHY NOT GIVE FUNDING TO NETSCAPE LIKE YOU DID THE AIRLINES AFTER 9-11???

What about MS having to give money to operating system companies that were WRONGFULLY DAMAGED BY ILLEGAL ACTIONS??? Sorry guys but the settlement is a joke for anyone who understands technology and knows how MS deals with people. Thankfully the findings of fact that MS IS a monopoly were NOT over turned. I guess if I want to work on leading edge software I'm going to have to move to Europe. They seem to be the only ones doing anything cool. Some of the latest games I've bought have come from their. My favorite

tool TogetherJ is coded in St. Petersburg, Russia. Linux was done by a college kid in FINLAND and it RUNS BETTER than MS Windows. To bad the consumers couldn't fix this by having a CHOICE but noting like a good monopoly to fix the economy. Going to be sad when are OS software is done by Sony or Nintendo because they are the ONLY SOFTWARE COMPANIES left after MS destroys everyone else. No wait MS is going after them to! Hmmm. Maybe MS can just own the planet and we don't have to worry about better software. It will just stink everywhere world wide. <smile>

Sincerely,  
Ed Tidwell  
Senior Software Developer  
Tekelec Inc.  
Raleigh, NC

**MTC-00003087**

From: Prakash Purushotham  
To: Microsoft ATR  
Date: 12/6/01 11:50pm  
Subject: Microsoft's donation proposal

I believe this donation would result in greater benefits for Microsoft in the long run. This would help Microsoft build a new generation of "slaves of Microsoft products".

**MTC-00003088**

From: Rafael Perez  
To: Microsoft ATR  
Date: 12/7/01 12:05am  
Subject: Microsoft.

With regard to punitive damages associated with the Microsoft case. If it is ment to be punative then it is a punishment. In a punishment, the only value that one should get is a lesson learned. By allowing Microsoft to donate a billoin dollars to the poorest schools as part of a retrobution, in software ans services, no less, there should be no potential upside for Microsoft. This does not appear to be the case. It appears that although Microsoft will be expending some capital, they will be deriving benefit from this. It will only propagate and increase their already monopolistic stronghold in the industry.

It's like punishing a drug dealer by forcing him to go out and give away millions of dollars in drugs, and then letting the drug dealer develop a new network for retailing his product. Sure, your making him pay up front, but now he's got a whole new market to sell to later on when the free bee runs out. Does not sound very punative to me. What do you think ?

Make them write a 1 billoin dollar check to the poorest schools, and then mandate that those schools use the funds for anything they choose, with the stipuation that they not spend money on any Microsoft products.

I wonder how Microsoft would feel about that. They have bullied their way around the entire computer industry. Make no bones about it, they are ruthless. Business is a competition, I realize that, but if it gets so out of hand that it hurts the public, then the Government should protect the people.

Dont let them push you around.

**MTC-00003089**

From: Russ Welti  
To: Microsoft ATR  
Date: 12/7/01 12:04am  
Subject: Microsoft gets off TOO EASY

This settlement, if it proceeds, is an insult to the American taxpayer, who has funded the protracted legal proceedings against Microsoft, trusting the Department of Justice to take effective action against a proven monopolist. To give software to schools is no punishment at all! Let them pay with what really matters: money. Software has no "hard" value, and costs very little for Microsoft to give away, as has already been shown when they "gave away" Internet Explorer bundled with Windows. And giving to schools, which is one of the only markets they havent completely penetrated, is the perfect way for them to EXTEND their monopoly!

Please do not settle for anything less than a just cash settlement, and upwards of 1 billion dollars would be still nothing to a company whose cash reserves are in the tens of billions. Giving it to the schools is fine, but as cash, not vaporware.

Russ Welti  
Software Engineer (for 17 years), Seattle, WA

P.S. Not all Seattleites are in Microsoft's corner!

**MTC-00003090**

From: Chris Pearce  
To: Microsoft ATR  
Date: 12/7/01 12:10am  
Subject: Proof that IE6 is anti-competitive  
Hi,

Just dropping you a line asking you to not sell out to Microsoft. They are using their monopoly to force out their competition. The latest example: Internet Explorer 6. It won't communicate to my email software, even though IE5.5 would! Whenever I click on a mailto hyperlink it used to fire up Eudora mail and I could then use my favourite email client to write my email. Now with IE6 it won't let me. Whenever I click on a mailto link it brings up a horrible box asking me to select a Microsoft Exchange/Outlook express profile, so that I have to use Outlook!

They're doing this to try to stop people from using other email clients! That's being extremely unfair to companies like Qualcomm and Pegasus Mail! Please don't sell out to Microsoft. They need to be split in two, into a operating systems, and an applications software companies, otherwise they will have no incentive to be fair (when they make their operating system) to pure application software companies.

If they are not split now, they will just get worse and worse, until you suddenly wake up one day and find all your (and our!!) computers are running the same defunct systems that are amazingly expensive, and very unreliable! Please don't sell the people of the world out! We are relying on you!

Thank you,  
Chris Pearce.

**MTC-00003091**

From: Ken Zagzebski  
To: Microsoft ATR  
Date: 12/7/01 12:16am  
Subject: microsoft settlement

How about requiring Microsoft to provide free user support for windows. Also, require them to send out Windows upgrade disks rather than simply posting (burying) "patches" on their website.

Ken Z

**MTC-00003092**

From: pug@smtp1.realconnect.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 1:15am  
Subject: Regarding the settlement with Microsoft....

It is a joke. It is unenforcable. Who's going to police it, Microsoft? The settlement has done nothing but barely tap the brakes on a full-speed locomotive. I am wholly disappointed. The USDOJ could've quite easily won the entire case had they centered strictly on the unlawful and unethical business practices used by Microsoft.

Joseph Ogulin  
Sterling, VA

"Those who would give up freedom for security deserve neither."

B. Franklin

Joe Ogulin kiltedknight@realconnect-mail.com

This message is made of 100% recycled electrons. Disclaimer: I'm responsible for the content of this message. Nobody else is.

**MTC-00003093**

From: Tinnakorn Kumsaen  
To: Microsoft ATR  
Date: 12/7/01 12:22am  
Subject: Microsoft make the world different.

That different is that, the rich become richer, the poor become poorer. The different causes the driving force, driving people mad. I think this is a major reason of what happened on Sep 11. You, as a big brother on earth, should be neutralizing the world. Terrorist are similar to African bee. A bees hit you they died and you hurt. I think that the smart guy is a bee keeper. Don't you think so? Any way, I hope that American soldier can find all the escaped bees.

God bless America  
Tom

**MTC-00003094**

From: Kenneth A. Krupa  
To: Microsoft ATR  
Date: 12/7/01 12:23am  
Subject: settlement = MS free to dominate  
The release of features in Windows XP is yet another attempt by MS to use their OS to dominate the next big market segment (not simply gain some leverage). This should send a clear signal (for the umpteenth time) that they simply cannot be trusted to uphold the SPIRIT of any agreement that tries to make them play fair. Now I use their OSes quite a bit but I wouldn't mind some freedom of choice with respect to how to use them. And it is not even the multimedia bundling that scares me most. Forcing users to use the Passport feature for services that previously did not require it is chilling. They're basically beginning to dictate how people do things on the Internet. They will in short order have a user base of several million users for a brand new service that just happens to be the next big Internet offering. Not bad for a new feature. With some luck, the project liberty consortium may blunt the move somewhat but come on, isn't this story getting tiring? I don't even think the folks at MS can help themselves. They're simply addicted to power and control and are in bad need of rehab.

**MTC-00003095**

From: ScottF37@aol.com@inetgw  
To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw....  
Date: 12/7/01 12:40am  
Subject: Microsoft Settlement

Attorneys General and Dept. of Justice,  
I am writing to express my displeasure with Microsoft's settlement proposal. Clearly they intend to use this as another opportunity to expand their empire and squeeze rivals, namely Apple, out of the education market. Furthermore, I am sure the 1 billion dollar value they are quoting is retail value. That means their cost must be less than one-tenth of that. Wow, I bet they are terrified of having to pay that.

I thought the intent of this is to punish them. If so, then they should be required to give cash to let the schools choose whatever they want. Since they are accused of squeezing out competitors, it would be even more appropriate to require that the money be spent on competitor's products. Please do something about this.

I happen to like and use some Microsoft products, but I prefer to use a Mac rather than a Windows PC. I never thought breaking them up was a good idea but this settlement is pathetic. Don't let them drive Apple (others) out of business.

Scott Fortman  
13204 NE 129th Place  
Kirkland, WA 98034

**MTC-00003096**

From: Andrig T. Miller  
To: Microsoft ATR Date 12/7/01 12:41 am  
Subject: Anti-trust Settlement

I am a technology professional who has been involved in software for over 16 years. I am currently the Vice President of Technical Architecture for a large distribution company (basically the CTO). My comments in this response to the anti-trust settlement proposal currently before the District Court are my own, and in no way affiliated with my company. I only talked about my position, so that you could see that I have some credibility in my comments. Having said that, the following is where I see issues with the proposed settlement. In section III. Prohibited Conduct, it states that Microsoft is prohibited from retaliating against an OEM for shipping a personal computer that either includes a non-Microsoft operating system or can boot more than one operating system. There seems to be a glaring omission here. Under these terms Microsoft could retaliate if an OEM ships a personal computer with only a non-Microsoft operating system. To give a simple example, if I were IBM, and I started shipping personal computers with Linux pre-installed as the only operating system for customers who didn't want a dual boot system, Microsoft could retaliate. The odds of this behaviour would go up substantially, if a large OEM like IBM started selling significant numbers of systems with only a non-Microsoft operating system.

In section III.C.2, it states that Microsoft cannot restrict by agreement any OEM from distributing or promoting non-Microsoft middleware by installing or displaying on the desktop of any size or shape so long as such

shortcuts do not impair the functionality of the user interface. Who makes the judgement about impairing the functionality of the user interface? What constitutes an impaired user interface? If Microsoft just doesn't like the way it looks, can they have the OEM remove it? This raises more questions than it answers. It seems to me, that if an OEM really impairs the user interface, then their customers will be unhappy, and have them fix it, or get their PC's from somewhere else. I know that Microsoft position on this, is that it reflects on them. The truth of the matter is, the OEM handles the technical support for pre-installed copies of Windows, not Microsoft. How many people do you know blame Microsoft when their computer doesn't work? They simply say my computer doesn't work, and if they bought the system from an OEM with Windows pre-installed, they call the OEM. This section should have no exception, and the free market should be left to decide whether an OEM has impaired the user interface or not.

In section III.C.3, it states another user interface exemption for OEMs. This time it says that middleware that automatically launches on boot, can be replaced as long as it displays on the desktop no user interface or the user interface is of similar size and shape to Microsofts user interface. This prevents competitors from creating unique user interface paradigms, that may infact be better than Microsofts. In fact, it limits them into copying Microsofts products, and gives no ability to innovate with the user interface. I don't see how this can foster competition. If both products look and act the same to the user, then you have just removed one of the competitive advantages a competing product may have.

In section III.D, it states that Microsoft has to disclose to ISVs, IHVs, IAPs, ICPs, and OEMs the API's and related documentation that are used by Microsoft middleware. This goes to the heart of the issue alot of people have, which is that Microsoft hides API's that it uses for competitive advantage. This is a very good provision, but it has one very big omission. Today, open source projects create software that needs to interoperate with Windows (e.g. Samba) operating systems. These projects would not be covered by the list above. For this provision to have true meat behind it, Microsoft should be made to disclose the API's publicly to everyone. This will create significantly more competition in the marketplace, because it would allow open source projects to be more easily developed. This section is also incongruent with section III.E, which doesn't limit the disclosure of communication protocols between the Windows client and server. The two sections should allow for disclosure to any and all third parties.

Section III.F.2 seems to be completely meaningless. The exception completely nullifies the behavioural prohibition. Everything from the word except on, should just be removed. Microsoft should in no way be allowed to limit what an ISV can develop or promote that competes with Microsofts own products. This section should be one of the cornerstones of an agreement, and should have no exceptions.

Section III.G.1 also seems meaningless. Again, the exception competely nullifies the

behavioural prohibition. If you are going to eliminate the use of contracts that give consideration to certain entities based on solely supporting Microsofts products, at the expense of competitors products, then the agreement should do that without exception. The current exception takes all of the teeth out of this section.

Section III.H.1 & 2 has all the same problems of section III.C.3 which I stated above. Additionally, Microsoft has the option to have the end user confirm this chose of replacing the Microsoft product with the non-Microsoft product. Of course, this could confuse the user, and make them wary of making such a change. While I understand that a user could do this by accident, based on the provisions of this section, the user can make the Microsoft product the default selection just as easily. Besides that issue, I think that additional teeth should be put into this section in the following way. Microsoft should be prohibited from putting hooks into the operating system that prompts the user to switch back to the Microsoft product everytime the user uses the non-Microsoft product. They could easily do this under the provisions of this settlement, and make it very difficult for the user to use the competing product.

Section III.H.3 makes direct reference to my suggestion of what Microsoft will do to change the configuration to suit their needs and stifle competition. The settlement only prohibits them from changing the configuration that the OEM supplied their customer for 14 days. After that time, they can pepper the user with dialogs that constantly ask them to switch the applications from competitors to theirs! This entire section should be changed to prohibit this behaviour completely. I don't see how this agreement can foster competition with this type of exemption. It also retains much of the power Microsoft has over OEMs. If the OEMs configuration can just be changed by Microsoft after a couple of weeks, it takes much of the value that the OEM can sell to Microsofts competitors away from the OEM. If I was a Microsoft competitor, and I wanted to sign an agreement for an OEM to ship my product versus Microsoft, and Microsoft can two weeks later bother the user to the point that they switch to the Microsoft product anyway, then I wouldn't be willing to pay the OEM very much. OEMs already struggle with margins, because Microsoft and Intel make all of the profit, and the product is a commodity. The only real way for OEMs to differentiate their products is through customization and third-party software bundles. Again, we should let the free market decide, without pestering prompts to switch to Microsoft products (and visa versa).

After section III.H, there are two bullets called 1 & 2, which don't seem to be a part of section H, but give Microsoft additional exceptions. Bullet 2 says, a Microsoft middleware product may be invoked by the operating system when a non-Microsoft product fails to implement a reasonable technical requirement. What is a reasonable technical requirement? The example in the document is hosting an Active-X control. What if the replacement product can implement all of the functionality that a user

needs without hosting an Active-X control? Who determines what is reasonable? These type of exceptions could make the agreement unworkable, especially if it can be argued in court. I see alot of additional wrangling in court to resolve disputes over things like this, and this additional time could be used by Microsoft to continue business as usual while the lawyers fight it out.

Section III.J gives Microsoft another way to wiggle out of disclosing API information. I think it is necessary to state that they cannot disclose the internal working of something that is against the law to disclose. As far as I know, no such cases exist. Actual authentication keys, tokens, etc. would not be apart of a working API, but the format of those would be. The way this is worded, Microsoft could prevent the disclosure of API's and communication protocols, and no one would be able to dispute them because they could argue that disclosure would be required to prove their case. Of course, you could argue that the technical committee could work to see if Microsoft is pulling the wool over everyone's eyes. The flaw in this, is that Microsoft could still fight it and win, and no third party could jump in to help the case without first getting disclosed on the API's and communications protocols. I see this as a catch-22 for enforcement.

Overall, this agreement doesn't go far enough in curbing Microsofts business practices. I think that a better solution is staring us all right in the face. The solution that I think would be better has three simple principles, of which two are captured in this proposed settlement. First, make Microsoft disclose all API's to everyone, without exception. Second, do not allow Microsoft to control other companies use of Windows, whether it be configuration of the desktop, or inclusion or exclusion of non-Microsoft and Microsoft products respectively. And third, allow Microsoft to bundle anything they want into Windows, and its successors, as long as it complies with a recognized open standard. The IETF (Internet Engineering Task Force) model of standardization should apply here. In their model, something does not become a standard until at least two interoperating implementations of the standard are widely deployed. This would make it very simple to monitor compliance, and would allow third parties, including open source projects, to compete head on with Microsoft in every product category.

Thanks for taking the time to read this, and I hope that the settlement can be improved to foster competition in the marketplace for operating systems.

Andrig T. Miller

**MTC-00003097**

From: Blomberg David  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 12:51am  
Subject: Bad idea

Currently in Japan but this is a bad idea I would like to se a real settlement rather than a license for Microsoft continue it practices. Words like "allow our distributor more freedom" Microsoft is supposed to allow the distributors FREEDOM lets face it when the software is sold it becomes the property of the buyer to use as they see fit not for

Microsoft tells them they can and cant do. It goes for the distributor as well. It is just one more show that they are not serious about this "settlement". Be for the cunsumer it is your legal duty to see that this case gets a real deal rather than giving the gold to Microsoft.

Resident of CT currently in Japan, David Blomberg  
System Engineer Nihon Libertec Co. LTD  
1-34-14 Hatagaya Shibuya-ku Tokyo Ph: (03) 3481-8321 Fax: (03) 3481-8371

**MTC-00003098**

From: Kenneth D. Reiszner  
To: Microsoft ATR  
Date: 12/7/01 12:58am  
Subject: Microsoft settlement

It was embarrassing enough for the nation to give Microsoft a free ride on the antitrust action but to allow Microsoft to prevail in the class action suit is abominable. Nevertheless, this is an opportunity for the justice department to do something right for a change. Red Hat has offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. It is time for you people to go twist some Microsoft arms.

Open source software will eventually take over the operating system and desktop software markets with or without any action on your part or other parts of the government. This simple proposal by Red Hat would allow our children to become familiar with the software of the future. Ironically, the difference between open source and Microsoft software is getting narrower with time so even if Microsoft software is still the norm on the desktop when these kids graduate, they will be able to cross over without effort. The difference will come when they buy a computer of their own and don't have to purchase the original software and upgrade after upgrade.

Do something right for a change, take Red Hat up on their offer.

Kenneth D. Reiszner, Ph.D.  
President, REAL, Inc., P.O. Box 709,  
Lecompte, LA 71346 Ph. No. & FAX: 318-443-0426

**MTC-00003099**

From: Harry W Hale III  
To: Microsoft ATR  
Date: 12/7/01 1:07am  
Subject: Microsoft

This is a very bad settlement they have now twice been punished for breaking the law by simply having to promise not to break it again. What kind of people are you.

**MTC-00003100**

From: cls@greens.org@inetgw  
To: Microsoft ATR  
Date: 12/7/01 1:10am  
Subject: Microsoft Settlement

The prosecution in this case barely scratched the surface of Microsoft's adverse impacts on every industry where it operates, and on the global economy. In technology markets, network effects overwhelm all other forces. As long as Microsoft remains intact, it controls every market it enters. Had justice been served in this case, Microsoft would have been split into at least three separate companies which are not allowed to

communicate with each other in private. As it stands, they will continue to stifle innovation in computing and networking

Cameron Spitzer  
San Jose

**MTC-00003101**

From: Francesco Tombolini  
To: Microsoft ATR  
Date: 12/7/01 1:18am  
Subject: Microsoft Antitrust

I agree with Redhat words...

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly." Put linux in the schools on microsoft's hardware...

Francesco Tombolini

**MTC-00003102**

From: Jason Adams  
To: Microsoft ATR  
Date: 12/7/01 1:18am  
Subject: To Whom It May Concern,

To Whom It May Concern,

It would seem as though all Bill Gates is interested in is making money, and choking out all the little guys that present any kind of a threat to his software empire. I think that a appropriate fine for Bill would not only be donation of hardware installed with any kind of a Linux flavor, but also to have Bill himself donate his time to go around to some of these underprivileged school and teach the students how to use the software. There couldn't be a worse punishment than to have him teach the basics to an os that is his adversary. I wish that people in this world wouldn't be so greedy and try to collect the wealth of the whole world in a lifetime, I mean he can't take it with him anyway so why can't he just be satisfied and lay off the small guys? Whatever you decision is in this suit I hope that you really stick it to Bill where it will hurt him somewhere, after all he has been doing it to others for so long he really has it coming.

in the blessed name of Jesus,  
jason

**MTC-00003104**

From: Pat Walters  
To: Microsoft ATR  
Date: 12/7/01 1:48am  
Subject: Microsoft Settlement

I believe this settlement takes unfair advantage of a great corporation for being an aggressive American competitor in the software market. The very nature of antitrust law is to destroy companies that have harmed consumers, not to make monopolies illegal. This we know already, as there are plenty of legal monopolies that have run our local telephone and electricity.

Every model of a monopoly ever devised by economic theory holds two effects possible: higher cost and less product. This lawsuit was brought against Microsoft over its bundling of Internet Explorer with Windows, and then that Microsoft had set up retaliatory pricing if an Original Equipment manufacturer (OEM) were to sell software that competes with Microsoft on its own operating system. This court case has proven

that there was nothing wrong with innovating the operating system to offer more features to customers, but did address the pricing against OEMs that want to offer competitive software to Microsoft. You cannot accuse Microsoft of being a monopoly in consumer level computers without talking about the complete monopoly enjoyed by Apple Computer company. The interesting thing here is this: Apple was argued out of this case because their monopoly operating system on their monopoly hardware cost on average \$1,000 MORE than a comparable IBM compatible PC running Windows! How is Microsoft a monopoly again?

Microsoft has simply been very successful at recruiting wonderful talent from all over the globe, and driving that talent very hard to deliver products that make our competition look pale in comparison. It is not Microsoft's fault that companies who compete with them cannot achieve the critical mass of great software by litigating against Microsoft, instead of recruiting great talent and then spending the R&D money necessary to better perfect their product. Why should Microsoft have its hands and legs tied behind its back simply because every one of its competitors wants the money that Microsoft has earned? Let me ask that again: WHY should Microsoft not be allowed to freely compete with all of the freedoms that Netscape, AOL Time Warner, Sun Microsystems, Oracle, and Apple do every single day of the year, simply because THESE companies want the money from the market share that Microsoft continues to go out and earn?

Microsoft has agreed to this settlement, but this settlement should be the end of it. The states that chose not to settle with Microsoft simply want to punish Microsoft further than they already have been with this FRIVOLOUS lawsuit, and they should NOT be rewarded for this. In some cases, like California, they simply have Microsoft competitors living in their state and want to put up the "good fight," for their constituents. The economy of the United States is greatly fueled by the technology sector, and it is time to let Microsoft go on to do what it does best: make great software that runs on any device, anywhere, connected to the Internet. Microsoft has undeniably been part of the economic boom we saw in the 1990's, and this case has been part of the reason we are now suffering part of a recession. Let's end this here with this settlement, and accept the terms of it with as much compassion as possible toward the greatest company in the world.

Sincerely,  
Pat Walters

**MTC-00003105**

From: Jim Lawson  
To: microsoftcomments@doj.ca.gov @inetgw  
Date: 12/7/01 2:17am  
Subject: Microsoft Settlement

Please consider the proposal made by Red Hat as a way for the Microsoft settlement. The current settlement appears to ensure that Microsoft has a monopoly on operating systems and allows them to further propagate their products RED HAT COUNTERS MICROSOFT'S EDUCATION OFFER

Microsoft has proposed settling over 100 private antitrust lawsuits by pledging to donate more than \$1 billion in hardware, software, services, and training to the poorest schools in the United States, but Red Hat has put forward a counter-proposal. It will offer its open-source Red Hat Linux operating system to all U.S. school districts free of charge, and has suggested that Microsoft concentrate solely on purchasing new hardware. In this way, more computers could be made available to schools and Microsoft's monopoly would not be extended further into the education sector, says Red Hat CEO Matt Szulik. He estimates that over one million computers could be allocated to schools under the new proposal, compared to 200,000 under the old one. In addition, Szulik says that Red Hat will provide free software upgrades and license renewals in perpetuity, whereas Microsoft would only provide such services for five years. (eWeek Online, 20 November 2001)

Jim Lawson

**MTC-00003106**

From: Brian Arundell  
To: Microsoft ATR  
Date: 12/7/01 2:28am  
Subject: bad bad microsoft

Because of the influence and market share that Microsoft holds (mainly due to public ignorance) for me to use a alternative operating system, namely Linux-Mandrake, and Red-hat Linux I am forced to physically replace my hardware, the main reason being that my modem wont work with linux because of this windows influence..... I'm disapointed, and I will never spend money on Microsoft products and I promote the piracy of their software

**MTC-00003107**

From: redsheep@i-2000.com@inetgw  
To: Microsoft ATR, Microsoft ATR  
Date: 12/7/01 2:55am  
Subject: Settlement? —

Your Honor

I am a personal computer user for 11 years now. I have worked as a programmer, systems manger and instructor. I have watched an industry go from wide open .i.e. one in which any good idea would sell —well—, into one in which it is impossible to sell ANYTHING.

The internet was a great place to explore in the days of Mosaic and Spry-in-a-box. Now with only Internet Explorer as a real contender, I dread firing up the old browser. There are sites that have special non-IE pages. E-mail was fine, then Outlook became the de facto standard and I spent two days trying to disinfect —1— Windows based, Intel compatible PC from an e-mail worm. Never happened to me using Eudora. BUT THE BOSS SAYS USE OUTLOOK.

Old joke: If Microsoft made refrigerators, they would claim they make ice, keep food fresher, & chill drinks to just the right temperature. If Apple made refrigerators, they would say theirs does everything Microsoft refrigerators do, but 5 years earlier.

Microsoft is notorious for taking others ideas and tweaking them to its own end then claiming it was their idea. Sort of like the Communist regime in the Soviet Union...

The lay press has noted that everyone is afraid to mention what they are developing for fear that if Microsoft gets wind of it, Microsoft will buy more people to work it out faster, and take all the credit. How often has Microsoft waited for Apple to start a new round of firings only to hire leading edge programmers and rework the technology to their own designs?

Microsoft can afford to buy any other software house or competitor. here are two reasons they do not. 1) Keeping the 'competition' around makes it look as though they are not a monopoly. 2) And this was confirmed to me by someone well connected, In order for Bill Gates to know what his next great idea is going to be.

But our question is Are they a monopoly. In that they control over 85 per cent of the GUI systems sold, they most certainly are. In that they have bought out more products just to kill them—non-Microsoft BASIC and dBase come to mind—yes they are. In that they have back doors into their programs which only their programmers can exploit, remember Caldera vs Microsoft?, they definitely are.

Is this a true settlement? No. A fair one would break Microsoft Corporation up into three competitive units, Software Systems (Windows et al), software (Office and Visio et al), services (MSN, MSNBC et al), and certification (digital signatures for software "designed for Windows."

The CEO where I work has noted that No One can make money in a market where the competition is giving it away for free. Maybe that is the true test of whether or not Microsoft is a monopoly. Did not Rockefeller and Standard Oil cut prices to almost free gasoline to shut down competition and ensure their "Market Share Growth"?

Humbly,  
Dan Pollack

#### MTC-00003108

From: Kitchen Pages, computer software  
To: Microsoft ATR  
Date: 12/7/01 6:01pm  
Subject: Microsoft

Hi there...

I am not liking what you are doing to the software industry. Microsoft continues to distribute its products with a FAKE system for preventing software coping. While Microsoft has done wonders for personal computers in general I still have a very big question.

I have attended a MCSE course where I was basically instructed to not help business. Please read the Microsoft Press course books (1999-2000).... At the MCSE course my Microsoft certified trainer gave me a copy of the 'Trendcenter' software with a Visual Basic crack so one could use this software for free. To make matters worst, I was going to purchase a copy of XP from a shop here in Australia but currently I will not do so. It is cheaper to get copies that are illegal than the real product. Currently in Oz there are 2 or more copies of the new XP system being distributed. I have reported this to Microsoft who has not to my knowledge taken any action...

I surfed into Yahoo chat the other night to listen to music (like napstar) and found that

FireFox and Michael have copies, and they have 'never paid a cent for any product'. To someone who has more than \$10,000 in software, like myself, this really is not good.

Editions of software I have been able to find people giving away are:

Microsoft XP Edition—Corporate  
Microsoft XP Office with FrontPage—  
Enterprise Edition.

Microsoft XP Business Edition  
Microsoft XP Plus

This is just the tip of the ice burg. I wonder if Linux can fight back considering Microsoft personal have made it very clear that they do not like free software. So I guess they are now distributing there software for free, illegally, to wipeout others who have invested in softwares. I am going to send most of the software I have been able to collect to Mr. Gates along with my exam tickets for the MCSE course I was doing. I want servers to run my business and I do not want Administrators to run my servers... This is not productive and does not allow myself to direct funds to areas where funding should be directed. Also I would like to know about the Microsoft Product Life Time Cycle— seems a good way for one to totally disregard the earth. I can only hope if I ever have the same choice that I would not do what is being done.

If you tack onto this the anti-trust case, well is there any point in supporting software makers? This type of terror should be outlawed and is not condoned by myself or others. The question is what are you doing to help? (not a lot from where I stand)

Thankyou for your time

Sincere regards,  
Jason Robinson  
JRobinson@KitchenPages.com  
Kitchen.Pages@Bigpond.com

#### MTC-00003109

From: Billie Ehresman  
To: Microsoft ATR  
Date: 12/7/01 3:10am  
Subject: Microsoft Settlement

Dear Sir/Ma'am,

After reading the proposed settlement I feel that this would NOT be in the best interest of the American public for the following reasons:

1. The proposed settlement does not prevent Microsoft from bundling web browsers and other application software into its operating system. Illegal bundling and tying practices that were addressed in the Court's 2000 ruling are not in the proposed settlement.

2. The proposed settlement allows Microsoft to benefit from its past anti-competitive behavior. Microsoft has monopolized the web browser market as a result of its anti-competitive actions, but the proposed settlement does not require the company to provide software competitors with the information that they need to ensure product compatibility.

3. The proposed settlement relies too heavily on financially-strapped equipment manufacturers to promote more competition.

4. The proposed settlement does not cover the new generation of web-based, Internet, and multimedia applications. Since the settlement applies only to products that were

in use from 1995-98, it won't stop Microsoft from repeating anti-competitive practices with current and future products.

5. The proposed settlement doesn't cover Microsoft Office, although Office has more than 95% of the market for business productivity software. Non-Microsoft Middleware is not interoperable.

6. The proposed settlement lets Microsoft decide which products are part of the Windows operating system and which are applications.

7. The proposed settlement gives Microsoft control over many enforcement decisions, essentially putting the fox in charge of guarding the hen house!

8. The proposed settlement would not require Microsoft to comply with computer industry standards, or prevent the company from undermining or altering standards, even when the intent is to deliberately deceive competitors.

9. The proposed settlement would allow Microsoft to disable competitive software products, effectively sabotaging any competition. Microsoft has used bullying tactics countless times to ensure their dominant market share & I feel that they should be treated accordingly to ensure that these practices don't continue unabated. They ignore or are slow to respond to MAJOR security flaws in their products which has disrupted the entire internet at times. If they built cars that couldn't be secured & allowed anyone to just get in wreak havoc on the highways, would they not be held accountable?

Yours truly,  
Daniel Ehresman

#### MTC-00003110

From: Jason A. Van Cleve  
To: Microsoft ATR  
Date: 12/7/01 4:06am  
Subject: Microsoft Settlement

To whomever it may concern,

I am not at all pleased with the outcome of the DOJ case against Microsoft. As a software developer of several years, I have worked with Microsoft products extensively, and I have born witness to many of the unfair and dishonest practices by which the company has been able to step on other software vendors in this race, and over and over again, developers and consumers alike have been hurt by it. Microsoft seems more intent on stifling innovation in other software companies than on innovating anything themselves.

I've felt for some time that the best thing for vendors, consumers and our economy is for Microsoft to be broken up into an OS vendor and an application vendor. I also think it is important that, contrary to the proposal you had previously put forth, Internet Explorer be kept in the "application" division. Microsoft clearly wants to own the Internet itself, control it and exploit it. This would be very bad for all but them, and I believe we must prevent it. Among my concerns here is that if Microsoft's browser is allowed the marketing advantages it has enjoyed so far, eventually no one could justify using a different browser, especially if I.E. were completely integrated into Windows. If few enough people used any

alternate Web browsers, Web developers (like me) would eventually be forced to build sites specifically for I.E. In fact, this already happening. Ultimately this would lead to a deficit in any real innovation—something of which Microsoft has proven itself to be largely incapable. The Internet has an amazing potential, but unless it is practical for companies to create innovative software to compete with that of Microsoft on the ubiquitous Windows platform, the technology will not be driven as it can and should be.

Microsoft now enjoys something like a permanent home-field advantage. Because most people run Windows, Microsoft is more likely to push their software onto our desktops whether it be good or no. The OS is indeed a separate layer of software from the applications it runs, and so, again, if the market is to have a level playing field, Microsoft should be split up. But aside from all that, I have seen some of the ways in which Microsoft has succeeded by devious means both in software and in sales, and the fact that this new settlement does nothing practical to penalize them or restrain them from further foul play, is unacceptable. I am for change, and I am for innovation. This settlement will bring neither.

Thank you,  
Jason Van Cleve

**MTC-00003111**

From: (q)M(00FC)ller, Martin (2)(q)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 3:23am  
Subject: Microsoft Antitrust Settlement  
Dear Sir or Madam,

I want, to write down my opinion about the antitrust settlement it cut with Microsoft. The "punishment" for Microsoft is just a laughter. Why do you want to destroy a monopolist by enabling him to conquer more market shares. Thats like punishing a kleptomaniac with stealing.

Red Hat's proposal that, in short words, Microsoft should provide the hardware and Red Hat delivers the software and support for free. Is the best punishment I can think of. That would be a hard slap in the face of Microsoft, and that's only just and reasonable. I think my opinion is shared by many others, too. It's because it looks like Microsoft get's along with their strategie, again. They seem to stand far above the american law. It's fact, that the methods they use to push their company in front , are not all legal. So why do you take drastic measures an find a real punishment for Microsoft.

I hope I could help you by finding a solution.

Yours,  
Martin Miller

"Microsoft is like the great white shark—a killing machine without soul or conscience that only knows its own hunger and appetites." (Mitchell Kertzman)

**MTC-00003112**

From: Calvin Smith  
To: Microsoft ATR  
Date: 12/7/01 3:25am  
Subject: Microsoft antitrust settlement  
To whom it may concern,

I am writing to express to you my profound disappointment with the proposed settlement to the long and expensive legal battle over Microsoft's abuses of antitrust and anti-competition laws. That Microsoft would be allowed to extend their monopoly into the education sector, one of the few areas in which they don't already have a devastating monopoly, is absolutely astounding. I don't understand how anybody (but Microsoft) could think that this is an appropriate remedy. I believe, instead, that a better solution would be to implement Red Hat's proposed solution of allowing Microsoft to donate hardware and allowing Red Hat (or any non-Microsoft company) to supply the Linux operating system and open source software to run on those machines. The Microsoft alternative would have the effect of leaving schools stranded after 5 years when Microsoft stops supplying software, for schools would be unable to afford Microsoft's exorbitant license fees in order to keep the computers functioning and up to date.

The Linux solution encourages competition in the education sector, provides for more hardware and software for schools than the Microsoft plan. I strongly encourage you to consider this matter carefully, as I and many of my fellow software professionals are extremely unhappy at the proposed solution, which looks more like a reward to Microsoft for its past harms to the consumer and to its competitors than an actual punishment or settlement.

Sincerely,  
Calvin Smith

**MTC-00003113**

From: Luc Caullychurn  
To: Microsoft ATR  
Date: 12/7/01 3:27am  
Subject: Monopole Fed up with your behaviour ! LuC

**MTC-00003114**

From: Bruno Ethvignot  
To: Microsoft ATR  
Date: 12/7/01 3:55am  
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

Hi,  
At what percentage point does a monopoly exist. Is it 100%, 90%, 80%? IE now has over 90% of the browser market. The Microsoft monopoly is self-evident. The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.

The settlement could simply introduce Microsoft to a market where they could further extend their monopoly.

Bruno Ethvignot

**MTC-00003115**

From: ilidio martins  
To: Microsoft ATR  
Date: 12/7/01 3:53am  
Subject: Microsoft ... No to monopoly!!

Only i got say ... Microsoft ... No to monopoly Because you know better then me... All consequences of Monopoly. It doesn't have to be graduated.

**MTC-00003116**

From: Flash  
To: Microsoft ATR

Date: 12/7/01 4:07am  
Subject: Microsoft Settlements  
To: Honorable J. Ashcroft, US Attorney  
General

Dear Mr. Ashcroft,

Both as a citizen of this country, and as a knowledgeable scientist who has watched the genuinely criminal behavior of Microsoft that has resulted in not only a worldwide monopoly by this company, but a setting of standards for the world's software that could euphemistically be described as a joke, I am deeply distressed by the settlement conditions set by the office of the US attorney general in its anti-trust suit against Microsoft.

Indeed, this settlement looks in structure not very different from those entered into by the erstwhile Commissioner of Insurance of the State of California, Mr. Quackenbush. It merely creates another opportunity for this marauding company to weark yet further havoc. It makes no sense whatsoever. That Microsoft's famous OS WINXX, through several versions over many years, continues to crash spontaneously is only one the bad jokes among almost all users.

Windows is a perfect example of Microsoft's continuing and longstanding practice of theft. Windows is based on the free X-windows system invented and developed at M.I.T. Microsoft has literally stolen what was given freely, made a few simple alterations, and the proprietized it and its source code. For anyone to assert that technically Microsoft is or stays within the law in this practice is vacuous legalism; it certainly is not justice to allow this to continue. Microsoft has used this pattern of theft with practically every piece of software it sells. The support for their product is another joke: if you can get it at all, it is all true, and totally useless. This pattern of theft can be seen explicitly regarding Java/Java script, where it was pilfered from Sun. It can even be seen in MS-DOS which was stolen from, and is an unholy watered down version of UNIX, developed at the then Bell Laboratories. The office of the US attorney general seems unconcerned about the damage that this monopoly does every day. Its power to extort hardware manufacturers and hardware dealers to bundle its simply awful and slipshod programs is legendary, and true. It engages in extortion every day.

In addition to an anti-trust suit, I seriously suggest that a suit under the federal RICO statutes 18 USC 1961, is perfectly appropriate. Anti-trust is the least of what it does. In the real hope that the office of the US attorney general actually does what it should be doing, instead of making some grandstanding show that comes to nothing or worse, I remain,

Sincerely Yours,  
William C. Hammel, Ph.D.  
A-11 Moose Branch, Sweetwater  
Apartments #8A  
Robbinsville, NC 28771  
(828) 479-1547 (voice-TAD-FAX)

**MTC-00003117**

From: Dave Attwood  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 4:10am  
Subject: Settlement Terms  
Sirs

Although not a US citizen, the findings against Microsoft show a complete disregard for the freedoms which I believe your country stands for—specifically, the use of power brought about by being a monopoly against the individual and smaller commercial organisations. Furthermore, contrary to the claims of Microsoft, it is not at all an innovator, and tends to stifle innovation by imposition of closed interfaces, protocols and APIs. To allow it to proceed unchecked is of serious consequence to the computer industry and to personal freedom, and I would urge you to reconsider the imposition of severe penalties.

David Attwood  
Principal Engineer  
Ultra Secure Business Solutions  
3 Albert Edward House  
The Pavilions  
Portway  
PRESTON PR2 2YB  
UK  
\*+44(0)1772 325 200 ddi +44(0)1772 325 295  
\*+44(0)1772 325 291  
\*mailto:David.Attwood@ultrasbs.com  
\*http://www.ultrasbs.com

**MTC-00003118**

From: sorin  
To: Microsoft ATR  
Date: 12/7/01 5:11am  
Subject: Microsoft is a monopoly  
Hello,

My name is Sorin and I want to sent to you my Opinion about the Microsoft practicies. After you buy a Microsoft product you just can't geta out from their company. It is a monopol. The company just fights agains others without any thought about the freedom ao choice. It has to be break-down.

**MTC-00003119**

From: Jose F. Larrea  
To: Microsoft ATR  
Date: 12/7/01 4:23am  
Subject: My Opinion

I disagree with the Settlement. MicroSoft is a monopolistic company, and your software is not only poor and with bad cality and without any originality :( That is, of course, one of his "monopolistic practices": they get one "de facto standard of the industry", and they create your own standard (and this "standard" is not compatible with "the original standard"). And they say to the costumers: I have made very goods improvements to our product (Improvements? What improvement? The improvement of Sun, Netscape, the University of Michigan, BSD Software....? And an "proprietary version" of this standard, close to integration with third party products of other Software leaders?... It's not any real improvement...only another "monopolistic practice" :()

Some examples: "Microsoft Java Machine" (MicroSoft, the first time says: the Java technology "from" Microsot, the real thing: "from" Sun MicroSystems, MicroSoft, the second time says: 100% compatible....the real thing: incompatible, dont exit the compatibility test :(....), Active Directory (LDAP Techonology, from the University of Michigan.....well know LDAP products prior

to Active Directory: Netscape Directory Server, also products from Novell...), "MicroSoft" Kerberos services (available on Unix Systems [Solaris, Linux,...] for years...), MicroSoft IE (and the JavaScript Netscape standard.... MicroSoft change many "object properties", and, with that: One javascript code written with the Netscape javascript standard dont work with IE :(...and also, the "MicroSoft proprietary code" dont work whit Netscape Communicators...only for your "monopolistic implementations" :()

Sorry for my bad english, and thanks in advance.

Jose, from Madrid (Spain).

**MTC-00003120**

From: Arash Bannazadeh  
To: Microsoft ATR  
Date: 12/7/01 4:31am  
Subject: OpenSource

Hi,  
Opensource the windows Operating Systems (NT, 2000, XP). I think that way it will destroy the Microsoft monopoly over it competitors. At the same time it will not violate the concept of intellectual property.  
Arash

**MTC-00003121**

From: John B. Weaver  
To: Microsoft ATR  
Date: 12/7/01 4:42am  
Subject: Settlement

To Whom It May Concern:  
I have been following the antitrust case against Microsoft with interest because I use computers so extensively in my occupation. I am disturbed by the settlement that seems to allow Microsoft to continue driving the industry for its own profit. There is no provision forcing Microsoft to allow other companies to compete with any single Microsoft component. As long as they are allowed to bundle everything in one package, the Netscape's of the world can not compete. I feel it was a mistake that users like me and the economy as a whole will be paying for for many years to come. I have been a Republican all my life and wonder where this administration's dedication to "free trade" went; or is it only Microsoft that is allowed to be free?

Sincerely,  
John B. Weaver

**MTC-00003122**

From: Dave  
To: Microsoft ATR  
Date: 12/7/01 5:02am  
Subject: Another opinion

To whom it may concern,  
From the stand point of both an IT professional and a computer user who has been using computers since 1984, Microsoft is a monopoly. The facts in the case were, originally, very clearly defined and laid out, and pointed to this fact. Although I am no lawyer, it seems that the only reason that the original ruling was not upheld is simply for political reasons. The fact that, one week before the judgement is affected, there is an injunction (or some such legal term that interrupted the origianl process), seems to be a clear case of political intervention. Since the intervention was on behalf of Mr. Bush, it speaks to me of big bussiness protecting big

bussiness. If Microsoft is not divided, they will simply continue doing what they have always done: absorb or destroy the competition through partnering and "competitive" practices.

Most people in this industry know Microsoft for the Monopolistic giant that they are. In fact, those of us with longer memories than 15 minutes remember well the suits against Microsoft from many of their previous partners for anti-trust related issues such as copyright infringement, patent infringement, and unfair practices to name only a few. If you reverse the original ruling, you are only giving american bussinesses the right to buy their way out of anti-trust suits. Most people are too ignorant of the histoiry to know the full extent of Microsoft's malicious practices, but those of us in the industry know that for Microsoft to win, they have to blind the public, and the courts. Simply put, if american justice means Microsoft continues unimpeded, american justice is only worth the money and ties it generates.

Sincerely,  
David Bristol  
A+, MCP, CCNA, CCDA, RHCE

**MTC-00003123**

From: lark  
To: Microsoft ATR  
Date: 12/7/01 5:07am  
Subject: For what it's worth  
G'day,

Give open source software a go. It can only improve the way we live and work with technology. Why have a huge company like Microsoft dictate how we are going to use technology. We want the best from technology for us all not what is commercially best for a companies shareholders. Things happen when not hidden behind the corporate veil.

Andrew Komaki-Wood  
Australia

**MTC-00003124**

From: Sven Holwell  
To: Microsoft ATR  
Date: 12/7/01 5:13am  
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

I do not agree with your proposed settlements, they appear to be a sell out. If you (US) have laws against monopolies you should enforce them or have the laws dropped. Allowing (forcing) Microsoft to donate S/W, H/W and services to your poorest schools as a punishment is laughable (allowing them a greater monopoly). They should be forced to donate money and allow the schools to decide how best to use it. I am not anti Microsoft as I am an independant software developer who relies heavily upon their products, I just believe in fair competition.

Sven Holwell  
England

**MTC-00003125**

From: Jeroen ten Berge  
To: Microsoft ATR  
Date: 12/7/01 5:19am  
Subject: Opinion  
Hi Sir/Madam,

I would like to say that Microsoft's terror in the software industry made a lot of companies lose their businesses, therefore I support the introduction of RedHat linux in schools since that operating system can learn kids the very basics of computers, microsoft on the other hand will make the kids depend on their easy-to-use software.

This ofcourse enlarges Microsoft's dominancy. Also the pricing of Microsoft's products is way to high considering their enormous profits, they could easily reduce prices by 75% and still make humongous profits since their sales will even enlarge by lowering the prices. Please note that this is not just America against Microsoft, but the world against Microsoft's monopoly. I hope you'll also take my notes in to account, if not, at least I've tried.

Best regards,  
Jeroen ten Berge  
Dutch resident.

**MTC-00003126**

From: J. Heine  
To: Microsoft ATR  
Date: 12/7/01 6:20am  
Subject: New Computers only with MS ?

Hello,  
@first: sorry for my grammar ( I learned english by unix documentations and manuals ;-) ) It's nearly 1 Jear ago i've shut down the most expensive Operating System forever. Now I see a problem for every customer and firm who will get (a) computer/s without Microsoft Windoze. In germany it's forbidden to sell a computer without a operating system. (in US too?) Most computer sellers can't support free operating- systems and free software (missing skills). And that's the reason why you must get MS-OS too even if you don't want it. So the laws that ever System must sell with a OS is really bad for free systems and helps MS to be a monopolist and that's the reason why the hole world has windows and cracker attacks and virus problemes ... So you have to build a law that everybody can get a operating system by his choice after selling a system without a operating system.

Also try to stop OEM Software boundles with new computers. They also makes MS to a monopolist. I know, the US GOV will find a way for real justice.

sincerely,  
Juergen Heine  
System- and Application Developer  
/unix /linux /bsd /security  
www.linunet.com—We do IT better!

**MTC-00003127**

From: neal blomjous  
To: Microsoft ATR  
Date: 12/7/01 5:51am  
Subject: settlement

Isn't it a bit easy let them pay. It si not really solving the issue. They keep their dominant position and they continue to abuse their power. I am not happy.

**MTC-00003128**

From: credding  
To: Microsoft ATR  
Date: 12/7/01 5:51am  
Subject: Break up Microsoft

It is hard for me to believe that the government let MS off the hook. Here is a

company that has had no competition. Developers pay MS to write software for a company that is seeking to eliminate its own clients e.g. Quicken. Compare the world of Intel/AMD with that of MS where there is no competition (except in a restricted way, Linux).

**MTC-00003129**

From: Hans.Roeffen@MARCGS.NL@inetgw  
To: Microsoft ATR  
Date: 12/7/01 6:12am  
Subject: Antitrust—DONT MAKE A SETTLEMENT WITH MICROSOFT—DONT TRUST THEM !!!

LS, America always says to be the land of the Free, yet it kneels for the almighty Microsoft. Give your children the opportunity too choose what OS they like the most. Let them see what free Software can mean to them and to the rest of the world. The Software the donated PC should run should be every os except Microsoft Windows. I support RedHats view on this, but it is not about what OS there is on the donated systems. But it is all bout the possibility to choose. With Microsoft you don't get this opportunity they tell you what to choose. With Spyware,Virusses,Worms etc .... the people are held hostage whitout them suspecting a thing. They're privacy is compromised every day by people who appear as a saviours but who have only personal gain in mind.

I cannot imagine that the US Judges can ignore these arguments and willingly expose they'r children to this new threat.

Regards  
H.Roeffen  
Technical Systems Analyst

**MTC-00003130**

From: Ted Potter  
To: Microsoft ATR  
Date: 12/7/01 5:36am  
Subject: Microsoft settlement

Greetings:  
As a consumer I went to my local compUSA store today in order to purchase a new personal computer. My old computer is no longer working. I was advised by the store that they were no longer allowed to provide computers running the windows 98 operating system. All new computers must have the new XP operating system. This was also true at three other large retail stores I went to. The problem is my main software program will not operate on the new windows XP operating system.

Now while I know nothing about the law, I must say as a consumer I feel forced to purchase the new product. Certainly the store indicated that there hands were tied.

Ted Potter  
consumer

**MTC-00003131**

From: Kody Brown  
To: Microsoft ATR  
Date: 12/7/01 6:17am  
Subject: i oppose the proposed settlement

I think the DOJ blew it. You didn't even go into the Operating Systems arena, where you could have nailed Microsoft to the wall. I think that microsoft should not be allowed to restrict an OEM's option to sell machines with other pre-installed Operating Systems.

That has hurt the general public more than any browser issue could. The Netscape browser has not advanced since version 3. If they had focused on it, instead of complaining about Microsoft, they would still be a valid alternative. Microsoft has done more for the industry than any other software company. But they need to be rained in. How that is done, I'm not sure. Opening their "trade-secret" licenses. I'm sure IBM and Gateway would be willing to work with the DOJ on opening that up, provided Microsoft did not retaliate as they did to IBM years ago when they refused to stop selling OS/2.

Kody  
kody@bricksoft.com

**MTC-00003132**

From: Mcintosh, Duncan  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 6:24am  
Subject: No windows no gates no monopoly.

Hello,  
I agree with Red Hat that letting Microsoft provide schools with software and material will only widen that market and knock out all competition. This is only meeting the sought after solution imposed by the software giant. Anything that touches the digital ages must be kept from there reach so that they do not twist and turn the outcome of the verdict to there benefit.

Kind Regards  
Duncan McIntosh

**MTC-00003133**

From: csssys@attglobal.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 6:39am  
Subject: COMMON ADDRESS LINKAGE EDITORS

WHY NOT HAVE A COMMON ADDRESS LINKAGE FOR ALL PRODUCTS NATIONALLY. THEN ANY PRODUCT COULD WORK ON ANY OPERATING SYSTEMS. THANKS FOR YOUR TIME.

**MTC-00003134**

From: Larry Stanley  
To: Microsoft ATR  
Date: 12/7/01 6:44am  
Subject: Microsoft "Settlement"

Red Hat is right. Microsoft has us right where they want us. With the XP operating system, they are closer to totally controlling the desktop of any consumer who buys their product. This is the first time they have been able to keep a direct communication link—through the Internet—with their Passport requirement. We can't even change a modem without permission from them!!

Here is what will happen. Microsoft will place their systems in all of the schools they can. All the computers will run XP. It will cost the school systems tons of money (people time) dealing with supporting the computers. Microsoft will eliminate all the Apple MacIntosh systems from the last bastion of that company. Apple will disappear. Microsoft will be king of the school systems computer labs, etc. On the other hand, the alternative is to allow open source into the picture to keep Microsoft "honest".

Red Hat, for example, and other Linux OS providing companies, can provide the CD's—that will be their only cost—to allow the

school systems to have as many computers running as they want without worrying about licensing issues. The OS will run on less powerful computers—thus saving money to the schools. Let's get some competition in there. That is the only thing Microsoft understands.

Larry Stanley  
3282 Winterberry Circle NE  
Marietta, GA 30062  
larry@stanley.org

**MTC-00003135**

From: Jason Bechtel  
To: Microsoft ATR  
Date: 12/7/01 7:21am  
Subject: Injustice for all

Dear my US Department of Justice, I am a US Citizen (SSN: 187-64-0446) currently studying abroad and I find the current proposed settlement between my government and Microsoft Corporation to be a shameful shirking of responsibility. I believe Microsoft has been demonstrated to be (and has demonstrated itself to be) a monopolistic organization, which abuses its position to unfairly dominate other markets and to stifle competition and innovation. Their actions harm consumers (users) of computer software by limiting their choices and forcing them to pay unreasonably high prices. To allow Microsoft to reinforce its current monopoly position by flooding schools with more Microsoft products, simultaneously avoiding the goal of retribution for its user base, is blatantly avoiding the responsibilities of my Department of Justice. This settlement is cowardly and shows that Microsoft is not only dominating the software market, but also the political arena in my country. I expect my government to stand up for me against aggressive corporations like Microsoft. I expect that Microsoft should be made to set right what it unjustly forced on the citizens not only of my country, but on the entire world. This settlement does not satisfy these expectations in the least. It is a joke and everyone knows it. It only reinforces the impression that many people have been trying hard to avoid for a long time: industry is stronger than government in the United States of America.

Shame on you.  
Jason Bechtel

**MTC-00003136**

From: Michel van der Kleij  
To: Microsoft ATR  
Date: 12/7/01 7:22am  
Subject: Microsoft Antitrust Settlement

Dear Sir, Madam,

I've been trying to keep up with the Microsoft Courcase proceedings as much as possible. The latest news immediately made me feel I ought to share my opinions with you. I feel that Microsoft is being given the opportunity to make free advertisement for its products by having to "help" schools across the US. Think about it: the products themselves cost next to nothing to produce (price of a CD), millions of kids will learn how to use (inferior) software provided by a "benavolent" company and what are a few thousand PCs to a rich company like Microsoft. So, this is NOT punishment, I call that a firm endorsement!

Instead, I think Microsoft should be made to cough up for the hardware, BUT Open Source software should be provided along with it! The reason for this is not only that this is more of a "punishment" for a proven monopolist, but rather that kids learn how to use technically superior software from which MUCH more knowledge can be gained, thereby really helping the kids on their way!

Take it from a 20-year long IT professional with lots of experience in the Microsoft realm: Open Source software is much better quality, much better value and much more innovative than what Microsoft is pushing us so hard to use.

Kind regards,  
Michel J.L. van der Kleij.

**MTC-00003137**

From: John Burik  
To: Microsoft ATR  
Date: 12/7/01 7:22am  
Subject: Microsoft Settlement

I would like to join with the nine States Attorneys General whose rejection of the proposed the settlement can be summed in the following sentence: Nothing in the text of this agreement forces Microsoft to change its business practices and technical implementations in the least. Additionally, the settlement in effect gives Microsoft further monopolistic advantage in an area, Education, where a competitor, namely Apple Computers, has enjoyed a much-deserved edge. Now that we've calmed from the September 11th sentiment of giving carte blanche to the Bush Administration, it's time for judicial restraint and prudence to return and reject Microsoft's proposed settlement which benefits no one but Mr. Gates and company.

Respectfully,  
John Burik  
John Burik, M.Ed., PC/CR, EMDR L2  
<jburik@fuse.net> (513) 221-4673  
—Center for Children and Families  
—Cincinnati Trauma Connection  
Cincinnati, Ohio (USA)

**MTC-00003138**

From: Larry Weldon  
To: Microsoft ATR  
Date: 12/7/01 7:33am  
Subject: Microsoft

I think it is a shame that you settled with Microsoft. We have an ordinance in the village which prohibits owners from allowing their dogs to bark habitually. But definitive penalties were not included in the law so it is tough when an habitually barking dog crops up to persuade the owner to stop. Microsoft will not stop its' monopolistic practices until you, the guardians of American justice, get off your blessed assurance, and enforce the law. Please start now.

Larry Weldon  
www.weldoncomputers.com

**MTC-00003139**

From: Paul VanDeusen  
To: Microsoft ATR  
Date: 12/7/01 7:36am  
Subject: Microsoft Settlement i

Dear Sirs,  
I wanted to express my opinion about the Microsoft Class-Action Settlements. In

summary, this result must have the Microsoft lawyers and executives grinning from ear to ear. Microsoft is asked to donate a billion dollars worth of software, which it can copy onto CD's free of charge. Then it distributes this to schools where it is indoctrinating more users of MS software to further extend its monopoly. This outcome is absurd and renders the entire exercise as worse than useless. Its even stranger that many government agencies force their employees to use Microsoft products, e.g. the USDA. I don't think government agencies should be helping to extend illegal monopolies.

Sincerely,  
Paul Van Deusen.  
NCASI  
600 Suffolk Street, Fifth Floor  
Lowell, MA 01854  
978-323-4614

**MTC-00003140**

From: Paolo Lanzoni  
To: Microsoft ATR  
Date: 12/7/01 8:50am  
Subject: Settlement

Dear all, this settlement it's a joke , it MUST be a joke !! Microsoft it's the largest Monopolist in the word and in this way it will grow larger and bolder !!

Paolo Lanzoni  
Italy

**MTC-00003141**

From: Tim Holy  
To: Microsoft ATR  
Date: 12/7/01 7:47am  
Subject: Settlement

Hello,

There are some very wide-open holes in the Microsoft settlement. For example, the "remote administration" exception from documenting their protocols could effectively block future development of tools (like today's Samba) which allow Windows and Unix machines to communicate with each other. These holes need to be patched up. Microsoft should also have to document its file formats—there is very little intellectual property revealed by file formats that is not revealed more clearly by other means, and such documentation would greatly increase consumer choice.

Tim Holy  
Assistant Professor of Neurobiology  
Washington University School of Medicine  
Campus Box 8108, 660 S. Euclid Avenue  
St. Louis, MO 63110-1093  
tel: 314-362-0086  
fax: 314-362-3446  
email: holy@pcg.wustl.edu

**MTC-00003142**

From: Scott Murdick  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 7:54am  
Subject: Microsoft Propaganda should be stopped

Microsoft should be made to stop its false marketing. Making public statements to inflict doubt about other companies, in an attempt to create false confidence in their bloated, over priced products is shameful. Two examples of this are listed below.

Microsoft on Novell—Late this summer Microsoft kicked of an Anti-Novell campaign, and set propaganda to thousands of

companies which stated and I quote, "As a result of the recent Cambridge Technology Partners merger, Novell is shifting it focus from software development to consultancy services. You're left with a server platform without the full support of it manufacturer. Which means increasing costs as it rapidly becomes obsolete, forcing you to implement time-consuming retrofits"

Microsoft on Nintendo/Sony—A few weeks ago Microsoft made a public statement in regards to its game console "Xbox" "Xbox console has sold more units in its first two weeks than any other competing product."

Both of these examples are complete lies, and a direct attempt to eliminate competition through lies and deceit. Novell's server operating system, and Nintendo's and Sony's game machines are the finest products available. Microsoft is simply trying to steal revenue away from these companies through lies, and false marketing. They should be fined heavily, and me made to pay damages to these fine companies for the damage it has done.

Please respond if you would like anymore input.

Scott

**MTC-00003143**

From: mike  
To: Microsoft ATR  
Date: 12/7/01 7:57am  
Subject: Slice of the pie

Why should Microsoft have all the advantage of being on virtually every computer with ibm archetecture , and then be able to dictate to every software maker how it's going to be ? Please make them (m\$oft) accountable.

**MTC-00003144**

From: Joel Duggan  
To: Microsoft ATR  
Date: 12/7/01 8:02am  
Subject: Re: MS settlement

To whom it may concern,

You call this punishment for illegally maintaining their monopoly?!?!? This settlement is a joke! This won't be of any help to consumers. Actually, if this settlement goes through, this could do more damage to the consumer then if you left MS alone in the first place. The settlement, as written is a clear victory for Microsoft! It basically tells them that all the things they did to be declared guilty, they can continue doing because even if another case gets started, they can just buy their way out of it, again. It makes the legal sytem look woefully inadequate. When the breakup was ordered, then the appeal sent it back for a new remedy hearing, I thought, "Well the Justice department did better then anyone expected, and actually increased competition." The only way Linux was able to get the foothold they have, and get the big backers (IBM, SUN, etc.) was because this case was ongoing, and MS had to watch their behavior. If it weren't for the antitrust case Microsoft would have just threatened computer makers and manufacturers by refusing to sell Windows to them. So I felt like the job was done. With the foothold Linux gained there would be real competition in the OS field, and we would finally see some REAL innovation and

price cuts. Then this settlement comes out, and basically tells MS, "Go ahead do whatever, we'll just look the other way." Unbelievable!!

Please reconsider the effects this settlement will have. Just say NO!

Joel Duggan

**MTC-00003145**

From: up(u)link  
To: Microsoft ATR  
Date: 12/7/01 8:04am  
Subject: Settlement terms

Good Morning,

I am writing in regards to the Microsoft settlement. From my understanding of the settlement, Microsoft is to donate software to the poorest schools. While I can see how getting technology into the schools can be of benefit, requiring that MS get into the schools allows them to extend their monopoly. Apple, who only has a single-digit market share in the private sector, has a strong presence in the educational market. By forcing MS into the schools, it helps them extend their dominant presence. The same applies to Linux. This is a free operating system that can run well on older hardware, unlike the hardware-taxing Windows 200 or XP. The settlement rewards Microsoft by increasing their presence. Is that supposed to be a punishment?

Craig Lewis

**MTC-00003146**

From: Bruce Hyatt  
To: Microsoft ATR  
Date: 12/7/01 8:20am  
Subject: Anti-Trust suit

To Whom it concerns,

I don't know what the appropriate solution is but something needs to be done to rein in Microsoft's predatory behavior. Splitting up the company is, perhaps, going too far but it's clear that the company will go to any extreme to bury all competition if they think there's any chance they can get away with it.

If I'm not mistaken, it's been established that they program bugs into their operating system that make competitors programs perform poorly or not at all. I believe I've experienced this with their newest operating system (Windows 2000) and their media player. I'm also frustrated that I can't replace Windows Notepad with another, better text editor. It worked perfectly well in Windows 95! They're dictating to me (unnecessarily) what my preferences are going to be!! The Information Technology equivalent of the Nazis!!! And all this has been going on while the DOJ pursues their case.

Please don't paper over this problem with some ineffectual solution just to close the case. We deserve better.

Sincerely,

Bruce Hyatt

**MTC-00003147**

From: Al Andres  
To: Microsoft ATR  
Date: 12/7/01 8:23am  
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Ass't Attorney General:

You can include this with my previous message as evidence of the heavy handed way Microsoft is dealing with not only their customers, but the lack of they way they provide any options to their OEM vendors, and to their customers.

Sincerely,

Allan A. Andres  
120 Wilmont Circle  
East Fallowfield, PA 19320-4274  
610 466-9651 Residence  
610 466-7968 FAX  
email: aaandres@yahoo.com  
Original Message  
From: "A1 Andres"

<aaandres@yahoo.com>

To: "Microsoft Standard Email Support"

<msupport@microsoft.com>

Sent: Friday, December 07, 2001 8:19 AM

Subject: Re: Re: Re: Windows Update Support Request

Good Morning Microsoft On Line

Professional #?;

Thank you for your response to all of my previous emails.

I am still dissatisfied with your responses, so I will continue to ask for a simple answer to a simple question, and make an introductory statement based upon your last response. I don't believe you offered the OEM vendor a choice of whether to have NTBACKUP or MSBACKUP in their WIN2K OEM version, now did you? The OEM vendor was not advised that they even had a choice of which backup program to order. Nor was I given a choice to utilize either NTBACKUP or MSBACKUP upon installation. I want to know if I can extract MSBACKUP from my WIN98SE disk, and load it on my WIN2K system without destroying something on my system to restore the files I can't get to. Is this too much to ask?

Thank you,

Al Andres

Frustrated and Dissatisfied Customer

Original Message

From: "Microsoft Standard Email Support"

<msupport@microsoft.com>

To: "Al Andres" <aaandres@yahoo.com>

Sent: Friday, December 07, 2001 7:17 AM

Subject: Re: Re: Re: Windows Update Support Request

Good Morning Allan,

Thank you for using Microsoft Web Support.

I am sorry to hear that you are dissatisfied with the responses you have received to date on this issue. I know these issues can be frustrating, but I would like to assist you in any way I am able. I apologize for any inconvenience you have experienced while submitting this issue. The email address you have written to is monitored by Customer Representatives, not Support Professionals. While we are able to assist with the Microsoft Web Site questions, handle support entitlement issues and direct your support requests, we are unable to provide product-specific support.

At this time, Original Equipment Manufacturer (OEM) versions of Microsoft Software do not qualify for Standard No-Charge Support Professional assisted support. The reason for this is that when the manufacturer of your system purchased the OEM copy of Windows 2000 installed on

your system, they also purchased the right to custom configure the installation to suit their hardware, as well as support this particular installation of Windows 2000. In this case, your manufacturer is your primary support provider for that particular installation of Windows 2000. After researching this issue, I have found a Microsoft Knowledge Base article that may assist you in resolving this issue. The article number is Q155979. If you would like to view this article, please follow the directions listed below:

1. Please connect your browser to the following web site: <http://search.support.microsoft.com/kb/c.asp>

2. Please make sure "All Microsoft Products" is selected in the number 1 option on the web page

3. Please click the radial button next to "Specific article ID number"

4. Please type the article number, "Q155979" without the quotation marks and click "Go"

5. This will bring up a hyperlink to the article and give a short description. Please select the name to view the article.

If you have any additional questions, please let us know by replying to this message.

Thank you,  
Alan

Microsoft Online Customer Representative  
Original Message Follows:

As you know, I own a registered copy of both WIN98SE, and WIN2K. One would expect backward compatibility on a backup program from either of these two operating systems. I believe all of those who migrate to XP will also share this same frustration, as there is no indication that I know of that tells you that if you have used MSBackup to make a copy of your data in the QIC format, that once you upgrade to WIN2K you won't be able to restore any of those files.

If I can't get an answer to this problem, I plan to call the Department of Justice, Anti-trust Division, and see what they have to say about this situation. I may also see about filing a class action lawsuit on behalf of so many of us that are in the same situation, both WIN2K and WINXP customers who previously owned WIN95, WIN98, or WINME, and whoever did a backup with those versions.

A response is expected to the question that has been asked now for 2 months without any reasonable response other than to contact the OEM vendor from whom I bought this computer. It is not their problem, it is a MICROSOFT problem that needs resolution.

See below on audit trail of this issue:

Hello Allan,

Thank you for contacting Microsoft.

I apologize for the inconvenience this has caused Allan. Since you have indicated you have been unable to access your case online, I have pasted the entire case history below for you review:

Allan Andres

Phone: 6104669651

Fax: 610 466-7968

Email: [aaandres@yahoo.com](mailto:aaandres@yahoo.com)

Community: PROVAP

Respond to me by: EMail

System

261616 kbytes RAM

I586II-1330 MHz MHz

WINNT 5.0.2195

Problem

Having problem with Office Prem 2000 for Win 2000.

C Important—Severity C

PID: 50637-757-0689417-02704

Before buying a NEW system with WIN2K, I did a full backup using MSBackup on my old system (WIN98SE). The file was saved as a QIC file. Now under WIN2K I can't open this to restore data, mail files under Outlook Explore, and document files, as QIC is not supported in MSBackup under WIN2K Professional. How do I restore files from my WIN98SE MSBackup QIC files created under WIN2K Backup?

Good Afternoon Allan,

Thank you for using Microsoft Web Support. The Support Professional assigned to your case has determined that your issue pertains to Microsoft Windows 2000, and that you would be best assisted by a Support Professional who specializes in that area.

Please assist us in processing your request by providing the Product Identification Number for your Windows 2000. To locate this number:

1. Click Start, point to Settings and then click Control Panel.

2. Double-click the System icon to open System Properties.

3. Click the General tab to find the 20-digit number under the "Registered to" line. Once we have this number, we will be able to provide you with the support options available for your copy of Windows 2000.

To add this information, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

\*\*\* RESEARCH LOG esrintf 09/27/01

02:17:15 PM 51873 OEM 0003461 35834 The files are Word, Excel, Powerpoint, etc files that I need to extract from the QIC files. If you try to tell me to go to the OEM provider of the system, I disagree with that assumption. This is a WIN2K issue no matter where the WIN2K software comes from. This is a SYSTEMS problem in my opinion, and I expect an answer on this, or a vendor to contact that can solve this matter.

\*\*\* Log # 3

\*\*\* Log # 4

\*\*\* EMAIL OUT 01-Oct-2001 01:57:29

Pacific Daylight Time K2519415 10/1 cu says... I have updated this incident with the data requested. Please provide an answer.

Thank you.

\*\*\* Log # 5

\*\*\* PHONE LOG 01-Oct-2001 01:57:41

Pacific Daylight Time Hello A11 Thank you for contacting Microsoft. For your convenience, we have forwarded this e-mail to your Support Professional. In the future, you may submit updates to your SRZ cases directly.

1. Go to [http://support.microsoft.com/support/webresponse\\_nc.asp](http://support.microsoft.com/support/webresponse_nc.asp) and select the type of support you used to submit this issue.

2. Highlight your case in the list. At the bottom of the page, click Create Supplement.

3. If you are unable to access your case from this link, please send e-mail to [wrhelp@microsoft.com](mailto:wrhelp@microsoft.com), and we will add your

supplement and/or send you a copy of your Support Professional's last log entry.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Ronald

Microsoft Online Customer Representative

\*\*\* RESEARCH LOG esrintf 10/01/01

02:59:22 AM So what is the solution. The latest response is just another "no response".

\*\*\* Log # 6

\*\*\* Log # 7

\*\*\* PHONE LOG 23-Oct-2001 09:15:50

Central Daylight Time\* Good Morning Allan,

Thank you for using Microsoft Web

Support.

We appreciate the additional information you have provided and apologize \* for the delay in response.

We appreciate that you have taken the time to let us know your feelings about the "OEM" support options. We consider customer feedback an opportunity to improve our business. We have forwarded your comments to the appropriate department. However, the fact still remains that this is not a retail version of Windows and is an "OEM" version.

Since the letters "OEM" appear in the Product ID number, your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of your computer holds the rights to your "out of package" warranty, which includes offering industry standard support for all hardware and\* software included in the purchase. OEM software typically comes preinstalled on the computer. Microsoft does offer support in a secondary capacity. I have included\* those support options below for your convenience, as well as a list of manufacturer's phone numbers and links to support sites.

Manufacturer's phone numbers and sites:

<http://support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp>

Web-based technical support from Microsoft is available at <http://www.microsoft.com/support/>

If you are unable to resolve your issue using our online self-help services, in order to receive assisted support, you will need to create a new case. You may submit your technical support issue by going to <http://support.microsoft.com/support/webresponse.asp> and clicking "Submit a Question Using Pay Per Incident (PPI) Support"

If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800-936-5700. If you have any further questions concerning your issue, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

\*\*\* CASE CLOSE 23-Oct-2001 09:16:11

Central Daylight

\*\*\* CASE REOPEN 27-Oct-2001 10:31:11

Central Daylight

\*\*\* Log # 8

\*\*\* PHONE LOG 27-Oct-2001 10:34:35

Central Daylight Time

Reply-To: "A1 Andres"

<[aaandres@yahoo.com](mailto:aaandres@yahoo.com)>

From: "A1 Andres"  
<aaandres@yahoo.com>  
To: <wradmin@microsoft.com>, <wrhelp@microsoft.com>  
Subject: Re: SRZ010924000209  
Date: Thu, 25 Oct 2001 12:35:32-0400  
I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

\*\*\* Log # 9

\*\*\* PHONE LOG 27-Oct-2001 10:49:56

Central Daylight Time a-cwhite Action Type: Incoming call Good Morning Allen, Thank you for again contacting Microsoft. According to the information you have provided, your Microsoft products were included with your system.

If this is correct, your copy of Microsoft software was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement you are using a version of software that was designed to be sold with a new PC and has been licensed to your hardware manufacturer.

When the OEM elected to include this product on their machines they also agreed to provide the primary product support for the Microsoft software. When an OEM decides to preinstall software (Microsoft and most other software brands) on a computer, the OEM makes a licensing agreement for the right to distribute software on their computers. Once the OEM purchases the licensing rights to the software, the majority of the rights of the software are put under the control of the OEM.

This is noted in the End User License Agreement found within your software. Since we are not always able to notify every user directly when changes occur, we publish major changes on our Online Support Web sites. Please visit: [http://support.microsoft.com/directory/OfficeXP\\_Q&A\\_USAFinal.asp](http://support.microsoft.com/directory/OfficeXP_Q&A_USAFinal.asp) for more information about Microsoft's new support policies. Available from the Microsoft support web site are several self-help options, including our Knowledgebase, Troubleshooting Wizards and Peer-to-Peer Newsgroups. Our Knowledgebase contains over 90,000 articles written by our engineers, for end users. Your fellow users may have a few suggestions if you post your issue to our Peer-to-Peer Newsgroups.

Our engineers are available 24 hours a day, 7 days a week for most products through our Pay Per Incident Service. To submit an incident to our engineers via the web, please visit: <http://support.microsoft.com/support/webresponse.asp> Once there select 'Pay Per Incident Support' If you would prefer to speak to one of our engineers over the phone, they are available to assist you at 800-936-5700. I apologize for any inconvenience you have experienced while trying to resolve your Outlook Express problem. Microsoft will be more than happy to help you resolve your technical issue, within the boundaries of our support guidelines.

In our previous emails, we have provided you with information on how to submit a Pay-Per-Incident support request via phone or Web Response. We have also included information on how to contact your OEM vendor, as well as information on our self-

help informational services. I would invite you to utilize any of these options. By utilizing any of the options submitted to you for obtaining support on this issue, you may assure a more positive experience in the future.

I wish you the best of luck in resolving your issue. However, as the primary point of contact for support is the OEM vendor, and not through Microsoft, we have offered options under the parameters of support as it currently stands on your case number SRZ010924000209. I will be happy to forward your comments and suggestions to the appropriate group. If you have any other questions about your case, please let us know.

Thank you,  
C. Loretta White  
Microsoft Online Customer Support  
Thank you.

\*\*\* CASE CLOSE 27-Oct-2001 10:50:55  
Central Daylight Time

If you have any additional questions, please let us know by replying to this message. Please include your original message in your reply so that all the necessary information is readily available to us.

Thank you,  
Paul

Microsoft Online Customer Representative  
From: aaandres@yahoo.com

Received: 11/5/01 8:22 AM

To: Web Response Help

Subject: Fw: SRZ010924000209

Original Message Follows:

WHY CAN'T I GET A RESPONSE TO THIS ISSUE?

Original Message

From: "A1 Andres" <aaandres@yahoo.com>

To: <wradmin@microsoft.com>;

<wrhelp@microsoft.com>

Sent: Thursday, October 25, 2001 11:35 AM

Subject: Re: SRZ010924000209

I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

Original Message

From: <wradmin@microsoft.com>

To: <aaandres@yahoo.com>

Sent: Monday, October 01, 2001 5:00 AM

Subject: SRZ010924000209

Incident: SRZ010924000209

There has been activity on the incident that you submitted. Please go to Online Assisted Support (<https://webresponse.one.microsoft.com/wrscripts/wr.asp?SR=SRZ010924000209>) to check on the activity at your earliest convenience.

THIS MAILBOX IS NOT MONITORED—For further assistance, email

wrhelp@microsoft.com

From: "Microsoft Standard Email Support"

<msupport@microsoft.com>

To: "A1 Andres" <aaandres@yahoo.com>

Sent: Sunday, December 02, 2001 1:53 PM

Subject: Re: Windows Update Support

Request

Hello Allan,

Thank you for using Microsoft Web

Support.

Allan, I understand that you would like to know if you can extract the MSBACKUP

program from your WIN98SE CD to your

WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

I would like to inform you that the warranty support for Windows Update site is limited to site navigation and downloads only. Since your issue doesn't involve any of this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

I apologize for any inconveniences this issue may be causing you and understand that it is frustrating. If you have any additional questions, please let us know by replying to this message.

Thank you,

Vivek

Microsoft Online Customer Representative

Original Message Follows:

It's a pretty simple question, and it's a MICROSOFT issue, as you have created the loss of backward compatibility. Can you answer the question: Can I extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

Original Message

From: "Microsoft Standard Email Support"  
<msupport@microsoft.com>

To: "A1 Andres" <aaandres@yahoo.com>

Sent: Thursday, November 29, 2001 4:19 PM

Subject: Re: Windows Update Support Request

Hello Allan,

Thank you for using Microsoft Web Support. I apologize for the inconvenience caused. Please allow me to kindly offer my fullest attention towards your concerns. I understand you would like assistance with Windows 2000. For assistance with this, the best option would be to work with your computer\* manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to\* work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM\* customer, your first point of contact would be your OEM.

The letters "OEM" appear in the Product ID number, which indicates your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of the computer holds the rights to your "out of package" warranty, which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer. Allan, Microsoft also has support options available to you. I have included those support options below for your convenience as well as a list of manufacturer's phone numbers and links to support sites.

To locate the listing of manufacturer phone numbers and Web sites, go to <http://>

support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp Web-based technical support from Microsoft is available at\* http://www.microsoft.com/support/ If you are unable to resolve your issue using our online self-help services, you may submit your technical support issue through Online Assisted Support. For more information, go to http://support.microsoft.com/directory/question.asp Allan, If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800-936-5700. Pay-Per-Incident support for consumer products is available at a rate of \$35 per incident.

Thank you,

Sowmya

Microsoft Online Customer Representative

Original Message Follows:

Contact Information

First name: Allan

Last name: Andres

Email Name: aaandres@yahoo.com

Phone: 610-466-9651

Fax:

Time zone: Eastern

Submit Date/Time: Wednesday, November

28, 2001 at 09:45 AM Pacific Time

System Configuration

Internet Browser: Internet Explorer 6.0

Operating System: Windows 2000

Professional

Computer Make: MicroFlex

Computer Model:

CPU Speed:

Memory (Mb of RAM):

Detailed Information

Issue Type: Other

Component Name:

URL:

Error Type: Other

Question Title: Restoring a QIC file on

WIN2K

Detailed Problem Description:

I need to know if I can extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

Other Information

Internet Service Provider: Comcast

Method of Connection: Local Area Network

(LAN)

Windows PID: 51873-OEM-0003461-35834

#### MTC-00003148

From: richard@Goerwitz.com@inetgw

To: Microsoft ATR

Date: 12/7/01 8:29am

Subject: Slapping Microsoft on the wrist

Like many others, I'm naturally disappointed at the actions taken by the Justice Dept. over Microsoft's monopolistic behavior. The thing that really angers me is that they flaunted strictures you placed on them several years ago. The appearance now is that Microsoft is untouchable. They can fight the feds and win. It would be much better for the economy if you could at least preserve the appearance that American businesses have to play by the rules.

Richard Goerwitz

richard@Goerwitz.COM

tel: 401 438 8978

#### MTC-00003149

From: Sten Westgard

To: Microsoft ATR

Date: 12/7/01 8:30am

Subject: Microsoft Settlement

To the US DOJ:

I was very unhappy to hear that Microsoft isn't going to be sufficiently punished for its monopolist and anticompetitive behavior. The remedies being discussed only reward Microsoft for acting illegally. There must be a way of insuring that Microsoft can't illegally leverage its desktop monopoly into dominance of other markets. Essentially, this settlement is letting Microsoft say, "oh, we'll be better in the future" without any way of insuring that will happen. Microsoft should not be allowed to bundle new applications into the operating system, or if it does, it should make its relevant source code open to the public. Otherwise, it's the old railroad gauge problem. Microsoft forces everyone to run on their tracks, and the markets lose creative innovation.

Microsoft's pursuit of the Java-killer is just another example of this behavior. Java is used by tens of thousands of programmers, but because Microsoft can't control that language, it's trying to kill it by inventing far less useful languages like C# or J++. Please, I beg you to actually\_punish\_Microsoft for the billions of dollars it stole from its competitors. The USA is about freedom, the freedom to make the best application and take it to market. Microsoft is all about preventing anyone else from selling an application.

Sincerely,

Sten Westgard

Publications Coordinator/Webmaster

Westgard QC, Inc.

#### MTC-00003150

From: Larry Johnson

To: Microsoft ATR

Date: 12/7/01 8:41am

Subject: (no subject)

Once again the DOJ has verified that they only attack little people. The litigators on both sides refused to admit to having a clue as to what computers and software is about. Money and power rules in the good ol' USA  
Larry Johnson  
Garland, Texas  
No.I don't.wear.a Ribbon.on.my.lapel.USA

#### MTC-00003151

From: Wayne Rosa

To: Microsoft ATR

Date: 12/7/01 8:32am

Subject: Anti trust letter

To whom it may concern,

As part of the settlement I would like to see

(1.) RedHats proposal upheld -> give linux to schools open source will aid students far greater than closed source...

(2.) Make Microsoft adhere strictly to protocol standards delivered by others thus enhancing inter platform capabilities ie:- if they use java then it must comply 100% with the Java standards (they CANNOT! add any Microsoft specifics to any standard that is not thier own) and any standards or protocols they produce MUST! be usable by all operating systems NO IF BUTS OR MAYBE'S. All inter computer related communication applications must use

standards available to all operating systems (No exceptions).

(3.) All programs they introduce MUST be backwards compatible with previous versions.

Or they MUST provide free of charge onsite (immediate) file conversions by microsoft staff of all and any company's files thus not forcing any company to upgrade if they choose not to. I feel this is the only way we can allow businesses to truly interact with each other.

Regards Wayne Rosa

0409 642 042

+61 7 38056534

wrosa@your\_service.net.au

#### MTC-00003152

From: Mike Greenfield

To: Microsoft ATR

Date: 12/7/01 8:25am

Subject: Options to MicroSoft Operating Systems

Friends, ...since Feb1986 I've been in business pretty much by/for myself, operating just 1 computer, and trying to do the same customer tracking job the whole time. The 1986 computer worked fine, but over and over again the MicroSoft operating system has been changed, and my software vendor has chased the new operating system. This made my old system obsolete, ...and pretty soon non-functioning. So, I've been forced to buy new computers, new operating systems and new application software, ....for ZERO net gain in speed and productivity. There have been no options for a small businessman like me. MicroSoft's repeated ZERO-improvement "upgrades" have been simple extortion by a monopoly player (MicroSoft). Kindly do something to return competitiveness to this market, and grand relief to "little guys" like me. It would be much appreciated.

Mike Greenfield,

2437 Magna Vista Dr,

Jackson, WI 53037.

#### MTC-00003153

From: Nick Eiteljorg

To: Microsoft ATR

Date: 12/7/01 8:45am

Subject: Microsoft settlement

Sirs:

If the record regarding Microsoft's prior consent decree as is I believe it is—one of deception and bad faith on the part of Microsoft, why would any agreement rely in any way on Microsoft's promises? The court must make an honest effort to prevent Microsoft from continuing to expand its franchise by doing what it has done in the past—undermining the ability of competitors to gain profitability, frustrating attempts to establish industry-wide standards that might damage Microsoft's monopoly position, and engaging in improper sales practices. As I understand the current proposal, it does not accomplish these basic ends. It should never have been accepted.

Harrison Eiteljorg, II

#### MTC-00003154

From: Kevin Bisneau

To: Microsoft ATR

Date: 12/7/01 8:59am

Subject: Microsoft anti-trust + redhat

I feel as if Redhat is doing the right thing in further reducing the monopoly of microsoft and allow microsoft to provide the hardware that these low-budget schools really need. Without the internet support, many schools today are lacking outside knowledge and a strong resource to work upon.. The internet is growing largely, and so are computers.. Have microsoft provide the software that they need and redhat will be true on their promise, as they have never let any of us down!

Kevin Bisneau

**MTC-00003155**

From: (FFFF) (FFFF) (FFFF) (FFFF) (FFFF) (FFFF)

To: Microsoft ATR

Date: 12/7/01 8:52am

Subject: About M\$

Hi,

As to the monopolist, Microsoft, I think this company has the ability to block the process of the new technology. The so-called .Net is a killer for JVM, a very good multi-platform language. And M\$ should not force everyone to use its very expensive software without free choice. In the contrary, Linux is very good.

Thank you

Dragon Yang

**MTC-00003156**

From: Curtis Grote

To: Microsoft ATR

Date: 12/7/01 9:03am

Subject: Reward for monopoly

The proposed settlement only rewards Microsoft for their monopolistic tactics. It will further their monopoly by forcing students to learn their software. The cost to them is negligible; they only need pay for the hardware (CD's and books). The only proposal that makes the punishment fit the crime is to take Red Hat's offer to provide software and force Microsoft to pay for the hardware for every school in America. This teaches students alternative operating systems and desktop software. This will create competition in exactly the areas where Microsoft removed competition by their monopolistic tactics. It will surely lead to more innovation as a result.

Curtis Grote

**MTC-00003157**

From: Randy Higginbotham

To: Microsoft ATR

Date: 12/7/01 9:04am

Subject: Monopolisofit

Dear DOJ:

In response to notification from the Redhat Linux forums request, i've included below my own experience of M\$ monopolistic practices. First, the standard disclaimer: These opinions are mine and do not reflect the opinion of the company for which employs me. I work for a small company (30+ in all, 6 in this area). Recently a major decision was made within our group regarding technology that was completely driven out of fear of being left behind because M\$ has specified the technology we are to use. M\$ completely controls certain segments of the marketplace and in this particular segment (That will be coming in the future) they want to take control of that

too. They are inline for doing so. So rather than being ourselves creative we are forced to implement what M\$ tells us we have to regardless of our own opinions. It's either get on board or get tillered under.

M\$ and windoze is a dumber down of American. No more limp wristing them.

Randy Higginbotham

Senior Software Engineer

Melbourne Florida

**MTC-00003158**

From: Dong Kim

To: Microsoft ATR

Date: 12/7/01 9:03am

Subject: Justice for All

I have been using Microsoft's operating system and their other various software since the mid 90's.

Finally, you guys realized that they were a monopolizing business and an evil one to if you might say.

**MTC-00003159**

From: grutters@hetnet.nl@inetgw

To: Microsoft ATR

Date: 12/7/01 9:06am

Subject: microsoft IS A monopolist!!

microsoft IS A monopolist!!

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. en this only makes it bigger!!

**MTC-00003160**

From: Mark Segall

To: Microsoft ATR

Date: 12/7/01 9:08am

Subject: Antitrust Settlement

To whom it may concern,

I wanted to let my opinion be known on the Microsoft case. Let me first say that Microsoft has been great for the economy and earned the right to be in such control of the OS market. When they tried to sell their ideas to IBM in the late 80's of home computing, IBM laughed in their face. SUN and Apple also had large egos and refused to allow other hardware makers to use their OS's until it was too late.

The problem is what they did with that power. My first example is Internet Explorer. I'm like the next Joe and love the fact that Internet browsers are now free. However, the way it came about was downright dirty. They included it for free with their OS that everyone was using. Netscape was forced to make their browser free as well. Netscape lost their main source of income and would eventually die out in the R&D battle. Second, Word Perfect used to be the word processing software of choice. Microsoft had told the large computer manufacturing companies that if they bundled any Office software other than Microsoft with their machines they could not bundle Windows. Of course, the manufacturers could not do anything but comply. This eventually caused Corel's product to fall by the wayside.

Now with the settlement, Microsoft is starting again. Packaged with Windows is MSN Messenger. They have been trying to take over this market for a long time starting with a failed acquisition of ICQ. So again, they will use their OS to throw it at people. Let's face it; the majority of the population is not computer savvy. Microsoft is very aware of this and uses their lack of knowledge to the companies advantage.

I do think something should be done about the monopoly. A breakup would be extreme and affect the economy. However, a little slap on the wrist and fines are not enough.

Microsoft is a multi-billion dollar company and can afford any fines that are imposed on them. I am sick of buying software because it is what Microsoft has forced upon everyone and start buying it again because it is the better software. For example, Corel's last version of Word Perfect included dictating software. The majority of the population will not know anything about it until Microsoft bundles it with their software.

Thank you,

Mark Segall

**MTC-00003161**

From: Douglas Fraser

To: Microsoft ATR

Date: 12/7/01 9:09am

Subject: My biggest problem with Microsoft OS

Hello,

Just a short note to state my biggest concern with Microsoft products. Their license excludes a vendor from shipping a PC with Windows and any other non Windows OS installed at the same time. As a consumer who is ordering a PC from a vendor, I should be allowed to install any mix of operating systems that I wish to pay for. The machine belongs to me, not Microsoft. The Windows OS may be owned by Microsoft, but not the physical hardware. So that is my biggest concern. I should be able to order a PC with any mix of OS installed, and the current Microsoft OEM license prevents that. That license is anti competitive and helps to maintain their monopoly position.

Sincerely,

Douglas Fraser

**MTC-00003162**

From: Tad Siminitz

To: Microsoft ATR

Date: 12/7/01 9:11am

Subject: Microsoft and the Department of Justice

I am a North Carolina citizen and employee of one the largest U.S. high technology companies, IBM. I am writing this letter not on behalf of IBM, but to voice my personal opinion and complete disagreement with the decision by the U.S. Department of Justice to lighten any punitive damages on Microsoft regarding the anti trust case. Most people who make a living in the technical computer profession would be of the same opinion that Microsoft has, for several years, repeatedly practiced business in a unfair manner. What Microsoft has done to Netscape, not to mention some of IBM's products, certainly exceeds the boundaries of fair play, by anyone's definition. To go virtually

unpunished and only suffer the imposition of some lightweight rules regarding future conduct is like getting lashed with a wet spaghetti noodle. Consumers are not the only ones to suffer at the hands of these predatory business practices, that seem to be standard operating procedure at Microsoft. Sure IBM, SUN, and other corporations are large and diverse enough to endure illegal tactics on a product by product basis. However, many smaller companies typically just have to fold up shop and go home when confronted with these 'dirty pool' techniques.

What current economic or other situation may have influenced a quicker and less severe penalty is thwarting the natural advancement of technology, despite Microsoft's continual claims they would be 'inhibited from innovating'. These DOJ decisions are not in the best interests for technical professionals and entrepreneurs, nor for consumers of software products. In the areas of software development the United States continues to be the dominating and most advanced presence world wide. Many of us are fearful this advantage will be lost eventually should we continue to turn our eyes from these all out assaults on free trade.

Thank you for your consideration in doing what is right and fair on this matter,

Tad Siminitz  
Zurich, Switzerland  
Internet TSiminitz@ch.ibm.com

**MTC-00003163**

From: John T. Passannante  
To: Microsoft ATR  
Date: 12/7/01 9:11am  
Subject: Microsoft Settlement

I think you should not accept the settlement. Microsoft is too large and has used its power to corner the market and stifle competition. While the settlement does restrict some of their activities now, it does little to level the playing field and open the market up to competition. Plus, it does nothing to address the high handed way it deals with customers and its failure to provide bug fixes automatically to registered users. I think the settlement should be rethought and the possibility of breaking Microsoft up into smaller pieces revisited.

John T. Passannante

**MTC-00003164**

From: Bly, Richard  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 9:16am  
Subject: ruling

A company blatantly violates the monopoly laws of this country (and others as well), is declared a monopoly, found guilty, but is allowed to continue unchecked, without punishment. Looks like (to me and many others) they have the best lawyers (and judges) that money can buy.

Richard Bly—richarb1@baylorltdallas.edu  
BIS—Baylor Health Care System  
2001 Bryan Street, Suite 2400  
Dallas, TX 75201  
214-820-0974 Office  
214-797-4968 Cell  
214-820-4241 Fax

**MTC-00003165**

From: Allan Macdonald  
To: Microsoft ATR

Date: 12/7/01 9:32am

Subject: Judgement

To whom it may concern,

As a Canadian Citizen, the impact of my opinion upon any judgement made in a US court is likely minimal. Nevertheless, I would like to contribute my opinion. The recent release of Microsoft Windows XP is a good example of why we should be careful of how they package their products. Microsoft's practice of producing applications for its operating system which compete with other application software vendors gives Microsoft a distinct advantage.

Microsoft considers the workings of its software, including its Operating System, Windows, "Intellectual Property"; however, the interface between the Operating System and Application software is supposed to be defined clearly. Yet, we do not know whether or not Microsoft provides an alternative interface, knowledge and understanding of which rests entirely within the Microsoft organization, which may be included under that umbrella of "Intellectual Property". Microsoft internal developers may utilize this "secret" interface rather than the published one when developing application programs that compete with third party developers.

As a result, this gives Microsoft a potential significant advantage over its competitors who are forced to use the published interface specifications to design their software; an interface which may be significantly inferior to the interface used by internal developers. My suggestion is to order Microsoft to publish its operating system source code, free of charge, and keep the publication up to date. Verification can be made by compiling the source code and comparing the binaries. Copyright can be enforced to protect Microsoft's intellectual property however the material must be released for inspection by competing vendors. This would remove any special advantage Microsoft has over its competitors in the application software market. Applications would then be judged by the consumer on a level playing field. This would substantially increase the availability and variety of reliable and well-designed application software for the Windows platform, to the great benefit of the consumer. Furthermore, designers of poorly designed software would no longer have the excuse of stating that "we can't help it, it's Microsoft's fault" when the software fails.

Thank you for the opportunity to contribute to this critical decision which will have a world-wide impact.

Regards,  
Allan W. Macdonald  
223 Windmill Rd. Apt. 320  
Dartmouth, NS  
B3A 4M6  
Tel: (902) 449-2554 (Home)  
(902) 423-7727 ext. 224 (Work)  
Fax: (902) 422-8108 (Work)  
email: awmacdonald@accesswave.ca

**MTC-00003166**

From: David Schrey  
To: Microsoft ATR  
Date: 12/7/01 9:32am  
Subject: Microsoft Settlement

As a professional in the computer industry for the last 15 years I have been directly

affected by Microsoft's monopolistic practices and have therefore watched these proceedings with great interest. As I understand it Microsoft was found guilty of unfair trade practices which it used to increase its market share at the expense of its competition. As I understand the settlement Microsoft will be forced by the courts to utilize unfair trade practices (software dumping) to increase its market share at the expense of its competition. I do NOT see this as a punishment or as a way to eliminate their current monopoly. Please consider other alternatives such as requiring Microsoft to purchase hardware and software from other vendors (IBM, RedHat, Apple, Sun, BeOS—I don't care who) and distribute those products to the schools. I am not even going to try to address the issues of the small size of the settlement.

David Schrey

**MTC-00003167**

From: chris@micro-mania.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 9:33am  
Subject: MicroSoft Settlement Offer

I have read about the Microsoft settlement to provide hardware and software to the nation's poorest schools. I must say that while this offer has a certain appeal, it really does little to get at the heart of the matter, the monopolistic nature of Microsoft. In fact, I do believe that accepting the offer as it was given would only further entrench the operating system and would in fact further reduce competition in the marketplace. As a person who has been involved in education my entire life and who is currently in a high tech university environment, it has been clear to me that providing software to schools at any level has marketing as its main purpose. Allowing a large chunk of the settlement to be encompassed by Microsoft software would be little different than allowing a large part to include simple advertising.

I must say that the base notion has some favorable aspects. The settlement should only include the hardware donations, not the software. This accounting would increase the number of computers contributed from 200,000 to 1,000,000 (14 to 70 systems per school). I also believe that some linkage should be made relative to the Red Hat company's offer to provide free software (with no time limit) to these same schools. Providing an alternative to the Microsoft system to a significant portion of our young people should help increase market competition and as such, the future innovation of America's software. The computer hardware should, in other words, not include devices that were designed in such a manner to exclude non-Microsoft products.

Thank-you for your time,  
Chris Winne, PhD  
267 Eddy Street  
Missoula, MT 59801-4335  
406-721-6022

**MTC-00003168**

From: Michael Polley  
To: Microsoft ATR  
Date: 12/7/01 9:35am

Subject: The settlement

I can't believe that the judicial system in this country would be so spineless in its treatment of Microsoft. As an end user of competing products, I have watched Microsoft systematically force those products and companies out of business. Most of those products, in my opinion, are superior to what Microsoft offers but when faced with the might of Microsoft are not able to compete.

It has been proven that when Microsoft wants a market they will give there software away to collapse the competition. They can afford to give software away because the use income from other products to subsidize. It has been proven that Microsoft will withhold information about the coding of there OS from competing vendors that will allow Microsoft products to work better.

It has been proven that Microsoft will lie to the courts of this country. (ex. The demonstration that Internet Explorer could not be removed from Windows because it was interwoven into the OS. and disproved in court by and independent consultant)

It has been proven that Microsoft has no respect for the our judicial system. The ruling in California ? against Microsoft in the Java suit with Sun Microsystems. In Bill Gates affidavit, he indicated that the ruling did not change the way Microsoft operated at all. In this case, one of Microsoft's tactics was in full swing. Take an open standard software meant to be used by all. Corrupt it so that it will only work with Microsoft products. Then take it over because you have 90% of the desktop computers out there.

Microsoft has been found guilty of being a monopolist. And the courts only seem interested in giving the appearance of punitive action. Offering to provide schools with its product only furthers the stronghold that they already have. And caused further injury to the stability of companies like Apple and others that have a reasonable market share in the education community.

Lets look to the future:

Windows XP is forcing the end user to open there networks to Microsoft for licensing. During this time Microsoft can retrieve any information it wants from the end users computer. It can learn anything from passwords to what other products are installed. Windows XP has features that record credit card numbers during online purchases. These numbers are stored on Microsoft servers. These numbers could be used without the consent of the end user. Microsoft is fully aware of the big brother stance they have taken. Take look at the advertising campaign that they are currently using. The people in the commercial are flying around and the pitch is that Windows XP will give the user freedom and that it is liberating. The compensating hard sell is no doubt intended to disarm the public. While not an expert on the law governing monopolies it seems that the threshold for other companies being considered as monopolies is much lower than has been applied to Microsoft. Don't you get it. You have a problem here.

**MTC-00003169**

From: Michael Horrocks  
To: 'microsoft.atr(a)usdoj.gov'

Date: 12/7/01 9:37am

Subject: Microsoft

I thought we lived in America where you were free to run a business. Don't punish a company because they developed a software package that EVERYONE wants and is good enough to drive the competition out of business. Instead of punishing Microsoft, the government should be encouraging other companies to develop software that will rival Microsoft.

Free enterprise means just what it says. If you end up being the only company out there selling what the people want and need, so be it. If you are so up in arms about this, then do something about it like develop software that will rival Microsoft or just keep your mouth shut.

If this keeps up, we will be punishing the new inventory of "IT" stating that because no one else out there has a product like it, they are monopolistic.

I was pretty sure when I woke up this morning that I was still living in America.  
MICHAEL HORROCKS, CNE5, CNA, CCA  
Director of MIS Operations  
Amscot Corporation  
TEL: 813-932-4339 x209  
CELL: 813-601-3369

**MTC-00003170**

From: Admin@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/7/01 9:41am  
Subject: Microsoft Settlement—Use Linux instead.

I read that you are collecting opinions about the antitrust settlement it with Microsoft. My opinion is that they should not be allowed to put their software in the poorest school districts as a punishment. That action would only allow them to lock in many, many more people to their proprietary system. It's ludicrous, but it is the sort of thinking that has made Microsoft such a great success.

Once these poor students are trained on Microsofts Operating System, they will not switch to anything else—its just too hard. Then they will be locked in to buying constant upgrades (both software and hardware) forever. Do the right thing! Get Linux into the school system!!!! Students can learn one operating system that they will be able to use for the rest of their lives. The OS itself is free, all of the applications (including a complete office suite and professional drawing programs) are also free, and Linux will run (and run very well) on old, low cost hardware. Lets start thinking about what is best for the students and the taxpayer and do what is right instead of what is easy. obtw: There are Linux user groups all around the country that I believe would be delighted to help teach the teachers at no cost.

Regards,  
Dana Sparling  
Adelphia Business Systems  
Unix System Administrator  
(814)260-1507

**MTC-00003171**

From: Daniel L. Blackmon  
To: Microsoft ATR  
Date: 12/7/01 9:44am

Subject: Anti-trust Suit against Microsoft

I want to convey my feelings of the anti-trust litigation against Microsoft. Microsoft is a business and the object of a business is to make a profit. There are many companies that made huge profits because of Microsoft and their innovations, including these companies shouting "unfair business practices".

Everyone has the opportunity to develop their own software and compete against Microsoft. If these companies that are crying foul banned together, made an effort to create an operating system and applications software that was more or just as effective as Microsoft, they could control a great market share. But it seems the easy and cheaper road is to have government intervention (companies do not have to pay for this law suit, it is the American people) that stifles competition, thereby diverting monies that could be used for greater innovations in the Microsoft company to improve the standards of work, education, and life in America.

Microsoft's proposal to place software and hardware in the schools is a great idea, but a better idea was given by the Red Hat Linux corporation. Microsoft provides the same amount in cost of hardware to the schools that was stated they would provide in their software and hardware, while Red Hat provides their software and applications with unlimited support. This would show that Microsoft is serious about helping underprivileged schools and it shows good faith to the American people. At the same time, another operating system and applications are taught to future doctors, lawyers, teachers, professors, etc. This promotes learning of a new style and also adds another company to the software realm that has taken over our way of life in the last 25 years.

Thank you Sir and Ma'am for letting me voice my concerns and proposing another solution.

Sincerely,  
Daniel L. Blackmon  
1488 El Prado Avenue  
Lemon Grove, CA 91945  
United States  
(H)619.462.7188  
(C)619.750.8133

**MTC-00003172**

From: Ken Ian  
To: Microsoft ATR  
Date: 12/7/01 9:48am  
Subject: MICROSOFT ANTITRUST  
This is cave in to fiscal power and promotion of ruthless, monopolistic "business" practices

Rgds,  
IGW

**MTC-00003173**

From: Robert Myers  
To: Microsoft ATR  
Date: 12/7/01 9:51am  
Subject: The Microsoft Settlement  
Sir or Madam:

Not being an anti-trust lawyer, I have no understanding of the legal intricacies of the Microsoft case. Being something of a power user, I can see what Microsoft has been up to and I can tell you that the proposed

settlement will do nothing to address it. The software that keeps Linux (or any other alternative operating system) on its knees is Microsoft Office, which has become the lingua franca of business, which uses proprietary file formats, and which has tentacles deep into the operating system. The penalties proposed by Judge Jackson and now being explored by the EEC would address these issues. Years of taxpayer money will have been spent on litigation will have accomplished nothing. As usual, the only ones to benefit will be the lawyers. Microsoft? It will take the costs of this litigation out of the pockets of its captive customers.

Robert B. Myers  
217 Forest St  
Winchester, MA 01890-1037

#### MTC-00003174

From: Andrig T. Miller  
To: Microsoft ATR  
Date: 12/7/01 9:49am  
Subject: Anti-trust Settlement (Updated with some things I forgot)

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I am a technology professional who has been involved in software for over 16 years. I am currently the Vice President of Technical Architecture for a large distribution company (basically the CTO). My comments in this response to the anti-trust settlement proposal currently before the District Court are my own, and in no way affiliated with my company. I only talked about my position, so that you could see that I have some credibility in my comments. Having said that, the following is where I see issues with the proposed settlement.

In section III. Prohibited Conduct, it states that Microsoft is prohibited from retaliating against an OEM for shipping a personal computer that either includes a non-Microsoft operating system or can boot more than one operating system. There seems to be a glaring omission here. Under these terms Microsoft could retaliate if an OEM ships a personal computer with only a non-Microsoft operating system. To give a simple example, if I were IBM, and I started shipping personal computers with Linux pre-installed as the only operating system for customers who didn't want a dual boot system, Microsoft could retaliate. The odds of this behaviour would go up substantially, if a large OEM like IBM started selling significant numbers of systems with only a non-Microsoft operating system.

In section III.C.2, it states that Microsoft cannot restrict by agreement any OEM from distributing or promoting non-Microsoft middleware by installing or displaying on the desktop of any size or shape so long as such shortcuts do not impair the functionality of the user interface. Who makes the judgement about impairing the functionality of the user interface? What constitutes an impaired user interface? If Microsoft just doesn't like the way it looks, can they have the OEM remove it? This raises more questions than it answers. It seems to me, that if an OEM really impairs the user interface, then their customers will be unhappy, and have them

fix it, or get their PC's from somewhere else. I know that Microsoft position on this, is that it reflects on them. The truth of the matter is, the OEM handles the technical support for pre-installed copies of Windows, not Microsoft. How many people do you know blame Microsoft when their computer doesn't work? They simply say my computer doesn't work, and if they bought the system from an OEM with Windows pre-installed, they call the OEM. This section should have no exception, and the free market should be left to decide whether an OEM has impaired the user interface or not.

In section III.C.3, it states another user interface exemption for OEMs. This time it says that middleware that automatically launches on boot, can be replaced as long as it displays on the desktop no user interface or the user interface is of similar size and shape to Microsofts user interface. This prevents competitors from creating unique user interface paradigms, that may infact be better than Microsofts. In fact, it limits them into copying Microsofts products, and gives no ability to innovate with the user interface. I don't see how this can foster competition. If both products look and act the same to the user, then you have just removed one of the competitive advantages a competing product may have.

In section III.D, it states that Microsoft has to disclose to ISVs, IHVs, IAPs, ICPs, and OEMs the API's and related documentation that are used by Microsoft middleware. This goes to the heart of the issue alot of people have, which is that Microsoft hides API's that it uses for competitive advantage. This is a very good provision, but it has one very big omission. Today, open source projects create software that needs to interoperate with Windows (e.g. Samba) operating systems. These projects would not be covered by the list above. For this provision to have true meat behind it, Microsoft should be made to disclose the API's publicly to everyone. This will create significantly more competition in the marketplace, because it would allow open source projects to be more easily developed. This section is also incongruent with section III.E, which doesn't limit the disclosure of communication protocols between the Windows client and server. The two sections should allow for disclosure to any and all third parties.

Section III.F.2 seems to be completely meaningless. The exception completely nullifies the behavioural prohibition. Everything from the word except on, should just be removed. Microsoft should in no way be allowed to limit what an ISV can develop or promote that competes with Microsofts own products. This section should be one of the cornerstones of an agreement, and should have no exceptions.

Section III.G.1 also seems meaningless. Again, the exception competely nullifies the behavioural prohibition. If you are going to eliminate the use of contracts that give consideration to certain entities based on solely supporting Microsofts products, at the expense of competitors products, then the agreement should do that without exception. The current exception takes all of the teeth out of this section.

Section III.H.1 & 2 has all the same problems of section III.C.3 which I stated

above. Additionally, Microsoft has the option to have the end user confirm this chose of replacing the Microsoft product with the non-Microsoft product. Of course, this could confuse the user, and make them wary of making such a change. While I understand that a user could do this by accident, based on the provisions of this section, the user can make the Microsoft product the default selection just as easily. Besides that issue, I think that additional teeth should be put into this section in the following way. Microsoft should be prohibited from putting hooks into the operating system that prompts the user to switch back to the Microsoft product everytime the user uses the non-Microsoft product. They could easily do this under the provisions of this settlement, and make it very difficult for the user to use the competing product. Section III.H.3 makes direct reference to my suggestion of what Microsoft will do to change the configuration to suit their needs and stifle competition. The settlement only prohibits them from changing the configuration that the OEM supplied their customer for 14 days. After that time, they can pepper the user with dialogs that constantly ask them to switch the applications from competitors to theirs! This entire section should be changed to prohibit this behaviour completely. I don't see how this agreement can foster competition with this type of exemption. It also retains much of the power Microsoft has over OEMs. If the OEMs configuration can just be changed by Microsoft after a couple of weeks, it takes much of the value that the OEM can sell to Microsoft competitors away from the OEM. If I was a Microsoft competitor, and I wanted to sign an agreement for an OEM to ship my product versus Microsoft, and Microsoft can two weeks later bother the user to the point that they switch to the Microsoft product anyway, then I wouldn't be willing to pay the OEM very much. OEMs already struggle with margins, because Microsoft and Intel make all of the profit, and the product is a commodity. The only real way for OEMs to differentiate their products is through customization and third-party software bundles. Again, we should let the free market decide, without pestering prompts to switch to Microsoft products (and visa versa).

After section III.H, there are two bullets called 1 & 2, which don't seem to be a part of section H, but give Microsoft additional exceptions. Bullet 2 says, a Microsoft middleware product may be invoked by the operating system when a non-Microsoft product fails to implement a reasonable technical requirement? What is a reasonable technical requirement? The example in the document is hosting an Active-X control. What if the replacement product can implement all of the functionality that a user needs without hosting an Active-X control? Who determines what is reasonable? These type of exceptions could make the agreement unworkable, especially if it can be argued in court. I see alot of additional wrangling in court to resolve disputes over things like this, and this additional time could be used by Microsoft to continue business as usual while the lawyers fight it out.

Section III.J gives Microsoft another way to wiggle out of disclosing API information. I

think it is necessary to state that they cannot disclose the internal working of something that is against the law to disclose. As far as I know, no such cases exist. Actual authentication keys, tokens, etc. would not be apart of a working API, but the format of those would be. The way this is worded, Microsoft could prevent the disclosure of API's and communication protocols, and no one would be able to dispute them because they could argue that disclosure would be required to prove their case. Of course, you could argue that the technical committee could work to see if Microsoft is pulling the wool over everyone's eyes. The flaw in this, is that Microsoft could still fight it and win, and no third party could jump in to help the case without first getting disclosed on the API's and communications protocols. I see this as a catch-22 for enforcement. After reviewing this entire proposed settlement, there is also one thing missing from the license and agreement restrictions. One of the main things that came out in the trial testimony is that Microsoft makes anyone who uses their development tools restrict the use of the software created with the tools to Microsoft operating systems. This affectively makes it impossible for a developer to take source code and port it to a competing operating system. If you want to restore competition for operating systems it has to be easy to port an application from Windows to competing operating systems. If the developer cannot use their own source code to do this, then it will be next to impossible to get developers to make the investment needed to get applications on competitive operating systems. This is also a case of the tail wagging the dog. Microsoft is controlling another companies intellectual property. This is something that Microsoft has made sure doesn't happen to them in this very proposal!

Overall, this agreement doesn't go far enough in curbing Microsofts business practices. I think that a better solution is staring us all right in the face. The solution that I think would be better has three simple principles, of which two are captured in this proposed settlement. First, make Microsoft disclose all API's to everyone, without exception. Second, do not allow Microsoft to control other companies use of Windows or their own source code, whether it be configuration of the desktop, inclusion or exclusion of non-Microsoft and Microsoft products, or porting their own software to non-Microsoft operating systems. And third, allow Microsoft to bundle anything they want into Windows, and its successors, as long as it complies with a recognized open standard. The IETF (Internet Engineering Task Force) model of standardization should apply here. In their model, something does not become a standard until at least two interoperating implementations of the standard are widely deployed. This would make it very simple to monitor compliance, and would allow third parties, including open source projects, to compete head on with Microsoft in every product category.

Thanks for taking the time to read this, and I hope that the settlement can be improved to foster competition in the marketplace for operating systems.

Andrig T. Miller

**MTC-00003175**

From: Carlo Moneti  
To: Microsoft ATR  
Date: 12/7/01 9:54am  
Subject: some settlement issues

Sir:  
"This settlement will promote innovation, give consumers more choices, and provide the computer industry as a whole with more certainty in the marketplace," -Charles A. James, Assistant Attorney General for the Antitrust Division. A shiver runs down my spine when I hear an assistant Attorney General spew Microsoft propaganda phraseology verbatim, in defense of a settlement against the very same company. But lets concentrate substantive and discussible issues:

What can I say about the settlement agreement. I read the agreement and found it very disappointing; it is so bad that one is led to believe that the Justice Department has simply capitulated to Microsoft. Of particular interest is the requirement to publish API (application programming interface) specifications to guarantee the ability of other software manufacturers to make their products inter-operate with those of Microsoft. Microsoft already publishes its APIs. However, software developers argue that they are published with too much delay—giving Microsoft an extra head start—and are not complete—hiding performance enhancing functions from the competition. APIs should be updated continuously for any major or minor release of any major or minor component. Otherwise, the whole exercise is a joke. There are two huge loopholes just to the API issue. The first is that Microsoft is not bound to publishing APIs to products containing intellectual property of other companies. However, with the huge amount of cross-licensing of intellectual property in the software industry, any Microsoft product can be made to fit into that category. The second is that Microsoft is not bound to publishing APIs that may divulge information about encryption algorithms and other security details. However, encryption algorithms are not secret; to be secure, they must not be. Both of these caveats are baseless from any of scientific, engineering, or business point of view. The agreement does nothing more than specify once again to Microsoft to conduct its business fairly and without prejudice. Well, gee wiz, folks. Don't hold your breath. And whatever happened to a consideration for a penalty for Microsoft's criminal convictions? How about taking back most of the \$30 billion stockpile Microsoft is sitting on? It's existence is the most obvious measure of monopoly power; no company can amass such wealth in an open and competitive market. Come on DOJ, do your job!

Finally, a parting shot of reality to those who believe that Microsoft is an entity worthy of their praise: Microsoft is simply a business enterprise out to make a profit for its shareholders; it is not an innovator; it is not a research company; it did not invent the computer; it did not invent DOS; it did not invent the graphical user interface; it did not invent the mouse; it did not invent

programming languages; it did not invent word processors or electronic spreadsheets; it did not invent databases or accounting programs; it did not invent the Internet or the web browser or the web server. It has, through huge profits from its monopoly power, bought companies with innovative products, making those its own; it has lobbied Congress to strengthen copyright law and patent law to its benefit; it has made gargantuan profits year after year, measurable by its \$30 billion stockpile of cash reserves. One might admire Microsoft's success from a strictly business savvy perspective. But, the business savvy of Microsoft or Bill Gates is not the same as, and should not be confused with, someone's meritorious work in the public interest that would justly deserve praise, appreciation, esteem, or admiration, by the general public.

Sincerely,  
Carlo Moneti  
Syracuse, NY

**MTC-00003176**

From: Matthew C. Grimes  
To: Microsoft ATR  
Date: 12/7/01 10:01am  
Subject: settlement

Please take the response from Red Hat Linux seriously. Linux is not a college student's project, nor is it only for servers and high end research computing. Linux provides a low cost, highly secure, thoroughly modern computing solution for educational, institutional, governmental, commercial, and personal use. Very few computer viruses are known to affect a properly configured Linux computer.

I believe the settlement should address the key issue with Microsoft's business practices, which are oriented towards one thing, market domination, to the exclusion of all other vendors. Microsoft's offer does not adversely effect the company financially, and is merely a PR stunt. In addition, it secures Microsoft a foothold in the minds of children. It would be far better to require MS to provide all donations in hardware and let Red Hat or other Linux providers provide the operating system and software. This decreases, rather than increases MS's actual and intellectual market share. It also is better deal for schools because they could get more computers, and have them be cheaper and easier to maintain. It would be better for children because of the vast array of software such as office and productivity, C++, Java, html and other development software, servers, graphical design, CAD, CAS, GIS, financial management and other software that could be used in the schools for absolutely no cost.

Microsoft's offer is nothing more than Bre'r Rabbit asking to be thrown into a briar patch. Please do the right thing for America's children, and the world's computer industry.

Thank you for your time  
Matt Grimes

**MTC-00003177**

From: Daryl Bjerke  
To: Microsoft ATR  
Date: 12/7/01 10:04am  
Subject: My opinion of the Microsoft settlement.

I would like to voice my opinion of the settlement that I heard. I heard that Microsoft

would have to donate software, hardware and services to schools. At first I thought this was a good thing since I am in the education setting. Then I got to thinking that my first reaction is wrong. First, by forcing them to donate software, something that costs pennies on the dollar, it doesn't hurt them at all. Second, it is just pumping more Microsoft into the education division and further helping out the Monopoly. Now let me state that my school is a mixed environment. I have about 70% Microsoft Windows computers, 30% Apple and I personally like Microsoft computers better, but I still feel that forcing them into the education market only benefits them. In my opinion, it would be far worse for Microsoft at this case to simple have the DOJ drop the entire case. I would like to see Microsoft donate the money, ACTUAL MONEY, to the schools to be used for technology however they see. It could be Microsoft hardware or software, but it could also be Apple products, Linux products, etc. That would be a fair solution for all, except for Microsoft, because it would actually be a punishment instead of allowing them to make a circus of the DOJ and reaping the benefits of a gift horse.

Thank you for your time.

Daryl Bjerke  
dbjerke@bemidji.k12.mn.us  
Computer and Network Specialist  
Bemidji High School  
Bemidji, MN USA  
(218) 444-1600 ext 3314

"Out the token ring, through the router, down the fiber, off a switch, past the firewall, down the T1 . . . nothing but Net."

#### MTC-00003178

From: Jon Gans  
To: Microsoft ATR  
Date: 12/7/01 10:10am  
Subject: Settlement is akin to giving drug dealers access to schools.

Dear DOJ,

Microsoft is almost addictive as heroin. By giving Bill Gates free access to schools you almost guarantee the continuance of his monopoly. Redhat Linux's proposed amendment is a viable alternative. Let Microsoft foot the bill for hardware, but put freely available Redhat Linux (or any other linux) on the computers. I run exclusively linux for my studies and never run into problems. Most windows like software is available for linux, and it comes free with programming (such as C++), graphics and Internet software that Microsoft charges thousands for. Why not give our children everything possible? This will make the settlement a settlement and not a endorsement.

I work in academia, and if anyone runs windows in my field they get laughed at..we don't want to subject our children to ridicule! Granted, Bill Gates had back room deals with the Bush administration to quash this suit even before the election was stolen, but now you must serve the people of the United States, not Bill Gates' bottom line.

Thanks for listening,

Jonathan Gans  
Physics Ph.D Student  
Yale University and Brookhaven National

Lab

Jonathan Gans  
Yale University  
Physics Department  
Office (305 WNSL): (203) 432-5835  
PO BOX 208120  
New Haven, CT 06520-8120  
<http://www.jongans.com>

#### MTC-00003179

From: Leonard Heyman  
To: Microsoft ATR  
Date: 12/7/01 10:11am  
Subject: Settlement

Dear DOJ:

Crimes should be punished. The punishment should fit the crime. Microsoft has been found guilty of committing a very serious crime. The settlement agreement contradicts this very simple concept upon which our criminal justice system is based. Microsoft continues to thumb its nose at the Sherman Act, and rightly so, for it clearly has nothing to fear from the DOJ.

The message sent by the proposed settlement agreement is, no man may be above the law, but corporations are. There is a reason the Sherman Act exists, and it is very important to the stability and continued growth of our economy. Throughout history, it has always been controversial as it always goes against many vested interests in power. However, each time it is employed, it has opened up a whole new industry to competition and has resulted in better products at reduced prices for consumers.

Monopolies are not illegal. Leveraging monopolistic power is. It is obvious to anyone who pays attention to the high tech sector that Microsoft willfully violated the Sherman Act, has done so on a regular basis, and continues, even today, to do so. If Microsoft isn't stopped, we will be asking ourselves in 10 years where was the DOJ when we needed them to stop the rampaging giant that Microsoft is from squashing innovative and important contributions in the high tech sector? Microsoft is currently leveraging its operating system to dominate everything from Internet shopping and site development to palm top PDAs, to console game systems and desktop applications. Make no mistake: Microsoft is not an innovator in these areas. They don't have to innovate. All they have to do is tie their ventures to their desktop software which is given freely to unsuspecting computer users or twist the arms of computer manufacturers and software developers dependent on Microsoft for the software Microsoft controls.

In a case cut and dry as this one (Microsoft already having been found guilty at great taxpayer expense) it should be more surprising to the American people that political pressure has trumped common sense so completely. The sad truth is that the American people know their government has ceased to represent their interests and no longer looks out for them. The great silence you hear is not contentment, but dispare. Continue down this path, and you will be contributing to the ultimate result: a popular revolt against a government dominated by corporate interests.

—Leonard Heyman  
Simsbury, CT

#### MTC-00003180

From: Smart Computing  
To: Microsoft ATR  
Date: 12/7/01 10:13am  
Subject: a consultant/user's point of view

Thank you for taking the time to listen to us. As a consultant, I am out there every day and I see what works and what doesn't. I deal with small and mid-size businesses. These people are good spenders and need to work. They are not interested in theories.

Microsoft is everywhere. They have done good things, bringing relatively easy use of computers out there but they also have done terrible things. Many of my clients still use Word Perfect and other non-Microsoft products. At the end of the day, Microsoft products, such as Office crashes more Windows computers than other products. The main problem my clients have is that Microsoft software is not stable and very expensive. Many are looking into Linux as a more robust solution and cheaper to acquire.

Microsoft has killed competition. What real choices do people have on the desktop? Windows, Mac/Apple (limited in everyday business use) and Linux with a steep learning curve. Now we are being locked in with having to pay for frequent upgrades which should be updates because Microsoft won't support Windows 95 and soon 98. BEOS was a great alternative but couldn't stand a chance in the market because people are so locked down by Microsoft.

This country is all about opportunities and competition which should give choices. However, when a company gets too big a market share (IBM, Bell), they will buy out the competition, embrace or steal their inventions and bundle them into their platform. This is where the line crosses over to unproductive competition.

The competition should rise to the opportunity but it is hard. This society believes in marketing more than it's consultants.

With all do respect, I do not understand what the DOJ is doing, nor what competency it has in the IT world. Windows is a poor platform whose owners are more interested in shipping it out quickly, make a quick buck and fiddle with security issues later. I do not see a clear plan as to where and what the investigation is aiming at. I do not see who is in charge.

Is the real question, does Microsoft bundle software together to squash competition? Well yes! Where is Netscape now in regards to Internet Explorer? What about Windows Media Player? Word versus Word Perfect? Does Microsoft have the right to do so? Well, heck yes. It's their product. But who protects the end users who makes money to pay taxes and make the whole system go round? We hope it is you. I feel this is the fine line where Microsoft has to be liable. They have been accused and proved of unfair competitive practices more than once in the past. Why are they getting off easier now than before? I fear noone trusts the DOJ to take the proper measures.

Please go to the specialized press, [www.nwcomputing.com](http://www.nwcomputing.com), [www.infoworld.com](http://www.infoworld.com), [arstechnica.com](http://arstechnica.com), [anadtech.com](http://anadtech.com) and see the user surveys which a clearly against not slowing down Microsoft and give more choices out there.

The damage is done but only you can prevent worst in the future. No one wants to see Microsoft go down. We are the people and we want choices. That's what we work for. We are the people and we are the voice that elect our leaders to take actions and protect us.

I feel Microsoft should be restrained and forced to give us a choice. The choices could be Windows without Internet Explorer, Windows Media player, Outlook Express, OEM who can decide according to the market what to bundle in. Maybe even a bare bone more secure operating system which people would pay more. You will find a surge in buying computers as the prices fall and people are anxious to pick up where America left off on September 11th if there is a choice, if people feel you are protecting their rights to choices and if they do not feel locked down by big companies.

Thank you,  
Nick Zart

**MTC-00003181**

From: dcrowley@techspray.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 10:24am  
Subject: Microsoft Antitrust Settlement  
Sirs;

I am the I. T. Manager for Techspray L.P. located in Amarillo Texas. I have been involved in the Computer industry for over 15 years as a programmer, project leader, and manager. During this time I have kept myself up to date on the events in the industry. I tell you this so that you will have some idea of who I am.

About the Microsoft Antitrust Settlement: I fear that you have done our industry, our country, and indeed the world a grave disservice by giving Microsoft what amounts to a free ticket to continue the dirty, underhanded, bully-boy tactics that has made them famous over the years. They have shown in the past that they will only give insubstantial lip service to honoring their agreement. Do you believe you have the resources or the necessary expertise to actually make them abide by the rules set out? You can bet that they don't think so.

In effect, by accepting this settlement, you have thrown away everything that we spent millions of dollars achieving. Nothing will change. Microsoft will continue to bully the industry, squelching any hope of true innovation or improvement in the state of our software. Their software will continue to be buggy and full of security holes because they know they can use any unethical or even illegal means to crush any competition that comes along and now they have the seeming full blessing of the DOJ behind them.

I am saddened by the lack of backbone, the appearance of complicity, the DOJ has shown by accepting this settlement. It is a sad day for my industry.

Sincerely  
Duane Crowley

**MTC-00003182**

From: Boutwell, George  
To: Microsoft ATR  
Date: 12/7/01 10:27am  
Subject: You got to be kidding!!!  
DOJ,

You have got to be kidding. This settlement isn't a settlement for a case where a company was found monopolistic. Where's the punishment for monopolistic practices? Where's my assurance, as a consumer, that DOJ is breath down Microsoft's neck in the future to prevent it from being more monopolistic? This settlement helps Microsoft more than it hurts Microsoft and does nothing to curb Monopolistic behavior. If this settlement stands I will be extremely disenchanted with our judicial system.

As side from that, I continue to pray for our leaders including those in the DOJ asking for their wisdom in dealing with these and the plethora of other matters that you deal with.

God Bless,  
George P. Boutwell  
Programmer,  
Valley Hope Association

**MTC-00003183**

From: Bill Petersen  
To: Microsoft ATR  
Date: 12/7/01 10:28am  
Subject: Sock it to microsoft

Come on guys. Microsoft, while moving computer technology ahead, has also severely limited competition. In fact, products that are much better than what Microsoft can provide are dropped by vendors because of MS's bullying.

They deserve to pay some steep fines, not to mention cover all of the expenses of this case!

And they should be made to split the OS from the software divisions. Now, lets take another look at things.

If Ford had built and sold products that function as poorly as Microsofts do.

And caused the users of their equipment (cars/trucks/etc) as much expense as MS has, don't you think there would be some pretty large law suits! Oh, there has been. One recent one involved the Firestone tires was it. Now in this case, people died, which is sad. And in MS's case, probably few, if any have died, but companies have lost MILLIONS and probably BILLIONS of dollars because of MS's poor, irresponsible QA.

GET REAL AND GIVE THEM THE PUNISHMENT THEY DESERVE, not just a slap on the rist!

**MTC-00003184**

From: Charles Marcus  
To: Microsoft ATR  
Date: 12/7/01 10:33am  
Subject: Microsoft Settlement  
Hi,

I am writing to express my concern that this settlement is in fact a sellout.

Microsoft certainly is entitled to develop its own software the way it wants to, but thats not the problem, and thats not what they were convicted of. They were convicted of monopolistic practices. The very worst practices they engaged in consisted of bullying PC manufacturers and distributors by forcing them to sign agreements that prevented them from selling PCs without the MS operating system. This in effect FORCES people to buy their product, whether they want it or not, just to be able to buy a PC. This is the one area that absolutely needs to be addressed in any remedy, or else there will in effect be no remedy.

Microsoft \*must\* be forever precluded from preventing PC manufacturers and distributors from selling PCs without the MS operating system. I also strongly support penalties, in the form of reimbursing anyone who ever bought a PC and had to pay for the MS OS that did not want it. The only way to make a monopolist stop doing what they are doing is to provide punishment and a remedy if they violate the law. Please, please don't let that entire trial be for nothing.

Best regards,  
Charles Marcus  
I.T. Director  
Media Brokers International  
770-516-9234 x224  
770-516-8918 fax

**MTC-00003185**

From: doug@chmls06.mediaone.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 10:43am  
Subject: Microsoft Settlement

Dear Sirs:

I have been a US computer professional for 30 years, with significant experience in the use of Microsoft operating systems and software, Apple systems and software, Sun systems and software, and Compaq OpenVMS systems and software. Over this long time, I have had plenty of opportunity to witness the transformation of Microsoft from a small technology company with a great business plan into an aggressively monopolistic superpower. While Microsoft management has demonstrated substantial arrogance and lack of self discipline during this transition to the "dark side", I don't really blame Microsoft so much as I blame our government for failing to take seriously its responsibilities for controlling (and where necessary, punishing) Microsoft's monopolistic practices.

World consumers are demonstrating increasing unwillingness to place their future in the hands of a few people in Redmond, Washington. Alternative operating systems exist, and we are already beginning to see other National Governments begin to advocate new approaches to computing, based on open and transparent operating systems such as Linux. This is not being done because of a desire of these governments to become involved in computer software development, but because of serious concerns over their own economic and political security, in the face of the power and the monopolistic business practices of Microsoft. Vigorous action by the US Department of Justice is needed now to create a level playing field in the computer operating system and software development field. Probably the best solution would be a mandated break-up of Microsoft into 3 separate companies, one focusing on the development of a future (more open and transparent) version of the Windows operating system, one focused on business software (such as word processors and spreadsheets), and one focused on networking software (such as internet browsers and e-mail tools). Until such a separation is achieved, there will never be a real business motivation for Microsoft to become a willing player in the development of open standards for communication

between different software tools (such as Java).

I feel that failure to take forceful action in the remedy phase of the current lawsuit could lead ultimately to a complete collapse of the US software industry and this could threaten the US lead in the whole broad area of technology.

Thank you for your attention.

Sincerely,  
Douglas W. Muir  
PO Box 452  
Kittery, ME 03904

**MTC-00003186**

From: Richard Finney  
To: Microsoft ATR  
Date: 12/7/01 10:46am  
Subject: You are not hard enough on Microsoft

The judge decided that Microsoft is a monopoly, yet the DOJ wants to surrender to Microsoft and reward them. This is wrong. Microsoft should be broken up and placed on severe restrictions. Their business practices are anti-competitive. Their rhetoric is a pack of untruths. They are not "innovative". They are, in fact, keeping innovation out. Please withdraw from the current surrender and keep prosecuting hard.

The "settlement/surrender" you negotiated with Microsoft is pathetic. There are no real restrictions on Microsoft. Microsoft can still use their monopoly profits to prevent competitors from the marketplace. Computer manufacturers who don't cooperate with Microsoft will be punished and bankrupt by Microsoft. The "viewing of Internet Explorer" code is a joke. Nobody wants to read IE code, especially if you have to become an approved "Microsoft partner" (i.e. agree only to program for Bill Gates) and have to travel to a Microsoft run safe facility.

You left open too many loopholes. Way to many. Did Microsoft lawyers write the agreement? You must close all loopholes so that independents can freely negotiate with computer manufacturers for placing products on the PC without facing retaliation my Monopoly Microsoft.

Go back and fight Microsoft!  
—Richard Finney

**MTC-00003187**

From: Call, Brandon  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 10:53am  
Subject: Microsoft settlement

Don't be foolish. Why reward Microsoft with extending their monopoly into the education sector? Are you smoking dope, or what? P U N I S H T H E M for breaking the law. It's not called the Dept. of JUSTICE for nothing, you know.

Brandon.  
OLE\_Obj.

**MTC-00003188**

From: grayw@ummu.umich.edu@inetgw  
To: Microsoft ATR  
Date: 12/7/01 11:04am  
Subject: proposed settlement

When I heard of the proposed Microsoft settlement in which Microsoft would be forced to "donate" software and hardware to schools, I was enraged. First, the news media is already using the word "donate", which

implies that they would be giving the software and hardware away as an act of goodwill. The public needs to know that Microsoft did something wrong, something that goes against what America stands for. I don't understand how a settlement in a antitrust case could involve further market penetration. The settlement serves Microsoft and further hurts the US citizens.

William Gray  
Instructional Assistant  
Electrical Engineering and Computer Science  
The University of Michigan, Ann Arbor  
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**MTC-00003189**

From: Danny O'Brien  
To: Microsoft ATR  
Date: 12/7/01 10:08am  
Subject: The Microsoft settlement is a bad deal

Dear DOJ,  
The settlement with Microsoft is a bad deal that benefits Microsoft and no one else.

In one stroke, they get:

1. a huge tax deduction
2. massive placement of their marginal technology into schools, which allows them to perpetuate their systems and data-gathering agendas
3. to strike a major blow against competition in the education sector. This deal boosts Microsoft and cheats American citizens of what Microsoft owes us.

Also, why is this monopoly not being broken up? Does the DOJ's lack of trust-busting effort have anything to do with the close alliance Gates has formed with President Bush? What about all that money that Gates gave to the Bush campaign?

This deal does not shed a positive light on a situation that already appears to be corrupt.

Regards,  
Danny O'Brien  
Director, I.T.  
Stein Rogan + Partners  
440 Park Ave. South  
New York, NY 10016  
dannyo@steinrogan.com  
(212) 213-1112 x6862

**MTC-00003190**

From: Thomas Hoffman  
To: Microsoft ATR  
Date: 12/7/01 11:04am  
Subject: I can't believe you are going to let them get away with it

Department of Justice,  
I applaud the fact that Microsoft was found to be an illegal monopoly. They've been using their market position to drive smaller competitors out of business for years. Despite the avalanche of negative evidence clearly demonstrating their predatory business practices, it appears they are now going to "get away with it". Recently the settlement has turned toward the soft side and no longer represents the type of action that fits the situation. That is a slap in the face to not only the Justice Department and Judicial system at large, but to the American people who take pride in diversity and freedom of choice. I've used Microsoft's products in the

past and truthfully, I've been very unhappy with them. What concerns me is that I had no choice but to continue spending money on and using their poor quality products despite the fact I was desperate to use something.... anything else. If you're in the business world, you have to use Microsoft's file formats and because of their proprietary nature, no one else has a chance to compete. Reverse engineering is only getting the development community so far. So what choice do you have to continue to pour money into Microsoft's coffers. As far as the settlement, it doesn't approach what the development community was hoping for. In fact, it's a weak slap on the wrist that should embarrass the Justice Department. If you are going to tell Microsoft to make their desktop completely customizable by third parties, by God stick to your guns. Don't agree to let them put even a single icon on the desktop if intermediate parties choose to exclude them. Make them release their proprietary monopolistic Microsoft Office file formats so parties interested in producing competing desktop productivity applications can at least have a chance at compatibility with the vast majority of the market. Take steps to assure that Microsoft cannot leverage their enormous market share to continually put competitors out of business with unfair pricing, embrace and extend, and other monopolistic business practices. The development and business community is watching developments very closely. The Department of Justice cannot afford to drop the ball on a case that affects the lives, choices and freedoms of so many American people and people in the world at large. Don't let us down.

Regards,  
Thomas Hoffman  
American begging for choice

**MTC-00003191**

From: Tim Born  
To: Microsoft ATR  
Date: 12/7/01 11:02am  
Subject: Red Hat's counter proposal

I read the news of Red Hat's counter proposal to the Microsoft settlement, in which they offered RedHat Linux for the schools in place of Microsoft windows. I'm very much in favor of this proposal. My daughters are elementary and junior high age, and when we installed Red Hat Linux and Sun's (free) StarOffice on the PC at home, they had NO difficulty using it. It looks close enough to what they see on other machines, it runs all the software they need for internet, chat (one of their favorites), word processing, etc. If there are any fears of ease of use or interoperability, I think they can easily be addressed by a simple experiment: try it. Having tried it, our household has made the switch and is quite happy, both for the functionality and also for the substantial amount of money I no longer have to pay for Windows & MS Office. And the stability is SIGNIFICANTLY better. Seriously. If the local schools were to adopt Linux, I would be happy to help introduce them to it.

Take Microsoft's offer and leverage to get the maximum amount of hardware you can, to generate the maximum good. Let RedHat deliver the OS & use Sun's StarOffice.

—tim  
 Tim Born  
 1855 Chandler Avenue  
 St. Charles, Illinois 60174  
 +1 630/979-3118  
 CC:Born Tim

**MTC-00003192**

From: Wiley, Michael  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 12/7/01 11:08am  
 Subject: Microsoft

I never believed that splitting Microsoft up was the answer but I sure didn't expect them to get away with a hand slap. They havent changed their predatory practices one bit. Make it hurt a bit! Like make them liable for all of the bugs and security breaches in their products.

Michael S. Wiley  
 Manager, Information Technology  
 Wabtec Transportation Technologies,  
<http://openrail.com/> Inc  
 4735 Walnut, Suite A  
 Boulder, CO 80301  
 303-447-2889 Ext 225

**MTC-00003193**

From: Philip  
 To: Microsoft ATR  
 Date: 12/7/01 12:05pm  
 Subject: Microsoft still trying to dictate.

I work for a computer manufacturing company, and I can tell you without a doubt, that Microsoft is still trying to eliminate the rest of the software companies by any means possible. There are so many issues with trying to use any other software that it is not even funny. I just spent three days trying to get a Windows compatible driver to work and Microsoft tried to deter me at every turn.

Follow this. I load the software for a database. The database itself is not Microsoft. The front end or access point is Microsoft. By using a different backend, I have a more reliable and faster system. The software for the backend is just plain better than anything Microsoft puts out. And it costs some \$50,000 less, still not free, than what Microsoft charges. The problem is that Microsoft deliberately codes in a refusal with its' frontend, not to accept a connection with the other software. Unless the other software company goes to Microsoft and gets its' approval for the driver involved. Every other software maker in the world, simply tells you that it has not tested the driver and cannot confirm it will work with their software.

An operating system is most useful because of its' compatability with all the other software we use in computers. It is the hub and the other software provides the spokes to connect with other computers, the internet, printers, etc.... Microsoft continually takes an ax to everyone else's spokes. They are still using every hidden means possible to do this. The last example was an update I was trying to download from Microsoft to fix a known flaw with their system. One of there famous security holes. When I tried to download it I got an error message indicating I had done something wrong. I checked my work and found no errors. I went back to the download point and checked it out throughly. Microsoft had put together a loop that took you directly to the error page. There was no download.

The download page told you that if this fix fails you need to buy an upgrade. In other words there is a flaw and we are going to use it to sell you a fix, rather than providing one. And they were using a false error to do it. Sounds like they really are trying to do better huh!

So how much are they paying the justice department to fix their problem? If justice signs off on this I hope every one in the department is forced to wear a shirt that says "Paid for by Bill Gates"

Philip Browning

**MTC-00003194**

From: Troy Elam  
 To: 'microsoft.atr(a)usdoj.gov'  
 Date: 12/7/01 11:30am  
 Subject: microsoft settlement

I, for one, am not satisfied with the proposed settlement. It is too weak. It has absolutely no backbone. Consumers (and the entire world) would benefit from having competing operating systems. This will never happen as long as every company in the industry knows they will either be swallowed or crushed by Microsoft's might hand. Give the industry a climate where ingenuity and great products can come into existence.

**MTC-00003195**

From: Gregg Givens  
 To: Microsoft ATR  
 Date: 12/7/01 11:16am  
 Subject: Sorry, my last message was corrupted. MSG re' Microsoft AntiTrust Settlement

I previously sent a message that was truncated. Here is my message in its entirety. I am attaching it as a Rich Text Document viewable in most all Word Processors. I appreciate your consideration of my comments.

— Gregg Givens  
 ggivens@hollins.edu  
 Computer Services—Hollins University  
 CC: ggivens@hollins.edu@inetgw  
 To Whom it may concern:

Following are my opinions about the recent decision to weaken the remedy imposed on Microsoft after a FINDING OF FACT that they violated the Corporate Anti-Trust laws. I contend that nothing short of a breakup of Microsoft between their Operating Systems (OS) and Applications Software divisions into two separate companies will remedy their anit-competitive practices. I am one of the many technically trained people that would like more choice in the marketplace in Computer software and don't have any faith left that your remedy will provide it. Thesis: Microsoft should be split into two companies. The OS division should have to compete on its OWN merits. Likewise, the MS Applications Division's programs need to compete without unfair advantage. Support:

Having a company OWN 90% of the Desktop OS market and still being allowed to compete in the Applications programs business is like having a Car company OWN 90% of the roads in the country and being able to suddenly modify the size and shape of these roads to suit their new car designs, without giving other car makers adequate

specifications in a timely manner and being able to hide hazards in the roads that only the Microsoft cars can avoid. This is a crude analogy, but is similar to the situation Applications and OS designers face when competing with Microsoft in the Desktop computer arena.

I know you are lawyers and know very little about the history of computers, but let me try to remind you of things your own experts should be telling you. Operating Systems were invented so that every Applications software programmer would not have to 'reinvent the wheel' on every new program he(she) wrote. The OS was supposed to take care of the primitive tasks like disk file activity, printing, networking, screen updating, so that the Applications designer could concentrate on just his 'high-level' tasks and write a good program. OS's were supposed to have reliable, well-documented calls so that all applications could use them to perform the low-level tasks they needed.

When you have a company that writes the OS AND Applications, you have a simple case of conflict of interest. If an unscrupulous OS company wants its own applications programs to fair better in the marketplace than a competitor, then he might add a few secret calls so that his applications can do things more efficiently than his competitors. He might give out information on changes to the external interface of the OS at a late date so that his Applications people could get out a new working version before the competition. In that case, the old applications of the competitor WOULD NOT EVEN WORK with the new version of the OS. The customer would have to buy a new 'compatible' version of the competitor's software, which of course would not be ready yet. Gee, maybe the customer would buy the OS vendor's software to avoid the hassle! He could also change the interface to the OS periodically without backward compatibility so that the customer would always have to keep upgrading his Applications, just to keep them working AT ALL, much less to fix the myriad bugs that he leaves in through carelessness and hurry. Does any of this sound FAMILIAR ????

Now of course these sneaky practices can't really work well until a company has a HUGE share of the OS marketplace. I think if you research the history of Microsoft, you will see that they weren't that bad in the old days when DOS was still fighting head to head against Apple and Unix. (In fact MS used to produce its own version of Unix called XENIX. After Windows came out, i guess they decided that it was too good of a competitor to Windows, so they dropped it to push Windows.)

Unfortunately, after they began to aquire more and more of the market share of desktop PC OS's, their arrogance grew as well as their bullying and unfair practices. If a split-up remedy had been in place just 5 years ago, you can pretty much bet that Word Perfect would now be the dominant Office Application Suite, rather than MS Office. Ask your older, more experienced secretaries what they used to prefer 5-7 years ago, MS Word or Word Perfect? Likewise, Netscape had probably 80-90% of the Internet Browser

market before Microsoft began to shove Internet Explorer in your face every time you start Windows. (Even if you install Netscape, Windows asks you if you REALLY want it to be your default browser EVERY TIME you start it. If you answer wrong, you get Internet Explorer as your default browser.) Now Internet Explorer has all but taken over. This alone was brazen use of the OS to promote a competing product.

How much market share did Novell have for many years because of a fast, efficient, well-designed product. They used to be in possession of at least 60–70% of the PC server market. Somewhere down the line, MS windows made it so painful to get all of the Novell Networking to operate properly with Windows, that companies began to switch. That is despite the fact that MS Windows Server is only now implementing POORLY, many features that existed in Novell 2 VERSIONS BACK ! Novell can deliver a significantly better performance on LESS powerful hardware than Microsoft. Does that sound like the marketplace picking the best product, or unfair collusion between OS division and Applications Division ? (Don't assume that Novell was poorly managed either. They successfully bested a number of less organized competitors in the shakedown of the eighties. Their training and certification program and support was a model for the industry.)

In another way Microsoft now uses the advantages it has gained in Applications to help its Operating System maintain its monopoly. Now that windows has helped MS Office Suite to destroy WordPerfect's and Lotus's dominance, MS can control what platforms now get MS Word and Office Suite. Since they are now so popular, MS only produces a version of MS Office that is always 1 feature set behind the Microsoft OS version for Apple. That pretty much guarantees that Apple remains alive (barely), but that it never becomes a true competitor to MS OS. MS doesn't offer Office suite for any other competing OS version. Gee, i wonder why ? Could it be that Bill Gates doesn't want a dominant OS player in the server market (Linux) to penetrate the Desktop arena? Could he be afraid? I would be willing to bet money that if we split up MS into two companies, there would be a Linux version of MS Office Suite within 6 months or less. It would be in the INTERESTS of the MS Applications division to do so. IT is NOT in the interests of the OS division—hence the problem.

There is one last way that Microsoft misuses its power to try to gain unfair advantage in NEW areas. It will subtly alter existing standards of communication, web design, programming languages with 'extensions'. It will offer these 'extensions' in its versions of development software, going against Industry standards developed to insure interoperability. As its products take hold, other vendors must keep changing their own products (always one step behind). An example of this is Microsoft Web page creation software. It has 'extensions' to HTML that, if used, will make Web pages only appear good and sometimes even FUNCTIONAL on Internet Explorer. The same page viewed by netscape will appear

corrupted or may produce errors. Have you ever seen Web pages that say "This page best viewed using Internet Explorer v.xxx"??? A similar attempt to hijack JAVA programming language resulted in a law suit from SUN for breach of contract.

Did you know that the current version of Microsoft media Player IMBEDDED in the new Windows XP OS will only play mp3 formatted media files in a less quality mode in order to make the new Microsoft Media format appear superior? Of course some versions (you know the ones with the 'extensions') of the MS media format are a CLOSED standard only playable on MS Media Player. To top this off, if you try to make another Media Player your preferred Media player in Windows XP (so that your MP3's sound good), it will interfere with the functioning of other Microsoft Applications bundled with the OS!!! THIS PRACTICE IS GOING ON RIGHT NOW! Windows XP was rushed into production to beat the DOJ Law suit. Possession is nine tenths of the law as they say.

Personally, all this makes me sick. I would hope the USDOJ would be humiliated by the arrogance of Microsoft. Apparently MS does not take USDOJ very seriously. My contention is that splitting the MS corporation will actually be GOOD FOR THE AMERICAN ECONOMY, contrary to Microsoft's scare tactics. Microsoft seems to make oblique remarks implying that what is good for Microsoft is good for the American economy, and that impeding Microsoft's advance would damage the economy. In fact the exact opposite is true.

Even though more efficient Operating systems such as Linux require less powerful hardware and might be less encouraging of the INTELs, AMDs, and other hardware vendors, the savings for EVERY OTHER COMPANY in America not having to buy new computers every 2 years might help the other 90% of the American companies to make a profit. How much American Corporate profit goes into the land fill every year when they have to scrap their old computers. With more fair competition, maybe more Applications program designers will be encouraged to write more applications—even ones that compete directly with Microsoft's Application division. More competition in Applications and Operating systems might even make superior and MORE RELIABLE AND SECURE computer software, at a reasonable price. (I for one would look forward to days when the servers quit crashing periodically due to undocumented bugs in microsoft's OS. we have Linux and digital unix servers that have not had to be rebooted for most of a YEAR. We must boot our microsoft servers several times a month. I never even leave my MS windows 2000 desktop machine up for more than a day. I rarely if ever reboot my Linux desktop machine. Why do I keep Microsoft machines you ask ? Because our corporate execs DEMAND that we use Microsoft on the desktop. Not enough NON-MS OS applications available that the users are trained to use.)

You may not realize that there are many people who are dismayed by the incredibly weak response of the current administration

to blatantly monopolistic practices by the Microsoft Corporation. Given the more vigorous legal efforts of the previous presidential administration, I don't feel it is completely out of line to question whether monetary influence during the presidential campaign could have something to do with the recent decision to abandon a bargaining position of strength against the Microsoft corporation, in favor of a settlement that is actually weaker than what was presented by Microsoft ITSELF prior to the judicial finding of monopoly. At the very least, the current regime in the department of Justice has some explaining to do against the APPEARANCE of impropriety.

Excluding that issue, we have the result in the marketplace itself. In the past, Microsoft has demonstrated a history of making every effort to avoid any previous remedies that the court has attempted. Either they have ignored the remedy completely or they have complied in the most minimal and unsatisfactory way to adhere to the letter of the law and avoid the spirit. Since the initial attempts to curb their behavior, Microsoft has only succeeded in gaining more unfair leverage and destroying more of their competitors. Don't be fooled that this was only the activity of the market. I have already outlined many ways that MS uses its Desktop OS monopoly to boost market share of its applications. Now that its Office Suite of Applications is stronger (due to the unfair leverage of its OS), it can use the Applications to help the OS maintain its position of dominance in the desktop.

If the USDOJ expects that further litigation will not be fruitful in curbing MS's monopolistic practices that HURT the consumer AND THE ECONOMY, then perhaps other government agencies can attempt another avenue for the remedy. i have heard that the Federal Trade Commission may have jurisdiction and enforcement powers that could be brought into play. Does the BUSH2 administration have the guts and desire to seek real enforcement of powerful remedies for the monopoly finding of the courts ? Are they too timid and fooled by Microsoft's scare tactics to attempt such a thing ? At this time, NOTHING could hurt the economy worse than it is already. You might drive a few stocks like Microsoft and Intel down for a short while if a strong remedy is attempted, but the long term benefits of increased competition and more efficient use of hardware resources (caused by better written Operating Systems such as Linux) could only help the US economy in the long run. We'll end up stronger for it. Ask the europeans, japanese, and chinese why they are favoring Linux over MS windows. (They don't like being locked into a expensive, proprietary OS that hides all of its code so that they have no idea what it is doing, and an OS that has a voracious appetite for Hardware upgrades at every new version.

Gregg Given—Systems Analyst  
Hollins University Computer Services  
ggivens@hollins.edu

**MTC-00003196**

From: dean tidwell  
To: Microsoft ATR

Date: 12/7/01 11:17am

Subject: doj settlement

I would like to see a settlement where Microsoft has compete like the rest of us. meaning OEM's can put whatever OS they want on the machines they build.

dean tidwell

**MTC-00003197**

From: Daniel WELLS

To: Microsoft ATR

Date: 12/7/01 11:14am

Subject: Microsoft settlement

The settlement that you have developed means that Microsoft wins. The consumer and especially small business (those with not enough clout to get concessions from Microsoft) loses. We urged the state of Utah not to accept the agreement and express our strong disapproval of the agreement you have reached with Microsoft. Many IT departments are finding themselves having to use Microsoft products, not from choice, but because there is no competition. As architects, we need to be able to communicate the information we create with others (we would prefer that this communication and collaboration be done through industry standards rather than dictated by the creator of the desktop operating system). This makes Autodesk products (AutoCAD in its many flavors) almost the defacto products to use. Autodesk only develops for the Microsoft operating systems. They do this because Microsoft has a monopoly and has the vast majority of the desktops. It makes no economic sense for them (Autodesk) to do otherwise unless there is competition restored for the desktop operating system market. It is also feared that should the current settlement stand, that Microsoft will leverage their desktop operating dominance to further promote their server products and in the future make it very hard if not impossible to use a competing network operating system. Given the Microsoft track record on security (as evidenced by Code Red and Nimda) I would hate to be placed in that position. Microsoft is good at marketing and they are shrewd at business.

They do not, however lead in innovation and stability of their products.

Daniel Wells AIA

Director of Information Systems

MHTN Architects, Inc.

801-595-6700

DanW@mhtn.com

**MTC-00003198**

From: Zdenek JIzba

To: Microsoft ATR

Date: 12/7/01 11:22am

Subject: Education

I understand that Red Hat proposed to install free Linux on all PCs that Microsoft will donate to schools. I think this is a great idea because it would free Microsoft to donate more hardware (rather than software) and as a consequence increase the number of donated PCs.

**MTC-00003200**

From: lbuchana@csc.com@inetgw

To: Microsoft ATR

Date: 12/7/01 11:27am

Subject: Anti-trust damages

Hi,

The following opinions are mine and do not reflect the opinions of Computer Sciences Corporation, National Aeronautics and Space Administration, or any of the computer forensics groups I am a member of. To let you know what biases I might have, I have a Bachelor of Sciences Degree in Applied Computer Science and have 18 years of professional experience in programming mostly on UNIX systems. I do not own any Microsoft stock directly, but many of the mutual funds I have invested in hold Microsoft stock. I do own stock in Hewlett Packard (100 shares) and SGI (300 shares). Both companies have operating systems that in some markets competes with Microsoft, but both companies also sell systems with Microsoft Windows.

One of the major problems I have in trying to develop computer forensic analysis software for Microsoft products is the lack of documentation. Microsoft does not document file formats or low level system function calls. Reverse engineering can solve these problems, but that is time consuming and is nonproductive. Reverse engineering may also violate the Digital Millennium Copyright Act.

As part of the damages I would like to see that Microsoft be ordered to publish six months prior to release of any product the complete and accurate documentation of all function calls and file formats. For existing products and products about to be released the same documentation be published within six months of the order. If Microsoft is unable to comply, then it will be ordered to electronically publish all of its source code and documentation to released products at a price equal to or less than the price of the product. Microsoft will of course retain copyright to the source code and should be remunerated for any commercial use of their source code.

My goal is to reduce the time it takes to develop computer forensic tools and to eliminate the need to reverse engineer undocumented file formats or function calls.

B Cing U

Buck

Loren "Buck" Buchanan (libuchanna@csc.com) \#include <generic disclaimer>

7700 Hubble Drive phone 301-794-2560

\#include <computer.security>

Lanham, MD 20706 \#include

<electronic.music>

Email attachments, just say NO! \#include <genealogy.roots>

**MTC-00003201**

From: David Griffin

To: Microsoft ATR

Date: 12/7/01 11:30am

Subject: Application monopoly

MS has an OS monopoly, we all know that. But this is actually supported by its application monopoly. I'd have moved to Red Hat linux and Star Office years ago but I have no guarantee I will be able to read the files of all the customers I deal with. So the monopoly of MS Office is preventing me changing OS And noone else can guarantee to read MS Word files as they could change the format overnight.

Now, this is all fair and lets face it, it's a commercial world, but we are talking about

an over powerful monopoly here. What chance does another WP supplier (let alone an OS supplier) have ?

Could one remedy of the settlement be to force them to publish sufficient file format info (or provide sufficient back conversion tools) that other WP's can reasonably guarantee to exchange data ? I would like to see

**MTC-00003202**

From: Long, Steven (a) Atlanta Peachtree

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/7/01 11:27am

Subject: Red Hat's offer for DOJ/MS settlement

I have read the settlement offer from Red Hat in reference to Microsoft—Dept. of Justice. I read the Microsoft has been found guilty of being a monopoly and now they want to extend their monopoly into a place they where they have the opportunity to expand their monopoly. I would like to see Red Hat's proposal accepted and implemented. It would give more benefit to the students receiving the computers and training. It would also satisfy the guilty verdict by adding training in an operating system other than Microsoft's Windows.

We would be introducing the next generation into a world with real choices.

Steve Long CNE 3,4,5 MCSE MCP+I

Senior Network Administrator

Technical Support Services—Eastern

Phone (404) 923-1501

Fax (404) 923-1558

slong@cbre.com

**MTC-00003203**

From: Michael McKinney

To: Microsoft ATR

Date: 12/7/01 11:36am

Subject: Microsoft settlement.

You blew it! Microsoft is the computer users worst enemy. It took years for the DOJ to do anything about their clearly monopolistic practices. Their executives should be in prison and the company should have been broken up. If you are going to accept their idea of restitution at least consider the "Redat alternative".

Michael McKinney

**MTC-00003204**

From: andrebakker

To: Microsoft ATR

Date: 12/7/01 11:39am

Subject: MICROSOFT is a monopoly!!!

My opinion is that microsoft is a monopoly and that they probably bribed their way out of the class action case

**MTC-00003205**

From: Krieger, William

To: Microsoft ATR

Date: 12/7/01 11:42am

Subject: Microsoft settlement

I cannot believe that the DOJ wants to settle this case. You have proven beyond a shadow of a doubt that Microsoft is engaging in a monopoly to the detriment of the public and all they get is a tap (not even a slap) on the wrist. Why should the U.S. Government allow Microsoft to engage in a predatory and monopolistic manner and get away with it. This is a travesty of justice and someone should get some spine in Washington.

Bill Krieger  
1660 Von Braun  
Elk Grove, IL 60007

**MTC-00003206**

From: Walker  
To: Microsoft ATR  
Date: 12/7/01 11:44am  
Subject: Microsoft

I was sad to see how poorly the Microsoft case was handled. They have more control over everything than IBM or PacBell did in the past which truly were handled properly with splitting the company. As more cases unravel including the Microsoft vs US Schools which resulted in the 1 billion dollar settlement all they got for monopoly was a slap on the hand and poor restraints. We are forced to use Microsoft, and we can't get away from it. They gauge us with their prices. Even the new XP version worse than all others including passport system which definitely steps upon general liberties. Did you know you can not get support without filling out passport information first?

Please fix Microsoft deal it is bad for our country—it will be a sad event when Europe handles case with more power and pressure it will certainly make us look like a passive judicial system. What was it, lack of understanding of the business and computers that caused the lenient judgment? Judgment lacking substance, results

Thank you,  
Adam Walker

**MTC-00003207**

From: Jay Scherrer  
To: Microsoft ATR  
Date: 12/7/01 11:54am  
Subject: Settlement with Microsoft

Dear Sir's,  
I don't understand why your Representatives let Microsoft off so easy. First of all; Microsoft has been found guilty of monopolistic marketing practices, in which it would force PC makers to only package Microsoft's operating system with every PC sold. Even today if you ask Dell computer to ship a PC Notebook computer it will be with Windows operating system. I have even asked Dell if they could leave the Microsoft windows off the new machine if I order it. I also asked if they could mark the extra charge for windows down. You know that this has happend a lot in the past. Now the decision is to allow Microsoft to be shipped coexisting with other operating systems. Why am I still forced to buy Microsoft products? Your decision has no provision with making refunds to people who don't even use the windows operating system, now or for being forced in the past.

Secondly; Your other decision was to make Microsoft open up their API code to other software manufacturers. This is nothing new. In the past Developers and companies who provided development tools were able to see the new features of windows api's, but only after Microsoft had ample time for marketing their own products.

In conclusion; Given a product atmosphere where there has been a major break through, such as the computer industry. And a situation where a company has been able to dictate who sells their product and blacklist

those who offer other alternatives as Microsoft has done. I have one question. Why don't you stand up and protect America's right to freedom of choice? And why don't you punish those who try to take that freedom away?

Jay Scherrer  
6250 3rd Ave. NW  
Seattle, Washington 98107

**MTC-00003208**

From: Abbas.Iyad@ic.gc.ca@inetgw  
To: Microsoft ATR  
Date: 12/7/01 11:39am  
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat has responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software

**MTC-00003209**

From: wsando  
To: Microsoft ATR  
Date: 12/7/01 11:52am  
Subject: Settlement

To whom it may concern,  
I am writing with my concerns over the settlement for the Microsoft case. Why should we as American people allow this company this settlement? The school systems would only get rights to the Microsoft software for five years? then what? Microsoft has a built in profit? While also getting to write off that expense as a charitable contribution, this is outrageous. If Microsoft is to donate the computer hardware, you should not allow them to "lend" their software for five years as part of this deal. I have read the press release from Redhat software and I think it makes more sense. Lets give the school systems and children the better end of this deal and not Microsoft.

Thank you,  
Bill Sandusky

**MTC-00003210**

From: shabbirlatif@mindspring.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 11:58am

I am appauled by the settlement between the Microsoft and the government (us public). It just proved more that the U.S government is not run by politicians (let alone people) but by big corporations.

I was even more appauled by the gaul of Microsoft to offer to donate (\$%#\$\$) their software. How stupid do they think the public is? It is like cigarette companys offering to donate cigarettts to children as a settlement. This is monopolistic behaviour through the back door.

I sincerely hope that the government gets gutts to seriously look at the damage that Microsoft will do in the long run if they are allowed to get away and the message it will send to other large corporations and do the right thing. The only solution is to break up

Microsoft and hugh fine that would go to the poor schools.

sml:-)  
Shabbir M. Latif  
1776 Cheney Dr.  
San Jose, CA 95128

**MTC-00003211**

From: M and M Coutermarsh  
To: Microsoft ATR  
Date: 12/7/01 11:59am  
Subject: letter of support

39 Evarts Road  
Post Office Box Number 37  
North Hartland, Vermont 05052  
December 6, 2001  
Attorney General John Ashcroft  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
Dear Mr. Ashcroft:

This letter is to ask you to give your continued support to the proposed compromise between the Department of Justice and Microsoft. I understand there is a sixty-day period in which public comment is allowed, and I feel it is my duty to support the settlement. There is no need for any further federal action, either by the Department of Justice or the Senate. Microsoft has agreed to any number of requests by Justice, which makes their software codes and books more accessible to competing firms, along with accommodating computer manufacturers with new rights to Windows features. Microsoft has provided so much to this country in jobs and opening the way for technological innovation. It should not be a punching bag for its success. I support the present agreement. Please continue to be a vocal supporter of it also.

Sincerely,  
Mark Coutermarsh  
Email: coutermarsh28@peoplepc.com

**MTC-00003212**

From: Dickman, Matt  
To: Microsoft ATR  
Date: 12/7/01 12:03pm  
Subject: opinion

I don't think you should punish Microsoft for being faster and smarter than everyone else. They have a superior product out, the problem is that nobody else has anything comparable on their level. People who use computers are not brand loyal, you should know this by now, if anything they want to be the first to have the latest thing. Microsoft always has the latest thing. Because of their hard work we are much farther along than we would have otherwise been. You should not punish the smart companies for making money and being successful, you should punish the dumb companies who sit on their ass and make the government make them more competitive.

Matt Dickman

**MTC-00003213**

From: stuart@pop1.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 12:05pm  
Subject: Opinion on Microsoft settlement

Without having access to all the legal proceedings that have taken place between DOJ and Microsoft, I feel that Microsoft has been let off the hook. I am not anti-Microsoft

necessarily—the company has created a great many well-paying jobs and the Gates Foundation is doing good things. But it will go down in history as a text book monopoly who defeated the DOJ at their own game.

Stuart Mathews  
Beaverton, Oregon

**MTC-00003214**

From: A Gresham  
To: Microsoft ATR  
Date: 12/7/01 12:10pm  
Subject: Microsoft settlement offer, Negative  
I do NOT agree with the proposed Antitrust settlement offer by Microsoft to place hardware, software, services, and training in schools. This amounts to government sanction for a private business, by placing their software, with great limitations in support and mandatory future update costs ( payable to Microsoft) on the backs of our schools systems. Their offer should be limited to hardware only. The offer by REDHAT to provide FREE software, upgrades, and license renewals should be strongly considered. Our schools could better benefit by the receipt of more than a million computers, and the issues that were fundamental to the original lawsuit will be avoided without further conflict.

Arthur Gresham <Awgresham@home.com>  
249 East Vermont Ave  
Escondido CA 92025

**MTC-00003215**

From: Jay Shoup  
To: Microsoft ATR  
Date: 12/7/01 12:12pm  
Subject: Microshaft wins agin  
I am a little disappointed (actually allot) about the recent “settlement” your department reached with Microsoft. Why don’t you just send them a bonus check rather than wasting the publics resources. Seriously, if you are going to file an anti-trust suite against them at least extract some justice in the process. Microsoft’s actions towards both the “software development related” industry and the end-user has been criminal. First their practices rape the industry then rape the end users, now to make it even worse they rape the justice system. Let’s not get confused, i use Microsoft products, extensively. Why..? Becasue i have no other choice and that is the very problem. You know it and i know it; Microsoft is a theif! I guess i expected Microsoft to scheam their way out of this one. I just did’nt expect you to be so stuidpid as to let them.

P.S.

You need to change your name from “Department of Justice” to “Department of Suckers”...

Jay Shoup

**MTC-00003216**

From: Rahul Deshmukh  
To: Microsoft ATR  
Date: 12/7/01 12:09pm  
Subject: The settlement is a sham  
I have to say that I do not agree one-bit to the settlement that has been offered to Microsoft. The last straw is agreeing to the offer made by Microsoft to offer free software to America’s poorest schools. Noble cause indeed... but at what cost. It seems to me that

Microsoft is in fact being helped maintain their monopoly by this settlement. Let me analyze this. There are some other companies which may be offering free software to these schools already. But now cool it guys... these schools have to use MS software because its a part of the settlement. There is no justice in this world. My only suggestion is stop the suffering. Wake up guys, the only thing MS is innovative about is on how to twist the judiciary to their own benefit. Their software is not innovative. MS has, in fact, been making very lousy software because there do not have enough competition. Its time to let other competes with MS so that they are forced to develop better and more reliable software.

Rahul.

**MTC-00003217**

From: James Kalmadge  
To: Microsoft ATR  
Date: 12/7/01 12:26pm  
Subject: The Monopolistic practises of MS  
Sirs & Madams,

The notion of making MS provide free Software to schools is tantamount to giving them cheap advertising to the most impressionable people and disguising it as a “punishment”. The practises of MS in the past have indicated that its philosophy is to ‘infiltrate’ a system and then make it reliable on continuimg MS support and so-called “upgrades”. The more deeply one understands the way MS software works, the more one realizes the insidiousness of their practises. I could site many such things, but I’ll limit it just to the “register” which MS uses to control the execution of software. A large, unscrutable, and arcane convention which makes it possible only for MS ‘gurus’ to understand what is going on in the computer and which adds nothing but ham-fisted control to the process of executing a file.

These things coupled with the practise of making software obsolete and incompatible with the new version (e. g. Office 98) assures MS of continuing dependence of its customers on software it might otherwise not need.

My Two Cents Worth, Anyway,  
James Kalmadge

**MTC-00003218**

From: sandy@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/7/01 12:32pm  
Subject: Microsoft Decision

It is appalling that Microsoft has received no real penalty after these years of litigation. They have continued monopolistic practices, and the condition of the settlement will increase them by allowing them to penetrate schools.

Their software is of poor quality, their business practices are beyond dubious, and surprisingly, their customer service, website, and support systems are not at all state of the art. (If you want to see good ones, try IBM, Lotus, Red Hat, Oracle.) As a computer professional, I dislike dealing with most of their products, and it upsets me when corporations as well as individuals are sucked into dealing with Microsoft. The reason we need government to intervene on

behalf of the consumer is that consumers in general do not have the power to deal with large monopolistic organizations, nor the background to seek alternatives. But aside from technical and professional considerations, these people are KNOWN to have broken US laws. So why are they not being punished? I see no incentive for them to improve their behavior.

Those of us involved in technology are doing what we can to encourage competition (this message is being written on a Red Hat Linux machine, for which I paid cash). But the overwhelming presence of Microsoft and its pressure on the consumer tend to make it impossible for other firms to develop and market software, either for the Windows operating system (because Microsoft hides the interface) or for other systems (because of the small size of the remaining market). In the long run this will cause grave harm to the software industry and will remove the motivation of our brightest people to innovate.

Sandra Greer  
381 7th Street  
Brooklyn, NY 11215-3312

**MTC-00003219**

From: XXHANSON  
To: Microsoft ATR  
Date: 12/7/01 12:32pm  
Subject: Microsoft Settlement  
To Whom It May Concern,

I am writing you as the owner of a small business and a user of Microsoft products. It remains a mystery to me why the competitors of Microsoft continue insisting that they are acting on behalf of the Microsoft users in seeking a more rigorous settlement of the Antitrust Settlement. As one of those users, I would like you to consider my viewpoint as well: No company has provided a better benefit to small business users than Microsoft has with its Office suite of products. I remember the early days when programs did not interact together and the difficulty in putting together a professional document for a business proposal. Today, thanks to Office, that process is simple. The increase in productivity for my company has been nothing short of incredible. Now we can spend our time doing work instead of trying to get the computer programs to work. I do a lot of consulting work with a variety of companies, including Boeing. With Office, I know my documents are all compatible with their systems. We can work together, revise texts, e-mail back and forth and quickly come up with products that meet the needs of all concerned. Whether the materials consist of word processing, slide presentations, or spreadsheets—they work. My colleagues who are also small business owners agree with this contention. Microsoft products have provided us with the tools we need to be successful. I find it frustrating that the competitors of Microsoft have put so much time and money into trying to damage a company that has done so much to help consumers at a very reasonable price. It is even more frustrating to know that their power in the marketplace and the money they have behind their vendetta appears to have given them greater access to the justice department than the users who, indeed, make

up that marketplace. Like many consumers, I don't want them speaking for me. It would be better for all of us if they would concentrate on their own businesses and making the marketplace more productive vs. trying to use the judicial system to destroy another company. I believe that the settlement as it now stands addresses the concerns of all involved in a fair way. I also believe that it is time to move on and put the resources—time and money—of our government into more pressing concerns. Now more than ever, it is important to recognize the value of global markets and the companies that do business in those markets. Looking at this case through blinders constructed by the domestic competitors benefits no one—not even them. We need the reasoned judgement of our judicial system to stand behind this settlement. Thank you for taking time to consider this e-mail. Please approve the settlement as it is and take the steps that will allow pursuing innovation and economic growth. These are difficult times and we need our government to help us move on.

Sincerely,  
Judith Hanson  
Judith A. Hanson, MBA  
President  
Hanson & Associates

**MTC-00003220**

From: Neeley, Jason M  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 12:37pm  
Subject: Microsoft Settlement

I'm tired of seeing multi-billion dollar companies break the law. As the U.S. Department of Justice, you are among the few organizations that can afford to take on a company of this size. I have seen company after company break the law and continue to do so because they now that the benefits of doing so out weight the cost. As long as a company can make more in revenues from illegal actions than they will lose do to a settlement and litigation, companies will continue to exercise poor decisions that break the law and eventually harm the consumer, environment of the nature of a free market economy (such as Microsoft's case). In my mind that makes the DOJ directly responsible for protecting my rights as a consumer in a free market economy to be able to purchase a superior product at a fair MARKET VALUE. It is your job to make sure that a company that chooses to break the law to build up its bottom line will pay more for doing so than they would make from the illegal actions. In short it is your responsibility to ensure that companies WILL PAY MORE for breaking the law than they will gain from their actions, the cost MUST out weigh the benefits.

Jason Neeley  
Computer Programmer

**MTC-00003221**

From: BRODERICK, BRANDON (HP-Loveland,ex1)  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 12:38pm  
Subject: Microsofts web of software

Hello:

Currently Microsoft has a position that gives it almost an unfair advantage over all

of the other competitors. But I beleive in free enterprise, so I think the optimal solution is to separate the operating system from the software company. Currenty, way too many software products are embedded in the software and this is unfair to other companies. Microsoft needs sell or download there products such as IExplorer just like I would have to download Netscape. If they provide IExplorer then they should be required to offer two other browsier software packages. They also have the operating system intertwined with their software. This creates problems when one program like Outlook has a problem is can effect Word, Excel, IExplorer and the operating system. They will place things like the IExplorer browser favorite list or the Outlook address book in amongst the Winows operating system folders which is not fair and is not good from the standpoint of backing up data or troubleshooting problems. Because of this, factor I try to use 3rd party address books, email packages and browsers. But Microsoft doesn't make it easy to use other products and that is the root of the problem.

I am not saying stop them, but instead force them to level the playing field. They should have to install their software just like anyone else. The software should have to be able to stand alone without weaving into the operating system. They should make their products, like Excel and Word capable of installing in other operating systems such as Novell Netware or Linux.

Thank you for your time,  
Brandon Broderick

**MTC-00003222**

From: rpape@freenet.edmonton.ab.ca@inetgw  
To: Microsoft ATR  
Date: 12/7/01 12:38pm  
Subject: Microsoft ruling

Dear Sir/Madam

I would like to respond to the ruling against Microsoft. This year has been a tough one for the technology industry. I have been involved with purchasing products including Microsoft. Their new licensing agreement seems to co-incide with them getting off of the hook. Their new pricing structure is going to seriously hurt our company due the increased costs. The company that I work for is U.S. based, and since we as many other technology companies have lost money and laid off staff over this fiscal year, the increased cost of Microsoft products makes our bottom line look just that much worse. I strongly believe that the lack of punishment gives them a free reign to continue their anit-trust behaviour that is harmful to the technology industry in general.

Rodger Pape

**MTC-00003223**

From: Mike Myhre  
To: Microsoft ATR  
Date: 12/7/01 12:39pm  
Subject: Microsoft Monopoly Settlements

I would like to comment on the Microsoft Monopoly law suits currently in the settlement phase. It is my option that:

(1) Microsoft has used un-ethical buisness practices in the past years to gain and keep a monopoly on certain areas of the software

industry. These practices include the original Windows that competed against the windowing software that IBM paid microsoft to write in the first place, the planned incompatibility of windows with DR DOS, the Netscape Browser conflict, to the current Windows and Microsoft Office monopolies that they have today. This is not good business and if not bennificial to the software developer workforce or the end user, only for Microsoft.

(2) Any time you have an alternative to a microsoft product, it is always a better product, with better customer and developer support. Microsoft has charged many users for customer support where this support actually helped to improve their product.

(3) Microsoft has repeatedly broken the anti-trust rules and should be punished for their disregard for the law; not just told "don't do it again" like they have been told in the past. They knew they were breaking the rules and didn't care. They need to be held responsible for their actions.

(4) Microsoft has repeatedly walked away from standards meetings where software developers can agree on how programs will interact. These standards are important to provide the user with a choice of which software module they want to buy. Without these common standards, microsoft is able to hold and build their majority market share as well as extend it to new products.

(5) The end users and the nations economy benefit from choices. Choices are what make better products and better products make more productive end users. Any settlement must include: punishment for past actions (not access to new markets like schools, but stiff monetary penalties) Open Source Code and Strict Standards to allow any other company to interface at the same level as microsoft is able to (equal access). Microsoft should be broken into several comapnies so they can't continue to extend their existing monopolies into other areas. It is your job to protect the end users and other companies. Don't let Microsoft bully the Justice system like they have the rest of the country. It has been a long road to get to this point. Don't let the chance slip by and do nothing (or worse, give them a stronger possition). Take a strong possition and give the country a future!

Thanks for your time.  
Mike Myhre

**MTC-00003224**

From: Nathan Potter  
To: Microsoft ATR  
Date: 12/7/01 12:39pm  
Subject: Inadequate Penalties  
To Whom It May Concern,

It is a pretty sad state of affairs when the government appears to be incapable of enforcing its own laws. Microsoft has been found guilty of monopolistic activities. They have received no substantive penalty, and from all that I can ascertain from following the media your organization has no intention of calling for or enforcing such penalites. Why?

The settlement in which Microsoft has agreed to donate software, (refurbished) hardware, and services to the nation's poorest schools is disgrace to our justice

system: What should be a penalty for Microsoft is really just an opportunity for them to increase their already dominant and heavily entrenched market position. By "donating" their software to schools they establish a long term dependence on their products which they may (and most likely will) choose to charge for in the future. This "donation" will result in the training of thousands of new and impressionable users to use their products. In addition, the value of this "donation" will be calculated at the MSRP for these software products, while the actual cost to Microsoft will only be for the replication and media.

How can anyone make a cogent argument that this arrangement represents a penalty?

Lastly, Microsoft's current development path, the .NET initiative is a blatant effort to eliminate what little competition they have left. It presents significant invasion of privacy and intellectual property issues, and as far as I can see is not possible to opt out of. To my knowledge no legal challenge to .NET has been forthcoming. As usual Microsoft continues to do whatever they wish, moving so quickly that by the time the legal justice system can take issue with their behaviour they have moved on to a new arena of endeavour. Why does the D.O.J. not take a more active and aggressive role in dealing with the arrogant and combative behaviours of Microsoft? I can only speculate, but I must say that it is a sad state of affairs when a major corporation is allowed to run roughshod over the laws of our country.

I respectfully request that your organization deal with Microsoft in a much more aggressive manner. So far what I see is a corporation found guilty of violating the sherman anti-trust act, and that subsequently has refused to submit to punishment.

I thought it was the job of the D.O.J. to see that the laws were enforced in this type of case. Do I misunderstand the role of the D.O.J. in this? If not then why isn't it (law enforcement w.r.t. Microsoft) happening?

Sincerely,

Nathan Potter

1022 SW 11th

Corvallis, OR 97333

541.753.3406

CC:ndp@coas.oregonstate.edu@inetgw

**MTC-00003225**

From: dan damon

To: Microsoft ATR

Date: 12/7/01 12:41pm

Subject: Microsoft settlement

The proposed settlement that Microsoft should give software to schools in order to settle it's debt is a gross miscarriage of justice. Please consider the following points:

1. Not a Penalty for Microsoft: Apple gave free software and hardware to schools a decade or more ago, and even today, schools represent one of their largest markets. Apple did this as a marketing move, without any incentive from the courts, so it must have had some value to Apple. Assigning this same marketing plan to Microsoft both undermines Apple, and rewards Microsoft.

2. Security: Microsoft has one of the worst track records on in the industry on security. The recent Code Red worm, for example,

exploited a weakness in the microsoft application server. Dozens of other viruses have been written that exploit weaknesses in Microsoft Office applications. Many foreign governments are moving to Linux to avoid these weaknesses. Why force this unsecure software on schools?

3. Closed environment: Microsoft is generally a closed software environment. For higher grades such as high school and college, open systems such as Linux or FreeBSD are much better for teaching the details of what computers do. Also, Microsoft does not support Java—one of today's primary programming languages. Java is supported on the Microsoft platform currently at Sun's expense.

Thanks

Daniel Damon

Software engineer

CC:danieldamon@home.com@inetgw

**MTC-00003226**

From: rkasting@dsscorp.com@inetgw

To: Microsoft ATR

Date: 12/7/01 12:41pm

Subject: Microsoft Anti-Trust Case

This is my opinion and not necessarily that of my employer or anyone else. I don't think Microsoft has been properly dealt with and I think that it was too late before the proceeding even started. It's quite obvious that they dominate the desktop computing environment. Go to 98+% of computer resellers and you only have Microsoft options for your OS. They did so by cheating other vendors in any way they could. Just look at the way they cheated IBM with the OS/2 project. You can find all sorts of things that they've done to cheat people. And every time they hide behind their no-warranty policies, their attorneys, and their desire to destroy their competition.

They have hurt the consumer because they choose not to introduce new innovations. I had a decent speech-recognition package on my PC back before Windows was out. They have squelched folks with this and other innovations for years to the degree that decent speech-recognition for a reasonable price still doesn't really exist. Essentially, all they've done for several releases of their products is provide the same functionality with a different look. Not only that, but they drop support on the older versions, forcing you to upgrade to newer versions for support and forcing you to replace hardware that shouldn't need replacing. They have essentially made everyone's expensive computers a 3 year disposable asset. I think surprises most consumers and they don't realize they've been had until it's too late. Only a major monopoly can force people to buy newer products.

They've also reigned in an era where software vendors demand licenses for each individual person using a system. I don't have to buy seat licenses for my car. Why should I have to buy seat licenses for my network? They've twisted the purpose of copyright laws to the point that people don't even consider that they shouldn't have to pay for some of these licenses. I think the government has a lot of work to do to make certain that copyright laws are not abused by companies like Microsoft. I would like to

point out that much of the software industry is like this. They bring litigation unfairly to their customers. They sell their products with poor descriptions of what the licensing requirements even are. Many customers don't properly understand their complicated licensing methods. I believe it's part of their strategy. Once the systems are in place and folks use them every day, Microsoft can pry money out of the company's hand after the fact. They use the court system to generate a profit. Shouldn't they be considered a 'vexant claimant'. They should be required to verify that folks understand their licensing in some way other than a silly prompt that comes up during the install of their OS. In addition, if that is where they choose to put the agreement, you should be able to return the product after the box is opened. You can't look at any of their licensing agreements for which you would disagree without opening the box.

In addition, they've reigned in an era of no responsibility to the consumer. If 1000 people bought lawn-mowers that broke every 4 hours, the people would file a class-action suite and win. For some reason, Microsoft is allowed to provide no warranty whatsoever. Folks at home just can't get things fixed. They pawn it off on the resellers to support their product. That ridiculous for the amount of money they get for the product. For \$250, I should get silver-platter service when I call them. How many times is someone going to have to pay almost \$250 for Windows 2000 after they've already bought a \$1200 PC and watch it crash once a day? The only reason that they can treat their customers this way is because they are a monopoly.

They've brought about an era where the copyright laws are interpreted to not include the consumer in the considerations. They think that the whole world should have to pay tribute to them for their OS. You can't use a damned PC without an OS. They think that every vendor and every consumer should just have to accept their rule over the market at the prices they want. People with greater innovations don't expect that of the world, why should Microsoft get to pervert the copyright laws to do so? Finally, they leave all of their customers with huge security issues without provided free and reasonable support. There are typically thousands of security bugs in any release of their OS. They rarely want to admit their faults, so customers are left open to attacks until they admit the faults and fix them. This costs their customers a lot of money to fix, patch and such. For the money you pay, they should do a much better job than they do. Why is it that they can't be held responsible for a breach of security on their product when the product is used properly. If a safe manufacturer sells a safe and it's properly installed and all you have to do is turn the dial any which way to open it, the safe manufacturer should be liable if someone's goods are stolen as a result. Why is Microsoft free of this obligation to their customers? It's not like the product is cheap.

I think Microsoft needs to be forced to be responsible to their customers. They should be required to provide warranty on their products that actually guarantee the working of the product. They have done more than try

to compete over the years. They've been ought right dishonest and unfair. I think that anyone working on this case can see that if they just open their eyes. If the government is not more harsh with Microsoft, I feel that they will not have fulfilled their responsibility in upholding the spirit of the AntiTrust laws.

I apologize for some of my rambling, but I've been in the industry my entire career and I can't stand the fact that a blind eye has been turned to this for so long. We put folks in office to make sure that these sorts of things get addressed properly. Why do we always have to wait until too late to deal with everything? Please go do something about this.

**MTC-00003227**

From: 's me  
To: Microsoft ATR  
Date: 12/7/01 12:48pm  
Subject: Microsoft Case

I believe that any decision and penalty given to Microsoft which just allows further distribution and dependance on it's own products is counter productive and wrong. Granting institutions free copies of Windows operating systems just further increases the monopoly supposedly addressed by the case.

Brad Hayes  
3809 V Street  
Omaha, NE 68107

**MTC-00003228**

From: Robert MacGrogan  
To: Microsoft ATR  
Date: 12/7/01 12:54pm  
Subject: Comments on Proposed Settlement

To Whom it May Concern:  
I would like to comment on the proposed settlement in the Microsoft antitrust case. The proposed settlement in its current form is toothless and in many ways actually rewards Microsoft for their misconduct. The trial judge and the appeals court both found that Microsoft engaged in illegal monopolistic practices. In other words, Microsoft committed criminal acts. They broke the law. For this they must be punished.

It is important to keep in mind in discussing any settlements with Microsoft that this is a company that has consistently thumbed it's nose at the US justice system. They have violated previous court orders and agreements. And every time they violate such agreements, they use evasive legalistic tactics to avoid accountability.

It is high time to make Microsoft accountable.

The ideal punishment of a monopoly is to break it up. Perhaps this idea is not politically feasible today. Baring this approach, Microsoft should be forced to pay in an amount that will actually affect their bottom line. The proposal that Microsoft pay for their crimes by giving "free" Microsoft software to schools is absolutely ridiculous. The school system is one of the few places where Microsoft's monopoly does not extend. Are we going to punish them by allowing them to extend their monopoly using shrewd marketing tactics? The software will only be "free" for five years under the current proposal. After this, schools must pay.

There is a better way.

The Department of Justice should implement the proposal made by Red Hat to provide free software to all the schools in the country. Forever. Microsoft can then use the money that would have gone to providing "free" software to provide more hardware. This is a truly winning proposal. Our schools will win by getting much more than they would have under the original settlement. The public will win through increased diversity and competition in the world of PC software.

Microsoft will not win under Red Hat's proposal, though. They will actually have to pay much more because the free software they would be giving to schools would actually cost them nothing. And they will not be able to extend their monopoly into yet another sector. But since Microsoft is the criminal in this proceeding, it is fitting that they be punished.

Thank you for your attention.

Sincerely,  
Robert MacGrogan  
406 Milledge Ave., SE  
Atlanta, GA 30312  
404-524-4593

**MTC-00003229**

From: Gerald Recktenwald  
To: Microsoft ATR  
Date: 12/7/01 12:55pm  
Subject: Microsoft Settlement

I am strongly opposed to the current version of the "Proposed Final Judgement" in the Microsoft case. In particular, the definitions in Section III(J)(2) and Section III(D) that allow Microsoft to exclude not-for-profit organizations for access to their source code.

**MICROSOFT MUST BE FORCED TO PUBLISH ITS SOURCE CODE FOR ANY PRODUCT THAT INTERACTS WITH THE INTERNET.** Specifically, any product that uses IP services must be available for inspection by anyone.

Microsoft is plenty clever (and devious) enough to find ways to keep some of its code secret. That's fine with me, but they should not be allowed to subvert the open protocols that run the internet.

Gerald Recktenwald  
(503) 725-4296 voice (503) 725-8255  
FAX  
gerry@me.pdx.edu  
http://www.me.pdx.edu/~gerry  
PSU Mechanical Engineering, PO Box 751,  
Portland, OR 97207-0751

**MTC-00003230**

From: harold thomas  
To: Microsoft ATR  
Date: 12/7/01 1:04pm  
Subject: MicroSoft View  
Concerning the Microsoft Suit:  
My View for the DOJ:

—If it "aint broken don't fix it". Leave Microsoft and other companies alone. You destroy any vestige of American entrepreneurial spirit. The US is about to become a second class industrial nation in the World and you will make us a fourth class with your decisions.

—Stay out of making decision on high-technology. You are clueless.

—FOCUS on criminals, drug dealers and murderers. You have botched so much of these events up from Wako to Ruby Ridge you need to get these situations fixed correctly. Stay with the fundamentals. That's one register voter's view who pays the bill for your past misdirection with Microsoft.

Regards,  
Harold Thomas  
Glen Carbon, Illinois

**MTC-00003231**

From: don roh  
To: Microsoft ATR  
Date: 12/7/01 6:13am  
Subject: ridiculous

Its sad that the government is so easily fooled by this business giant. Giving Microsoft to underprivileged kids is a gift, not a penalty. Apple has been doing it for years as a marketing strategy. How about giving free open source software which actually teaches kids about computers and forcing Microsoft to pay actual monies to the people they have put out of business. Or at least pay monies, not software, to the education system. In five years Microsoft will be bankrupting the schools IT department when its free licensing expires!!

Don Roh  
systems engineer  
Rohs Inc.

**MTC-00003232**

From: M Ewing  
To: Microsoft ATR  
Date: 12/7/01 1:06pm  
Subject: Microsoft Settlement

To the Department of Justice:  
I would like to point out the great importance of the eventual Microsoft Settlement to higher education, as well as to the general public interest. As I understand the current focus, the settlement mainly addresses the rights of Microsoft's competitors. It is possible that the choices available to higher education and the public will actually be—reduced—under the current Settlement, because critical information will be withheld from developers of Open Source software. Open Source as an alternative to Microsoft products is particularly important in higher education.

Many of Microsoft's major "competitors" are in the Open Software arena, which provides such products as the Apache web server, SAMBA file sharing, and the Linux operating system. The volunteer groups that provide this software are critically dependent on access to the Microsoft APIs and other information that may be provided under this Settlement.

In order to serve the public interest and to redress Microsoft's violations of law, I believe the Settlement should require Microsoft not only to disclose APIs and related information to "qualified" competitor firms, but to disclose them to the public at large. This is the only way that the needs of the open software community can be fairly addressed.

Thank you for your consideration.  
Martin Ewing  
Director of Information Technology  
Faculty of Engineering, Yale University  
203-432-4321 203-432-9042 (fax)

<http://www.eng.yale.edu/it/>  
CC:MSE

**MTC-00003233**

From: Burk Braun  
To: Microsoft ATR  
Date: 12/7/01 1:08pm  
Subject: Microsoft Settlement

Dear Justice department,  
I am writing to comment on the pending Microsoft antitrust settlement. Please see <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> for some related, though more articulate, thoughts. I am not sure what the "Justice" department has been thinking, but several aspects of the proposed deal fail completely to penalize Microsoft for the predatory behavior they have exhibited in squelching innovation in the computer industry. And for the small part of which they have now, been convicted in court.

(1) 1 Billion dollar program for schools. You realize, of course, that 1 billion dollars is literally a drop in the 36 Billion dollar bucket that is Microsoft's cash reserves. They will use their remaining money to crush other companies in the same or other industries. For instance, witness the X-box program. They lose money on every box sold, and doubtless on every game as well. Does anyone raise an eyebrow? Apparently not, except that this is a classic case of abuse of a monopoly gained in an entirely different industry. I believe at least half of their cash reserves should be sent directly to the government without any further strings attached.

(2) 1 Billion dollar program for schools. The way the program is structured now, Microsoft will contribute software and hardware to schools, further crushing competitors who already sell computer systems to schools and wedding schools to the Microsoft suite of programs and operating systems. This would be disastrous for Apple, among others. Again, the suggested remedy should be in terms of money alone, not products on which they already have a monopoly or wish to gain one.

(3) Shielding of for-profit companies only. From what I read (see web site above), the settlement subjects Microsoft to certain controls over its software businesses, but only in regard to protecting its for-profit competitors. Microsoft has many not-for-profit competitors which should be likewise protected for the greater good of the industry and the general welfare. The web is mostly open-source at this point and it would benefit everyone to keep it that way. Additionally, many competitors no longer exist, such as Netscape as an independent company they were crushed by Microsoft through its ability to take money from its monopoly in other software to offer a competing product entirely for free. This strangled the innovation that was just gaining ground at Netscape and elsewhere to essentially make the web into the computer's operating system. It was this innovation that Microsoft feared, rightly or wrongly, and moved to destroy.

Burk Braun  
37 Hillcrest Drive, San Rafael, CA 94901

**MTC-00003234**

From: Tower, Peter

To: Microsoft ATR  
Date: 12/7/01 1:05pm  
Subject: citizen views

I would like to be able to express my viewpoint about the proposed settlement of the MS anti-trust action. How do I do so, please?

**MTC-00003235**

From: hab  
To: Microsoft ATR  
Date: 12/7/01 1:55pm  
Subject: Microsoft Settlement

Dear Sir,  
The proposed settlement with Microsoft seems criminal to me. Competition is a foundation of our economic system. Nothing in your proposal encourages competition to the almost Total Microsoft Monopoly. It still remains almost impossible to obtain Preloaded software other than Microsoft from Major Vendors. Most hardware Manufacturers only provide drivers for Microsoft systems and will not even provide the required technical information to allow independent development of the drivers. While this is not a direct Microsoft action, it is the result of the Microsoft anti-competitive actions due to their Monopoly. Please provide us with some real relief from this Monopoly. Not just publicity. Yes, Microsoft has some value but competition has even a greater long term value. We need to encourage innovation not stifle it with an anticompetitive Monopoly.

Hubert Bahr  
hab@hbahr.org  
probably an ex-republican over this issue.

**MTC-00003236**

From: Dave Blinder  
To: Microsoft ATR  
Date: 12/7/01 1:18pm  
Subject: Microsoft extending its reach

I believe that Microsoft's offer to present or donate their software to runs counter to the desired goal of the DOJ and the suit's intent.

In a scholastic environment, children are taught to use computers and software to enhance their learning experience and possibly better enable them to find employment as adults. This is a noble gesture by Microsoft but is unfortunately too self fulfilling and contrived. These children will help extend the Microsoft reach by placing them as many other into a computer user jail where they will become ?Microsoft Centric? and only consider the very computer hardware they work on as an extension of the software it runs, Microsoft.

Giving schools Microsoft product will only result in the furthering of their monopoly. Instead, I suggest they donate the hardware to the schools allowing the schools to load what ever they wish to teach on the systems. Yes, they should donate some software too but there should be a fair mix where kids can have classes that focus on open source and enterprise applications for more advanced students.

Thank you for listening,  
Dave Blinder  
Light Speed Internet Associates  
Dana Point, CA 92629

**MTC-00003237**

From: Trent A. Naumann  
To: Microsoft ATR

Date: 12/7/01 1:26pm  
Subject: Microsoft Windows Is In Control  
My opinion:

There is no operating system option for personal computers other than Windows. Until they are forced to unbundle all of the applications they include with Windows AND make their applications available on other operating systems will the users have a choice. Currently, if I use other office (spreadsheet, word processor, database etc) applications such as Lotus, Star Office etc, then my information exchange with people/colonies is handicapped if they use Microsoft products. Every new release of Microsoft products changes just enough to make the other competing product incompatible. It doesn't have to be that way but it sure works for Microsoft. Please help us to protect this very important resource....Please.

Trent A. Naumann

**MTC-00003238**

From: Derek Hover  
To: Microsoft ATR  
Date: 12/7/01 1:20pm  
Subject: Microsoft settlement

The settlement is a pathetic joke. How can we have any confidence in your department????

**MTC-00003239**

From: Jason Osgood  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 1:31pm  
Subject: Microsoft Settlement  
Madams/Sirs:

As you know, Microsoft was found guilty of violating antitrust laws. They've also demonstrated their lawlessness by flaunting the previous consent decree.

As an injured party, I insist that Microsoft be punished in some way commiserate with their crime. Some ideas:

- Radical "casectomy".
  - Reimburse registered customers.
  - Divestment (e.g. MSN, Expedia, all hardware, Xbox, etc.)
  - Apply new accounting rules for employee stock options.
- Thank you for your time.  
Cheers, Jason Osgood  
Seattle WA

**MTC-00003240**

From: Lynn Yuan  
To: Microsoft ATR  
Date: 12/7/01 1:33pm  
Subject: Did the govt. flake out on us?

To whom it may concern,  
This latest deal with Microsoft is a joke, kind of like the impeachment process of President Clinton. As any business person would know having Microsoft provide it's own product and USED computers is no real punishment at all.

The cost to Microsoft giving away its software is about 10 cents per disk or less. In addition Microsoft is getting free advertising—money it would need to spend anyway.

Corporations upgrade their equipment all the time, used computers are worth very little. Microsoft should provide new computers as a punishment. Personally I would rather get \$10 from Microsoft rather

than see a great advertising campaign for Bill Gates (Microsoft) as a punishment.

As a citizen I am sad to see our government so flaky or should I say betray the people of United States.

Lynn Yuan

**MTC-00003241**

From: Saul and Sharai  
To: Microsoft ATR  
Date: 12/7/01 1:38pm  
Subject: Microsoft Settlement  
To Whom It May Concern,

I would like to register my distaste for the Microsoft settlement.

I admit that I am no fan of Microsoft but it seems that even those who are completely unbiased should be shocked by what the settlement will (and will not) accomplish. Microsoft was found guilty. No one can dispute that fact. Instead of being punished, though, they are being rewarded by being forced to install their software into schools, thus ensuring that future generations will grow up knowing (and buying) only their products.

Another issue surrounding the settlement I find distasteful is the reference by the judge to the September 11 attack. The implication was that a light sentence was rushed through in order to help get the country's economy back on track. The message, then, is that it's okay to break the law if your company is big enough to have a noticeable effect on the US economy.

I have been in the software industry for over fifteen years and I have seen the negative effect that Microsoft's monopolistic practices have had on companies that have tried to compete (and many that haven't even been competitors).

I would not be surprised if the Microsoft executives and lawyers are laughing at what they could get away with. They may be ruthless and monopolistic, but they are not stupid. They will take this settlement as a sign that the Department of Justice is unwilling to stand in their way because their illegal practices provide jobs and taxes. Is this the position of the government and the Department of Justice?

Sincerely,  
Saul Perkes  
spsp@seanet.com  
P.O. Box 6971  
Bellevue, WA 98008  
CC:spsp@seanet.com@inetgw

**MTC-00003242**

From: Paul C. Daugherty  
To: Microsoft ATR  
Date: 12/7/01 1:43pm  
Subject: Settlement is Inadequate  
DOJ:

The proposed settlement with Microsoft does nothing to break up the illegal monopoly, does not punish Microsoft for its illegal actions, and does little to prevent further use of illegal monopoly power.

1. To prevent further use of monopoly power, Microsoft should be forced to reveal the code and APIs to software application developers during initial testing, not during final testing as proposed. By allowing MS to keep the Windows code secret until the 11th hour, the Justice Department is giving

Microsoft's own application developers a jump start on the competition.

2. To both punish MS and prevent further user of monopoly power, MS should be broken into 3 separate companies: 1- an OS company, 2- an application company, 3- an internet/entertainment company. The boards of all three companies should have no common members for at least 10 years. For at least 10 years, the three companies should be disallowed from entering into any exclusive business relationship not available to competitors.

3. All future version of Windows should be stripped down to the OS component only. No bundling of any applications should allowed. By allowing continued bundling, the justice department is letting Microsoft shut out smaller competitors.

4. The MS End User License Agreement on server products should be revised to eliminate Client Application Licenses for connections to the server. MS uses these CALs to reap revenue when a competitor's product connects to a MS server.

Paul C. Daugherty

**MTC-00003243**

From: Akavar Dylutra  
To: Microsoft ATR  
Date: 12/7/01 1:40pm  
Subject: Microsoft settlement

Please register my vehement dislike of the currently proposed settlement of the Microsoft case. As a professional in a very large IT department and a home PC user, I have used Microsoft products for years. Microsoft has a monopoly. They do not use that monopoly for anything else other than the intended benefit of Microsoft. Their continuous and blatant disregard for the needs of the customer are only put in abeyance when the customer is so upset with Microsoft that it threatens their ability to pick the customer's pocket again.

Several of these behaviours are their disregard of the need for security built into their products until the public relations became so bad that customers were actively seeking non-Microsoft solutions, and the constant upgrade treadmill that they cause by releasing minimally improved products (unless we count the bundled web browser, imaging, and other software aimed at running their competition out of the business) and the suspension of support for anything but the most recent products.

My solution: make Microsoft a regulated public utility with a guaranteed profit (like the old AT&T). This will allow them to make reasonable ROI as opposed to the obscene ROI to which they have become accustomed. Also, this will allow for a public oversight that would hopefully protect the customer from regular pocket pickings.

Akavar Dylutra  
CC:bob@cringely.com@inetgw

**MTC-00003244**

From: shipwright@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/7/01 1:41pm  
Subject: Microsoft Settlement.

Dear Ms. Hesse:  
Please amend the Final Judgment to include in the definition of "businesses that

Microsoft must play nice with" language which includes entities which develop and maintain Open Source software. Examples of these which are not protected under the present terms are Linux and BSD organizations, the Samba organization and the Apache organization. Although these are examples of large market share products there are many smaller and less well known products and organizations whose products rely in part on their interoperability with Operating Systems.

Thank you for your consideration. —  
Greg Brennan  
Shipwright Consulting Corp.  
www.shipwright.net  
shipwright@firstva.com (540)948-6955  
Member:Usenix System Administrators Guild  
(http://www.usenix.org/sage)

**MTC-00003245**

From: Jerry50hom@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 1:47pm  
Subject: Microsoft case

Renata Hesse, trial attorney,  
Antitrust Division, U.S. Dept. of Justice  
I picked this up off the internet.

Supposedly you are asking for public input. In my opinion this thing should be over and done with. I think it is a travesty and has added to the problems with the market in general. Reminds me of the breakup of AT&T. All it did was hurt people. Now all those baby bells are scrambling to consolidate.

Leave MSFT alone. The market environment has changed and the competition is there. MHO.

Jerry Lewis

**MTC-00003246**

From: Jade Rubick  
To: Microsoft ATR  
Date: 12/7/01 1:55pm  
Subject: Antitrust agreement?

I'm writing in response to the so-called settlement of the antitrust suit with Microsoft.

I frankly cannot believe that the Department of Justice is even considering Microsoft's offer of educational "grants". I think Microsoft's offer is self-serving and only extends their hegemony further. I'm generally in agreement with Apple or Red Hat's solutions: either have Microsoft provide the money, no strings attached, or have them purchase the hardware and let Red Hat provide the operating system for education. This reminds me the burglar who falls through the skylight and sues for damages. With Microsoft's offer, they come out better than ever, despite the fact that the suit was ruled \*against\* them.

Jade Rubick  
Director of Technology  
Integrated Bakery Resources  
jader@bread.com

**MTC-00003247**

From: pheonix1t  
To: Microsoft ATR  
Date: 12/7/01 1:53pm

I do not feel that Microsoft is getting any punishment at all! how much money has microsoft given to the present white house administration?? the change of tone from this

white house admin. concerning the punishment of microsoft is substantial. They aren't getting punishment at all!

The deal with providing schools with MS products is a scam, that only helps MS to grow their monopoly. I only wonder how much did Microsoft "contribute" to the Bush administration to get such a light punishment.....

**MTC-00003248**

From: Tony F.  
To: Microsoft ATR  
Date: 12/7/01 2:03pm  
Subject: Microsofts Antitrust

To Whom it may concern: I am a strong proponent of capitalism, however, monopolizing the market and prohibiting growth and further development is not what this country is about. Sadly, in this case, it was the consumer that allowed this to happen. Still, the Department of Justice has an opportunity to right this wrong.

Please do not let Microsoft's greed, backed by large amounts of money, sway the Department of Justice.

Thanks,  
Tony Farrell  
1063 Plantation Blvd.  
Conyers, GA 30094  
770 760-7595

**MTC-00003249**

From: Phill  
To: Microsoft ATR  
Date: 12/7/01 2:04pm  
Subject: Monopolies

I would like to voice my unease at the possibility of Microsoft being allowed to continue with attempts to remove my choice in operating systems and associated software. Most businesses which have customer care as a business principle regard competition as healthy and of benefit to the market. Microsoft appear to attempt to stifle competition so that customers have no choice. The concept that introducing MS products to schools for free is stunning in its arrogance, disregard for competition and the assumption that free equipment and products is a valid means to gain advertising and future customers under the pretence of social support. Software users, like bank customers, rarely change service supplier and, when they do, it's usually with great trauma. Feeding children with MS products is a guarantee that the competition will be effectively excluded.

Phillip Birch, UK

**MTC-00003250**

From: Kyes, Kerry G  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 2:05pm  
Subject: microsoft settlement

I am quite unhappy about the Microsoft settlement. This is an aggressive and openly monopolistic company that has destroyed much of the competitive environment within the micro software industry. The settlement does little to nothing to prevent their continued action in that respect in the future, and in fact, their current product releases put them right back into the same old mode of monopolistic operation. If the government settles with Microsoft without forcing a separation of the company into system and

applications areas, there will have been nothing gained whatsoever. This business area could have been broadly based and successful. It still might regain that status, but it is currently an industry in trouble. Please provide us with the relief we had been expecting from all this ongoing legal action. I ask you as a career programmer since the 1960's who has seen Microsoft put 2 of my business endeavors in the trash with their monopolistic actions over the years. Little people like me have no one to protect our interests if you do not take action to save this industry from corporations like Microsoft.

**MTC-00003251**

From: Bryan Foli  
To: Microsoft ATR  
Date: 12/7/01 3:11pm  
Subject: microsoft settlement

This settlement is a joke. It helps Microsoft. How much Microsoft stock do you own? Microsoft should be broken up. Simple. They have broken the law, and continue to thumb their noses at the DOJ.

Bryan Foli  
Monticello High School

**MTC-00003252**

From: Richard Sawey  
To: Microsoft ATR  
Date: 12/7/01 2:17pm  
Subject: Microsoft Settlement

The remedies in the Proposed Final Judgment of the Microsoft case may have the unfortunate effect of harming the growing open source development movement.

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, ..."

There are many open source projects such as SAMBA that use Microsoft calls. The unmodified settlement would appear to give Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." Again I find the definitions specify commercial concerns only. Many open source projects require integration with Microsoft's products, this agreement as written will hamper these projects which in turn will reduce the availability of viable alternatives to Microsoft's expensive products. Since Microsoft have been actually found guilty it would be unfortunate if the Judgment ended up crippling one of Microsoft's competitors and inadvertently gave Microsoft a key competitive advantage. Under this deal, isn't the government shut out too? NASA, the national laboratories, the military, the National Institute of Standards and Technology—apparently even the Department of Justice itself—have no rights! Surely this is not what you intended.

Kind Regards

Richard Sawey

**MTC-00003253**

From: Peter Skye  
To: Microsoft ATR  
Date: 12/7/01 2:22pm  
Subject: comment against the proposed Microsoft settlement

To:  
Renata Hesse  
Trial Attorney, Antitrust Division  
U.S. Department of Justice  
Dear Ms. Hesse,

I wish to comment on the proposed Microsoft settlement. Justice is, in part, a "finalizing" of a situation based on its facts and merits so that all parties may move on. By "finalizing" the Microsoft antitrust case in a way that essentially does not penalize Microsoft for its gross illegal actions, you do not allow the non-Microsoft parties to move on. Instead, this settlement allows Microsoft to keep its ill-gotten gains, which include in part market share, consumer capital, and a technological position based not on their own creative development but the constraint of the creative developments of others. Moreover, this settlement creates an untenable situation where Microsoft may now continue its ill-gotten market position and require every computer user in every U.S. state to send tribute in the form of royalties to Microsoft for years to come.

This settlement does nothing to improve competition; instead, it promotes the Microsoft monopoly. A number of my friends and business acquaintances invested considerable money and portions of their careers in non-Windows computer software believing that there would truly be competition. And their vision made sense; in America we look around and see healthy competition wherever our eyes fall—different car manufacturers and gasoline brands, different cans of soup and boxes of cereal at the grocer, different universities at which to study, different cellular telephone companies, the list goes on and on. Yet this proposed Microsoft settlement negates what we have in America, negates the choice brought by healthy competition, negates the underlying democratic concept of freedom.

I am against the proposed Microsoft settlement. It is unhealthy for America, it is unhealthy for technology, and it is an unhealthy position to be taken by the U.S. Department of Justice.

Sincerely,  
Peter Skye

**MTC-00003254**

From: Stan Toporek  
To: Microsoft ATR  
Date: 12/7/01 2:22pm  
Subject: Injustice In Microsoft case

To Whom it may concern,  
"The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices." AT&T was broke up, Standard Oil was broke up, and it has been US government policy to break up companies that hold monopolies. Microsoft has been termed a monopoly and should be broken up. Microsoft also feels that they are above the

law and can buy their way out of breaking the laws of the United States of America. No company should be able to violate the laws of the US and get away with it just because they can keep having lawyers come up with excuses that do not even address the wrong doing of the company.

Justice needs to be served and the un-American monopoly of Microsoft needs to end. We have no choice as consumers on what operating systems we can run and what web browsers we can use. Microsoft always manages to fix its software so other company's software stops working. This needs to end.

Thank you for your time,  
Stan Toporek  
5815 Windham Dr  
Raleigh, NC 27609  
stant@nc.rr.com

**MTC-00003255**

From: Ted Ferragut  
To: Microsoft ATR  
Date: 12/7/01 2:25pm  
Subject: Microsoft

I sometimes feel I have no alternatives. I just bought a laptop for my office and was so linked to Microsoft Operating Systems and software. My laptop vendor told me they had NO choice in selling me anything but Microsoft products packaged the way Microsoft said they would be packaged. As soon as I buy the laptop, I then have to spend another \$250 dollars on software to run on their new system, software that could have either been included in the original buy at a much lower cost. I have HAD to buy Microsoft products, buy their technical services (if you call it that), and really do not feel that I have any choices whatsoever. Take what they give in all aspects.

You know in politics, I get choice between parties. In computers, no such thing.

I really wish you had put the consumer ahead of you ideologies about government intervention. Your grandkids will have to tear down this monopoly.

Ted Ferragut, PE  
TDC Partners  
417 S. St. Asaph St.  
Alexandria, VA 22314  
703-836-1671—Phone  
703-995-4699—Fax  
202-744-4175—Cell  
866-475-3126—Toll Free  
tferragut@tdcpartners.com

**MTC-00003256**

From: Michael Wang  
To: Microsoft ATR  
Date: 12/7/01 2:23pm  
Subject: Microsoft Settlement

The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against “competing” commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to

the rest of the commercial portion of the industry.

But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: “...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...”

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section 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 (IHWs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

**MTC-00003257**

From: root@wt6.usdoj.gov@inetgw  
To: Microsoft ATR  
Date: 12/7/01 2:27pm  
Subject: MicroJunk decision

You should have split the Windoze OS into a separate company so that all Applications developers have a chance to receive the APIs at the same time they're given to the rest of Microsoft.

Twas plain as the nose on your face, tsk tsk.

Jim Steichen

**MTC-00003258**

From: Chris Best  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 2:29pm  
Subject: Antitrust Settlement

I must say, with all due respect, that the settlement in its current form is a joke. In it are no penalties for Microsoft's previous behavior, and no real method for preventing any future illegal actions.

The settlement is full of loopholes easily exploitable by Microsoft's legal department. An excellent example is the provision that allows Microsoft to offer versions of Windows with their integrated software at a discounted rate. The settlement is supposed to ban them from charging extra for copies of Windows lacking the integrated components (an excellent idea), but by allowing them to discount versions of Windows carrying the extra components, they can effectively accomplish the same goal of denying competitors entry into the market. They can simply market Windows with integration at a significantly lower cost!

After reading over the language of the proposed settlement, I am made to wonder whether this is truly a settlement that was reached between the DOJ and Microsoft, or if Microsoft simply wrote a settlement and the DOJ agreed to it.

The break-up order should be upheld. That is the only way to allow fair competition in the software industry.

Chris Best  
PC Specialist  
Lafayette Consolidated Government  
Information Services  
(W) (337) 291-7027  
(H) (337) 837-9594  
(W) cbest@lafayettegov.com

**MTC-00003259**

From: Richard Levitt  
To: Microsoft ATR  
Date: 12/7/01 2:31pm

One of the fundamental aims of competition law is to assist free competition by preventing the abuse of monopoly power.

Is there any doubt that Microsoft enjoys monopoly power? Has there ever been a clearer example of a business that has not only abused its monopoly power but done so with such complete and sustained contempt for the law and those charged with enforcing it? Is there any doubt that free competition and all who would benefit from it have suffered harm as a result? It is astonishing what Microsoft has been allowed to get away with by the US competition authorities and the US courts. I hope that the European competition authorities are able to deal with Microsoft more effectively.

R

**MTC-00003260**

From: thing  
To: Microsoft ATR  
Date: 12/7/01 10:52am  
Subject: microsoft case

Dear Sirs,

I am greatly disappointed in the poor deal you have negotiated with Microsoft.

MS has proved repeatedly that it will not honour the principle of any agreements it is

forced to make but get round them using technicalities and gray areas while meeting the exact wording is specific enough to tie its business down. This means we are likely to see little change in MS's monopoly and its strangulation of the IT industry based on your deal with in the US.

The EU might just put something in place that has a positive effect, I live in hope.

regards,  
Steven Jones

**MTC-00003261**

From: Chris Cambron  
To: Microsoft ATR  
Date: 12/7/01 2:36pm  
Subject: Microsoft Settlement

I would like to voice my opposition to the current proposed settlement with Microsoft. The current settlement with Microsoft is far too soft on a company that, through its monopoly and unethical practices, has put a damper on innovation in the industry.

While there are many parts of the agreement that trouble me, the most troubling are the donations to schools and the efforts on Microsoft's behalf to undermine legitimate open source companies and products.

By allowing Microsoft to donate software and equipment to schools—which costs them next to nothing—the government is just extending Microsoft's monopoly to an area that Microsoft does not currently control.

I am also concerned about Sections III(J)(2) and III(D) which seem to take legitimate vendors who operate under a different business model out of the game as far as requiring Microsoft's to release documentation, APIs, etc. is concerned.

Overall, this settlement does little to punish Microsoft and will be as ineffective as the previous consent decree in curbing Microsoft's illegal and damaging behavior.

Thank You  
Chris Cambron  
Digital Design  
Ph ..... 281.335.7622  
Cell.....713.553.3467  
Web .....http://www.insync.net/cambron

**MTC-00003262**

From: William Lewis  
To: Microsoft ATR  
Date: 12/7/01 2:44pm  
Subject: Anti-trust settlement

To whom this my concern, I believe the proposed anti-trust settlement with Microsoft is a farce. It will create a stronger monopoly by seeding the poorest communities with Microsoft products and thus advertising the Microsoft way of doing business. It is nothing more than a bribe. Microsoft's poorly concealed Software Business Alliance demonstrates Microsoft's intent by massive media efforts to intimidate businesses into using Microsoft products. Their presumption is that every business uses Microsoft products. So they have the right to threaten everyone with a software audit. Maybe they should read our constitution. So rather than give in to the software terrorists, consider:

1) Exclude Microsoft from new areas of conquest that would extend their monopoly. For instance the manufacture of hardware such as game boxes and settop boxes.

2) Exclude Microsoft from areas that could become competitors to the PC. For example

games for game boxes, game boxes, television/cable services, and set-top boxes.

3) Force Microsoft to divest MSN.

Otherwise let them keep their 90% market share.

Best regards,  
Bill Lewis

**MTC-00003263**

From: Jim Moresi  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 3:07pm  
Subject: Settlement Proposal

This settlement only serves to extend Microsoft's market dominance into education, which has historically been Apple Computer's major area of market penetration. The suggested remedy would both weaken a competitor, and serve to prop up Microsoft in the long run.

The proposal suggested by Red Hat is a good one, as it would promote the use of Open Source software among young people, and would extend the base of Linux knowledge in schools and among educators. The major advantages to this approach is that Linux makes good use of both new and older hardware, and there are no renewal licenses coming due down the road. There are now excellent word processors, spreadsheets, graphical presentation and database applications available for the Linux operating system. Plus, many excellent computer languages and development environments to train budding computer scientists.

So, restrict Microsoft to supplying the hardware. Open up the schools to Open Source software, beginning with the Linux operating system. .

Jim Moresi  
Project Manager  
Thinque Systems  
4130 Cahuenga Ave., Suite 128  
Universal City, CA 91602  
Phone (818) 755-5173  
Fax (818) 752-1355

**MTC-00003264**

From: Roy Mitchell  
To: Microsoft ATR  
Date: 12/7/01 2:57pm  
Subject: Microsoft Settlement

...“The DOJ is collecting your letters about the settlement via email. We encourage you to share your opinions. send your letters to: microsoft.atr@usdoj.gov”....

Greetings,

I think that this ruling only helps to set precedence for noncompetitive and unethical conduct among a group of corporations that already have little or no accountability for their actions. Unfortunately, Lincoln warned us about corporations before his assassination and our founding fathers built a mechanism for disenfranchising corporations when they did not act ethically and fairly in the marketplace. This action only goes to show that Lincoln, Washington, Jefferson and others were right, now soulless corporations run America with no regard for the best interests of America as a driving ambition. Have Americans now accepted the unethical cut-throat philosophies of big business as acceptable behavior? I guess this proves the point rather poignantly. God help us all.

Respectfully,  
Roy A. Mitchell  
615 Winter St. NE  
Salem, OR 97301  
503-566-8354

**MTC-00003265**

From: Amos Satterlee  
To: Microsoft ATR  
Date: 12/7/01 3:38pm  
Subject: Microsoft Settlement  
Greetings:

I am opposed to the current draft of the settlement with Microsoft because it in no way addresses the predatory monopolistic practices of the company. In fact, the settlement, by not punishing Microsoft, gives a seal of approval for these practices.

That being said, specific provisions of the settlement need to be revised. In summary:

1. Those organizations that MUST be allowed access to resources MUST include bona fide development organizations, such as those organizations that are developing Apache, Samba, etc.

2. The 3-person panel empowered to monitor Microsoft MUST have the final determination of what entities are allowed access.

In a little more detail:

1. Microsoft is correct when it states that the standards of anti-trust review are different for the computer industry than for industrial industries. Most of the true innovations in computers have come from outside of the commercial sphere. To limit the judgement to the commercial sphere ignores a major sector over which Microsoft uses its monopolistic powers and ignores a significant sphere of competition to Microsoft. The obvious current competitor base is the open-source linux community. However, the limiting of compliance to only commercial also closes the door to future initiatives, which would could be crippling to our economic progress. The intent is not to make Microsoft respond to every Tom, Dick, and Harry. The intent is to empower those innovative organizations that have a legitimate and compelling need to the details of the Microsoft code.

2. Microsoft has been rightly judged to have used predatory practices. As the settlement is currently written, Microsoft is the final arbiter of the standards for certifying the authenticity and viability of a competitor's business. This only keeps the door open for further abuse by Microsoft because there is no third-party oversight. If there is no oversight, then there is no remedy. Cooloquially, the fox still guards the chicken house. The 3-person panel must have the power to make final determination of these issues, and the panel must be presumed to be acting properly. That means that if Microsoft disagrees with a determination, then (a) Microsoft must bear the burden of proof and (b) must comply pending a ruling to the contrary.

Amos Satterlee

**MTC-00003266**

From: Mark Leinwander  
To: Microsoft ATR  
Date: 12/7/01 3:02pm  
Subject: Microsoft Settlement

What does donating PCs to schools have to do with monopolistic practices by Microsoft? Is this a token slap on the hand and then let them go there monopolistic ways? I'm a staunch support of the Republican party but feel betrayed by Ashcroft/Bush in letting Microsoft off the hook here. Having the OS bundled with all of the apps from the same company is bad for the consumer, no matter who the company is. The only solution is to separate the OS from the Apps side of the business. Then, some real competition can occur which will be better for the consumer and small businessman.

Mark Leinwander, mpleinwa@pacbell.net  
Mark Leinwander  
341 Prewett Drive  
Folsom, CA 95630  
(916) 983-0433

**MTC-00003267**

From: LouisRomero  
To: Microsoft ATR  
Date: 12/7/01 3:12pm  
Subject: Microsoft Settlement

I think that it is an atrocity that Microsoft has been given such Carte Blanche with the business world. I have a perfect example of how the government should handle the Microsoft monopoly which still exists and will continue until the government steps in and kills this evil pig. Look back into history and you will see that in the 50's and 60's Paramount Pictures and a few other large movie makers owned over 90% of all local movie theaters; this meant that "all" producers had to go through the big picture companies before they could make a film that would be given a chance to succeed.

Microsoft is doing the same thing. Any commercial software that succeeds must do so with the blessing of Microsoft. Why? Because Microsoft, even moreso that the studios of the 50's and 60's own's most platforms. Just as the local movie theater was to the big movie makers, so is the Operating system to the software writers. Microsoft does not want to work with the software industry, they want to "be" the software industry.

Please stop this type of corporate behavior that Microsoft has been able to get away with for at least 3 decades now.

**MTC-00003268**

From: Forrest DeYoung  
To: Microsoft ATR  
Date: 12/7/01 3:18pm  
Subject: Settlement should not put more monopolist software in publicly subsidized schools

I think the primary punishment would be that the computer consumer should receive rebates for years of overpriced and underperforming Microsoft related software. Perhaps a \$200 per consumer rebate, if one can produce a receipt for any prior microsoft operating system and \$50 per windows related application.

If a socialistic approach is involved, I agree with Redhat's proposal (as only PARTIAL PUNISHMENT to Microsoft for years of corrupt, anti-competitive, anti-innovation monopolist business practices:

—Microsoft redirects the value of their proposed software donation to the

purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

—Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

—Red Hat will provide online support for the software through the Red Hat Network.

—Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

—MY ADDENDUM to Redhat's suggestion: No Microsoft logos or advertizing of any kind should be permitted—i.e. Microsoft should be prevented from taking credit for helping others—this is supposed to be PUNISHMENT!

Forrest DeYoung

**MTC-00003269**

From: Scott Gaber  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 3:26pm

I don't see how Microsoft has done anything wrong. If other people want different software then why don't they invent there own. Do something constructive by going after real criminals.

Thank you,  
Scott Gaber

**MTC-00003270**

From: Sue Montgomery  
To: Microsoft ATR  
Date: 12/7/01 3:32pm  
Subject: give me a break please

I want my OS richer, not poorer. Tell these clown "attorneys" that if they would talk to end users, such as myself, who have no time, no time whatsoever, and neither do we have the training or the likelihood for training, to "create" an enriched OS/apps package from the bare bones they want to stick us with...

An analogy for me is, they don't want any included options on cars so a person purchasing a car has to go to a bunch of aftermarket providers to get the additional products they desire. Of course, each aftermarket provider with have some problem with other items added and insist on either redoing the whole thing at addition huge charges or not doing it at all. Who's stuck here? The consumer, as usual—I don't care if Sun Microsystems is a bunch of whiny pretenders miffed because they aren't Bill Gates.

Clearly the "attorneys" have no clue what the product does. I use MS s/w to make a living and I like it richer, fuller, more compatible and I cannot do that myself. Tell them to get over it, really get over it, find a new industry to mutilate, and leave the s/w users alone. Stronger letter to follow...

Sue Montgomery

Seattle (and that has nothing to do with the fact that MS is here—I own piddly little of their stock and don't know any of the fat cats)

**MTC-00003271**

From: Terry McCoy  
To: Microsoft ATR  
Date: 12/7/01 3:39pm  
Subject: Mircosoft antitrust settlement

I am writing to voice my concern that the propose settlement of the antitrust against Mircosoft is grossly unfair. This company signed a previous agreement with the DOJ in the early 90's under the Clinton administration to refrain from continued monopolistic business practices. I believe that there is very if any proof that they were ever in compliance with. Hence I do not see how this settlement will stop them in the future given the facethat this settlement amounts to a slight TAP ON THE WRIST at best.

**MTC-00003272**

From: Powers, John  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 3:43pm  
Subject: Microsoft Settlement

I believe the proposed DOJ settlement with Microsoft represents a brazen and shameless betrayal of the public interest.

Particularly onerous and revealing is the proposal that part of Microsoft's 'punishment' will be to 'donate' software to public schools who could not afford to otherwise purchase it. This is like telling Microsoft it's punishment for illegal behavior which netted it a market monopoly and countless billions of dollars is to print and distribute play money. It will also serve to continue its monopoly by locking yet another user base into its product monopoly at a tender age. A more suitable punishment would be to require Microsoft to purchase a competitor's products and install them in these schools.

DOJ attorneys are either gutless idiots, or have been bought and paid for by Microsoft's political donations. This so-called settlement is a transparent sham, and yet another indication of the extent to which our core political institutions have been infected by the insidious rot of political bribery masquerading under the guise of 'political contributions'.

I am disgusted and ashamed of this legal farce which amounts to nothing more than a license to continue business as usual by one of the most vicious and amoral corporations on earth.

John S. Powers

**MTC-00003273**

From: Keith Nolen  
To: Microsoft ATR  
Date: 12/7/01 3:45pm  
Subject: Microsoft settlement

To whom it may concern,

As a consumer and a computer professional, I am very unhappy with the proposed settlements of the Microsoft anti-trust case. Both settlements are insufficient punishment for Microsoft's behavior. I know that, as both a consumer and a computer professional, I have been harmed by Microsoft's behavior. I can give two examples.

My main line of work is currently with Lotus products. Due to Microsoft leveraging its operating system monopoly to distribute its inferior Internet-related products, I have fewer career opportunities than I might otherwise.

As a consumer, I am practically forced to use Microsoft's e-mail clients. I believe that Microsoft should be fined very heavily, on the order of \$1 million or more, for their behavior.

Keith Nolen  
Knowledge Productions  
keith@knproductions.com

**MTC-00003274**

From: Eric Hake  
To: Microsoft ATR  
Date: 12/7/01 3:48pm  
Subject: Microsoft Settlement

Greetings!

I, a fellow businessman in the computer market, have been following the Microsoft case for quite some time. I was disappointed by the settlement proposal which I too feel would allow Microsoft to dominate in yet another market, which has allowed free choice up to this point. Although I agree that a monetary settlement should be levied against them, I would rather see the schools be given the choice to purchase the systems they choose, rather than having Microsoft software, and remanufactured computers given instead.

It is only with the imposition of monetary fines, and the free will of the schools to decide where to spend it, that justice will truly be served in this matter.

Please do not allow Microsoft to flood the educational system with Microsoft products! Open it up to other manufacturers such as Apple Computer, Inc., and Red Hat software, etc.

Thank you for your consideration,  
Eric W. Hake  
CEO  
Interactive Marketing Solutions, Inc.  
3309 NW Walnut Blvd.  
Corvallis, OR 97330  
(541) 752-7866

**MTC-00003275**

From: Dave Kennel  
To: Microsoft ATR  
Date: 12/7/01 3:55pm  
Subject: Microsoft Anti Trust settlement—  
NO!

Dear Sirs,

Let me state, in the strongest possible terms, the proposed "settlement" with Microsoft is more surrender than punishment. It does virtually nothing to punish their past abuse of monopoly power nor does it prevent future abuse. In fact it seems to legitimize Microsoft's behavior! The fact is that Microsoft was easily convicted of abuse of monopoly power even though not all of the evidence that could have been used was presented. Microsoft has, and will continue to, run roughshod over consumers of all sizes from the corporate entity to the home PC user. Despite Microsoft's marketing they do not provide superior value or superior technology. In many respects Microsoft's products are overpriced and very shoddy.

Microsoft currently has 90% of the PC OS market and 85% of the web browser market. The past year has seen unprecedented virus outbreaks that exploited flaws in Microsoft products. These virus outbreaks cost US businesses millions of dollars every year. What will the economic impact be of a major virus outbreak when Microsoft runs on 85% or more of enterprise servers as well?

Microsoft must be forced to sell Windows licenses to any OEM who asks at the same price. They must be forced to remove Internet Explorer from the OS. OEMs must have the ability to install the programs and icons that they wish on the windows desktop. Microsoft must be forced to spin off the MS Office group into an independent business venture. Microsoft must be forced to obey software and hardware standards. Instead of the anti competitive mantra of "embrace and extend" Microsoft must be put into a position where their mantra becomes "better, faster, cheaper."

The DOJ has the conviction, please make sure that it is accompanied by real reforms.

David Kennel  
Database/Network Administrator  
Wilcox Press Inc.

**MTC-00003276**

From: Ted Hopp  
To: Microsoft ATR  
Date: 12/7/01 3:49pm  
Subject: Objection to Microsoft settlement

To the Department of Justice:

The proposed DOJ settlement in the Microsoft anti-trust case is troubling. We are a small company developing Internet-based, cross-platform, educational software products, primarily using the Java language. Microsoft's hostile attitude toward Java has created severe technical difficulties for us in the past, and, frankly, we do not see the proposed settlement as providing any relief to our company in this regard. From a business perspective, we are faced with the choice of either restricting our products to Microsoft-specific platforms or incurring substantially higher development costs and barriers to our products in the marketplace.

We find it sadly ironic that, while we are reading in the news about how the DOJ/Microsoft settlement will help restore competitiveness by forcing Microsoft to disclose interfaces and publish protocols, our company is being hurt financially by recent actions Microsoft has taken regarding access to such information. Microsoft recently announced a nearly 50% increase in the cost of subscriptions to Microsoft Developer Network, our primary source of the technical information we need to maintain our cross-platform product capability. A Professional Subscription (the minimum level we need) now costs about \$1,000 per year. For a very small company such as ours, this is a significant financial burden.

Microsoft also is substantially scaling back their availability of free, on-line information through the MSDN Library. It is distressing to hear that one of the three members of the proposed technical review committee that will monitor Microsoft behavior will be appointed by Microsoft. Giving Microsoft such a powerful lobbying voice in evaluating its own behavior is hardly in the public interest.

The related proposal to have Microsoft donate Microsoft products to school systems will further harm small educational software companies such as ours. The reason is simple: schools will end up using what they are given, instead of purchasing, in the marketplace, the products that best serve their needs.

In the marketplace, our small company can develop a competitive strategy. In the "giveaway" world that is being proposed, we will clearly suffer. If Microsoft were to provide free access to technical information for developers and unencumbered dollars to schools, so that developers and schools could each make the best decisions for their own needs, then this would be reasonable. The goal is to restore a true marketplace, not to replace one set of unfair practices with another.

For these reasons, I urge you to re-evaluate the settlement terms for the Microsoft anti-trust case.

Ted Hopp  
President  
ZigZag, Inc.  
ted@zigzagworld.com

**MTC-00003277**

From: Craig W. Wright  
To: Microsoft ATR  
Date: 12/7/01 4:53pm  
Subject: Punishment for Microsoft.

Hi,

The punishment for Microsoft's monopolistic behavior should be to require a Linux port of their Office Suite. (i.e. make Microsoft Office run under Linux).

Thank you,  
Craig

**MTC-00003278**

From: Steve Schwartz  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 3:48pm  
Subject: Microsoft Settlement

I believe the Federal Government & some of the States were far too lenient in the Microsoft settlement. Here is a company that thumbs its' nose at a previous agreement with the government (if observed, the current case would not have come to pass) and the government let them off the hook again. I am in favor of a stripped down Windows—one that allows easy removal of Internet Explorer and MS Mail/Outlook and one that does not impose rigorous registration requirements—when you purchase a license the product is yours to use as you want in any legal way—it should not allow MS to monitor your usage unless you specifically want it to.

Thank you,  
Steven R. Schwartz  
email: steven.r.schwartz@att.net  
CC: 'steven.r.schwartz(a)att.net'

**MTC-00003279**

From: mel fisher  
To: Microsoft ATR  
Date: 12/7/01 3:56pm  
Subject: Settlement Opinion DOJ:

Hi! I am a contractor who use Microsoft products but at the same time feel that Microsoft continually makes its own rules due to its market share and dominance.

They force vendors to include their products (windows and Internet Explorer) or

loose the risk of being able to sell their other products.

They force other vendors out of business by buying up market share or funding some vendors competition. And lastly if this is not enough they dont cooperate most of the time on open standards or if they do they put just enough proprietary features into their version of a standard that it does not work with others.

The bottom line: A little cooperation from Microsoft would go along way to make the industry and technology work better.

Thanks!  
Mel Fisher

#### MTC-00003280

From: Christophero Markus  
To: Microsoft ATR  
Date: 12/7/01 3:57pm

Simply put, I use Microsoft and Linux and NEED there to not only be a choice out there for me—but I need to know that the choices are top quality worksmanship.

If there is no choice, I am more likely than not going to end up with low-end quality work and have to live with it.

Microsoft was made as a “lowest-common denominator” product. Bill quickly realized this mistake and took his OS to new levels—for Corporate ownership only! This proves where his intents were—not with providing high-quality products for home users.

Chris R.  
506-444-5901 (w)  
MSN Community:  
<http://communities.msn.ca/>  
ChrisKellyKleaRichardson  
(you have to have an MSN (hotmail) account/passport and be invited!)

#### MTC-00003281

From: Vince White  
To: Microsoft ATR  
Date: 12/7/01 4:07pm  
Subject: Comments on Microsoft Case

Dear Sirs,

I am stunned and disgusted by reports that the Justice Department would allow Microsoft to “donate” 1 Billion dollars worth of software to poor schools as a remedy for their anti-trust conviction. What idiot came up with that proposal? I am sure that Apple Computer, like myself, is not happy with this arrangement. How in the world does flooding the only market not completely dominated by Microsoft with free Microsoft products help anybody but Microsoft?

In addition, will these donations be calculated using retail values or cost values? If the calculation is done using retail values of Microsoft software, in effect Microsoft will suffer a penalty of only a few million dollars. I, for one, am supporting all Attorney's General that oppose the settlement. It stinks to high heaven. I guess it is just another example of political influence buying.

Regards,  
Vince White

#### MTC-00003282

From: Joel Emery  
To: Microsoft ATR  
Date: 12/7/01 4:03pm  
Subject: Suggestions for the Microsoft Settlement

Dear Department of Justice:

I just read in the news about RedHat's proposal to have Microsoft give hardware instead of software to school districts. This sounds like a really good idea. Anyone in technology knows that hardware is much more valuable than the software that runs on it. It would also enable the schools to choose better hardware, and more of it. Also, students should be learning how to use free software. New businesses, and some long-established businesses are taking stock of the savings that can be realized by not purchasing costly software.

Thanks.  
Joel Emery, ARCHIBUS, Inc.

#### MTC-00003283

From: Steven Behrens  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 4:08pm  
Subject: disgusted

I would like to put just a few comments together for the Justice Dept. I believe that in the past and certainly in the future, there will be dominating companies that strive for the best for everyone. Certainly, that will bring about anti-trust actions to stay ahead in the future. Microsoft has become a dominant player in computers and are trying to become a player in video games. If they become the dominant maker of video games in a year are you going to break up that division on MS and tell it to become a separate company? The Gov't wants people to become better than why pay for farmers to leave crops empty? Why support failing industry's like Tobacco? Let the control be a democracy and let The Free Market dominant and let the USA become a better and stronger country for it!

Thanks,  
Steve Behrens  
MeritCare Interface Support  
phone—234-3351  
pager—877-296-3741

#### MTC-00003284

From: John Jacobs  
To: Microsoft ATR  
Date: 12/7/01 4:16pm  
Subject: My opinion on the Microsoft Settlement...

I have been a computer programmer for about 6 years. I have formed an opinion on Microsoft: In my opinion, that Microsoft unfairly monopolizes the market for home-based operating systems is OBVIOUS. But in case it isn't, here's why I believe it: Machines are sold with Microsoft OS's already installed, including Outlook and Internet Explorer; installation/upgrade of Internet Explorer arrogantly defaults your home (start) page to the microsoft web site;

Microsoft's email client, outlook, is also installed with Internet Explorer;

Internet Explorer uses the same system DLLs as the File Explorer (this means that if you try to uninstall Internet Explorer, you may have to reinstall your entire operating system, so entrenched is Internet Explorer in the Windows OS's);

Microsoft is just patching up formerly bad operating systems and getting them to market yearly (windows 2000 was based on NT, 98 was based on 95, which was loosely based on Windows 3.11);

Microsoft has consistently stolen ideas from other, more innovative companies, notably Apple, Netscape, and AOL (even though it may be legal, this establishes Microsoft's bad character). It continues to do this to this very day, stealing Java as J++, and confusing the whole world with what Java, Javascript, and J++ are, just in case you might go in wanting Java and leave, confused, with J++.

That's the hardest evidence for why I dislike Microsoft and would like to see it broken up. The rest of the reasons I dislike Microsoft are just feelings that I have, and I don't have any hard evidence to back these up:

I get the feeling when using Microsoft products that Microsoft knows 'better' than you. There is an arrogant and insulting tincture to applications like Word.

As far as developer applications, I never get the feeling that I'm using a quality product on an efficient operating system. I wonder if allowing for competition within the operating system market might make products better. And I don't mean a little better, I mean a LOT better.

I'd like to see it broken up, true, but I don't believe in litigation. All solutions are in education. If people are made aware of Microsoft's blatant attempt to monopolize the industry; if people are exposed to quality in other operating systems, etc., they will choose non-Microsoft products out of natural choice. Companies such as Apple, Sun, and Netscape, etc. need to be forming partnerships that give them a better competitive edge against Microsoft.

#### MTC-00003286

From: 73417.2023@compuserve.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 4:18pm  
Subject: Microsoft Concerns

To whom it may concern:

I am concerned about this Microsoft monopoly issue. I happen to not like the way that Microsoft does business either and I think they are spoiling computer technology for everyone. Being a self employed mechanical drafting engineer/consultant, who uses computers to do CAD/CAM type of work, I find Microsoft Windows Operating System highly overrated as far as reliability is concerned. I just made a switch from AutoCAD to Bentley MicroStation 95 and VariCAD Professional Computer Assisted Drafting software for the Linux Operating System. The reason for doing this is Autodesk, Inc., who makes AutoCAD, is too blinded by Microsoft's billion dollar empire hype to even think about any other Operating System besides Microsoft. Although Autodesk, Inc. has already developed AutoCAD Release 12 and 13 for the UNIX platforms, which is nearly identical to the Linux Operating System, they resist spending the money to port it to the Linux Operating System. I am unwilling to spend money on purchasing either Microsoft Windows NT, 2000 or XP Operating System(s) to use AutoCAD because it is just unreliable.

What is good about a computer operating system if it crashes 95% of the time. I cannot work like this and there is no good reason for it, other than sloppy programming by

Microsoft. As you may already know, Linux (pronounced with a short i, as in LIN-nucks) is a clone of the I/NIX Operating System, which runs on the Intel 80386, 80486 and Pentium series based computers as well as Sun and several other RISC based computers. Linux supports a wide range of software, from internet web servers to super graphics xwindows applications, such as satellite tracking to simple fun games. Linux is fully equip with several software development compilers, such as the GNU C/C++, Fortran, Perl, lisp, assembler and a lot more compiler programming languages. Linux includes TCP/IP network protocol support and lots more. It's a versatile, bona fide achievement of the UNIX Operating System, which has been freely distributed for many years now by the terms of the GNU, General Public License.

The Linux Operating System can turn a 386, 486 or Pentium series based PC into high-performance true 32-bit multitasking, multithreading, multiuser, reliable workstation. It will give the user the full power of UNIX at their finger tips. Businesses have been installing Linux on entire networks of machines as an alternative to the Windows NT, 2000 or XP operating system(s) to manage financial and hospital records, a distributed user computing environment, telecommunications, internet web servers and much more. Universities worldwide are using Linux for teaching courses on operation systems programming and design, not to mention computer enthusiasts everywhere are using Linux at home, for programming, productivity and entertainment.

Linux recently has gone on the commercial software market to compete with Microsoft Operating System products. Commercial software developers, such as Netscape Communications, Applix, Corel WordPerfect, Bentley Systems, VariCAD and many others are starting to support Linux. However, Linux still needs more recognition to have more commercial software developers and vendors support it.

The Linux Operating System is quite possibly the most important achievement of innovative software since the PC was invented. Currently Linux has a lot more to offer than Microsoft Windows 95, 98, NT, 2000, XP or even industrial UNIX has. Linux now supports multimedia and real-time video over the internet.

However, I find it extremely idiotic that such poorly structured, unstable, over rated Operating System, such as Microsoft Windows 95, 98, NT, 2000, and now XP is so well approved by the industry as stable to use for important tasks. Yet these Operating Systems are being accepted as an industrial standard Operating System for just about nearly all computers in the world. These Operating Systems have more crashes than Stirling Moss when he was sober. :) I cannot believe that businesses, who rely on computers to perform complex tasks, such as CAD/CAM, controlling nuclear reactors, medical research, human life support, etc., are heavily putting extreme trust in such unreliable computer Operatin9 Systems. Yet, I have noticed that people who do not know any better, make vast claim that "Microsoft

Windows NT, 2000 and now XP completes with UNIX/Linux and will soon replace them." I find this claim off the wall and I wonder about people who support it. OK maybe UNIX/Linux X Windows environment does not pop on your computer monitor with a background of a green landscape, blue sky and white puffy clouds with all cute icons on it to click on at will. No big deal. It can be done with Linux too if the user wants it. However, that is not what a well designed, well structured, organized and reliable Operating System is all about. An Operating System is like the foundation of a multi-story building. If the foundation is not designed and built right, then it will not support the buildin9 for long and it will just come crashing down. It seems like Microsoft does not know about sound structure at all, not to mention network security. Instead, their attitude is they just want to have something to entice customers to keep spending money on Windows, whether it works or not. So what if there is broken glass because the foundation and all the rest of the building structure is not sound. Microsoft will make the customer pay for telling them how to sweep it up and buy a new revision of Windows again and again. This is exactly how Microsoft makes it's profits, not because Windows is a fantastic Operating System. The bugs in the structure makes Microsoft that much richer because they have to sell new versions to customers who do not know any better and this beat goes on. This is what puts Microsoft at the top and most people joined the ride unknowing what was going on.

Linux on the other hand is a good example of innovative people teaming up on the internet and showing the world what really can be accomplished with computers with a well designed, well structured, organized, and reliable Operating System. Linux out performs anything that Microsoft has ever marketed or is marketing right now. It makes the most of 386, 486 and Pentium line based PCs with a minimum of 32 to 64 Megabytes of RAM, 2 Gigabytes of hard disk space, and just about any type of graphics card available for the PC. It does a lot less swapping to the hard disk than any of the Microsoft Windows Operating Systems. Linux handles memory much more efficiently, allowing programs to run faster, without crashing and corrupting data. As I mentioned before, the Linux Operating System provides a true 32-bit multitasking, multithreading, multiuser Operating System environment that is stable, crash resistant and built to run continuously to serve it's users. The Linux Operating System includes just about everything to set up a super network server less the hardware. As a workstation Operating System environment, it's excellent! I have worked on a \$53,000 HP-UX based 700 Series solid modeler workstation, which was not as fast as my Pentium 100 MHz box running RedHat Linux 7.1 with 2.4 kernel. So anyone who is using Linux, has a super Operating System worth at least \$8,000. I praise software companies, such as Bentley Systems, Netscape Communications, Applix, Corel WordPerfect, Quarterdeck and others for being open minded and willing to take a chance on supporting the Linux Operating System.

I hope to see more software companies interested in the Linux Operating System and porting and developing new applications for it. This is the only way we are going to gain some ground from Microsoft and make the Linux Operating System even more popular.

However, it is not normal for software to have so many problems as Microsoft Windows for so many versions. One would think that a wealthy software company, such as Microsoft, would develop better software with time, which does not crash so much. However, Microsoft has not shown that in all their versions of Windows since they came out with Microsoft Windows Version 1.00. The truth is that Linux or UNIX is not 100% perfect, but what is? There is really no such thing as perfect bug free software. However, at least Linux runs reliable without crashing in a blink of an eye and offers better performance for little expense. The point is, why do computer users spend \$79—\$87 for either Microsoft Windows 95 or 98 and \$259—\$599 for either Microsoft Windows NT, 2000 or XP and have all problems installing them and once they are installed, they continuously crash? If I spend \$270 on an Operating System, I expect it to work with few problems. Also, why should I pay through the nose to get technical support to find out; oh, I'll need to buy a supplemental version or this is a feature that I'll have to live with, which is really a bug. If Microsoft was committed to writing better software products, I would have more respect for Microsoft. Unfortunately, their only interest is making fast Mega bucks and conning the computer world that their software is the only brand customers should buy. We all should have the freedom of using a specific software package and Operating System without being restricted to market greed. I had my fill of throwing away my hard earned money on Microsoft junk. There is little gained, just to be frustrated when it crashes while I'm working on a complex drawing and having hours of my hard work go poof into no-where. This is where I would like to reboot Bill Gates for every dollar he has snookered out of people who helped to make his bank account swell. I do not envy him and when he goes on TV to be interviewed and says; "Oh, we take great interest in our customer's needs." If Microsoft was the only choice, I might have to stop using computers, I get so annoyed with his double talk. I know for sure that he does not give a damn about improving his products. He is making more money with the bugs in his products than the actual products. Go do the math. If each of his customers is paying \$2.00 a minute for technical support, which fully explains why he has billions. It's a grand con game.

Sincerely,  
David A. Smith  
Electronic Aides Design, Co.  
email: 73417.2023@compuserve.com  
From: David Smith  
<73417.2023@compuserve.com>  
To: sates@autocode.com,  
73417.2023@compuserve.com  
Subject: AutoCode Mechanical (c)1994 for AutoCAD 12 DOS.  
Date: Sat, 02 Jun 2001 19:54:09 0400  
Gentlemen:  
I have a demonstration of AUTO-CODE for AutoCAD 12 for DOS and I would like to

register it to enable it as a complete version. I use AutoCAD Release 12 for DOS solely, even though I have AutoCAD Release 13.

Please allow me to tell me a little about myself. I am an engineer and I have a very small business, called Electronic Aides Design, that I own and run in my two car garage. I primarily design special equipment for physically handicapped people. I happen to be physically handicapped myself. I am the president and main design engineer of this small company but I make very little of a cash profit. I guess you could call this a full time hobby than a business. Anyway, I am in the middle of retrofitting a small 2 horse power 2.5 axis manually operated bench top milling machine to a full functional CNC milling machine. I would like to use your AUTO-CODE software, if I may, with my existing AutoCAD Release 12 for DOS software with this CNC milling machine, which uses industry standard G code language. I would like to know if I can still purchase the Authorization code string for this version of AUTO-CODE? This is my own legal registered AutoCAD Release 12 for DOS that I want to use AUTO-CODE with and I intent to respect your copyright agreement by not giving this software away to anyone with the Authorization code string. However, the \$995 [US Dollars] for the first module is a little steep for my small budget, and I was wondering if I could ask you if you would be so kind to reduce the price by at least 50% since it's out dated software by today's standards. I would agree with you that I am not expecting you to in title me upgrade benefits to the current version, except for bug fixes to the DOS AutoCAD version of AUTO-CODE software. This would mean a lot to me if you would agree to this request.

Thank you very much for your help.

Sincerely,

David A. Smith

Electronic Aides Design Co.

72 Delmore Ave.

Berkeley Heights, NJ 07922-1200

Phone/Fax: (908) 464-2097

Email: 73417.2023@compuserve.com

From: "David R. Gibson"

<david@autocode.com>

To: 73417.2023@compuserve.com

Subject: NC for DOS

Date: Tue, 05 Jun 2001 12:12:56-0400

David Smith,

I am glad that you had an opportunity to look at our software and liked it.

Unfortunately we do not support R12 or R13 anymore or have any means to create an authorization code for them. Our AUTO-CODE will only run on R14 and R2000 and soon the R2002 of AutoCAD. The cost has also gone up to \$2750.00 in the last year to help offset the costs associated with the development of new technology in our software.

Good luck with retrofitting your mill and if we can be of service in the future keep us in mind.

David Gibson

From: Bill Kramer <bill@autocode.com>

To: 73417.2023@compuserve.com

CC: david@cave.net, sales@autocode.com

Subject: Re: NC for DOS

Date: Wed, 06 Jun 2001 09:23:16-0400

Greetings,

Although we understand your situation, please understand that we are also a small company. To provide support for all versions of AutoCAD would greatly increase our support costs significantly. As such, many years ago, we made the choice to only support the current version of AutoCAD plus the previous. This has enabled us to provide software for this industry as a reasonable cost, with quality support. If we provide an authorization code to you, we are obligated to support you (whether you need the support or not) by our own ethical guidelines. That would require building an AutoCAD Release 12 machine with MS-DOS. As you may also know, the selection of operating system is based on Autodesk and not us. As Autodesk went through growth phases in various operating environments we "tagged along". That means that at one time we supported Macintosh, Unix, Sun, HP, MS-DOS, and now Windows. Release 12 ran on many of those platforms and we cleared those machines out several years ago, as many were loaners from the companies involved. All that remains here presently are 32 bit Windows based machines to support the current platforms of AutoCAD. I do hope you understand our situation. In order for you to stay with MS-DOS, I suggest you look at BOBCAM as I think they still support that platform. You may be able to find some software on the web at e-Bay or in a web discussion group. It is still out there, it will just require some searching.

Sorry that we can be of no help to you at present, best wishes in your efforts.

Bill Kramer

AUTO-CODE

73417.2023@compuserve.com wrote:

Dear Mr. David Gibson,

Thank you for your reply. However, the fact that you don't support your DOS version of AUTO-CODE does not help me at all. I loath Microsoft Windows like mad. I personally think it is a lot of nonsense to go through to work with AutoCAD. I find AutoCAD for DOS much easier for me to use than the MS Windows version.

As I mentioned in my previous email message, I have a demonstration of AUTO-CODE V 2.1 10.28.94 for AutoCAD 12 for DOS and I would like to register it to enable it as a complete version. I use AutoCAD Release 12 for DOS solely, even though I have AutoCAD Release 13.

Please allow me to tell me a little about myself. I am an engineer and I have a very small business, called Electronic Aides Design, that I own and run in my two car garage. I primarily design special equipment for physically handicapped people. I happen to be physically handicapped myself. I am the president and main design engineer of this small company but I make very little of a cash profit. I guess you could call this a full time hobby than a business.

Anyway, I would like to use your AUTO-CODE DOS based software, if I may, with my existing AutoCAD Release 12 for DOS software with this CNC milling machine. I would like to purchase the Authorization code string for this version of AUTO-CODE. The check code is 503A-6700-7C86-ACM0. You must have a copy of the software that generates the Authorization code in your

company somewhere. If you don't have a computer to run this software on, then may I purchase a licensed copy for my personal use only? This is my own legal registered AutoCAD Release 12 for DOS that I want to use AUTO-CODE with and I intent to respect your copyright agreement by not giving this software away to anyone with the Authorization code string. I do not want the new Windows version even if I could afford to pay you \$2750.00. I can't use the Windows version and > I don't need a sales pitch to tell me how much better off I'll be with the > Windows version. I know what I need and I have it already. If you want \$1000 for a copy of the Authorization Code Software, I would consider it.

Again, this would mean a lot to me if you would agree to this request.

Thank you very much for your help.

Sincerely,

David A. Smith

Electronic Aides Design Co.

72 Delmore Ave.

Berkeley Heights, NJ 07922-1200

Phone/Fax: (908) 464-2097

Email: 73417.2023@compuserve.com <http://www.autocode.com>—AutoCAD CAM and utilities <http://www.cadcruise.com>

—AutoCAD Education at Sea <http://www.eclipse-chasers.com>—Eclipses of the Sun and Moon

**MTC-00003287**

From: John (038) Donna

To: Microsoft ATR

Date: 12/7/01 4:16pm

Subject: JUST A THOUGHT

THANK YOU FOR THIS RESPONSE.

HAVING OWNED A COMPUTER STORE, I FEEL I CAN ADD QUALIFIED OBJECTIVE STATEMENTS.

1. SCHOOLS ARE HAVING TO SPEND ALOT OF MONEY REPLACING HARDWARE AS WELL AS SOFTWARE BECAUSE OF A DELIBERATE ATTEMPT TO "OUTDATE" ! ! IT DOESN'T HAVE TO BE ALL NEW VERSIONS OF SOFTWARE SHOULD BE TRULY BACKWARDS COMPATIBLE AND ALSO TECH SUPPORT SHOULD BE CONTINUED FOR THAT SOFTWARE FOR ATLEAST 5 YEARS REGARDLESS.

2. OPERATING SYSTEMS SHOULD BE (& CAN BE) LIMITED TO COMING OUT ONLY EVERY 5 YEARS ALSO SO A STUDENT GETTING OUT OF SCHOOL WILL ONLY BE ABOUT ONE VERSION BEHIND WHEN HE GOES OUT IN INDUSTRY.

3: PROGRAM SIZES SHOULD BE CAPPED SO THAT WE DON'T FILL UP THE LANDFILLS AS FAST WITH OLD PARTS.

4. Hard ware suppliers should be REQUIRED to take back old boards to help keep the acids, resins, and metals out of the landfills.

5. last YES, THE WHOLE IDEA OF AN OPERATING SYSTEM IS TO ALLOW OTHERS ACCESS TO THAT CODE WHICH WILL ENCOURAGE MORE COMPANIES TO GROW AND DEVELOPE NEW SOFTWARE. THIS HAS TO BE A RESTRAINT OF TRADE AND NO DOUBT A MONOPOLY WHEN ALL "PACKAGED TOGETHER" AND ONLY IF YOU PLAY BALL DOES YOUR DRIVERS GET INCLUDED.

6. YOU CAN'T EVEN SEE IT YET BUT WITH THE SAME MAN OWNING THE

MAIN TWO OPERATING SYSTEMS. NO ONE EVEN CARES. THE WAY YOU HAVE ALLOWED APPLE TO WORK. EITHER WAY YOU GO BILL GATES OR HIS FRIENDS WIN !!! TO ALLOW FREE INTERPRISE TO GROW IN THE COMPUTER INDUSTRY LIKE IT DID YEARS AGO—MICROSOFT MUST BE DIVIDED.

RESPECTFULLY

JOHN LARSON

FT. GIBSON, OKLA. 74434

I KNOW IT'S A TOUGH DECISION BUT IT TRULY IS A PLAY ME NOW OR REALLY PAY ME LATER.

J.L.

**MTC-00003288**

From: Michael Hartman

To: Microsoft ATR

Date: 12/7/01 4:20pm

Subject: Microsoft Settlement

I would like to express my dislike of the proposed settlement. There are 2 specific points that I believe undermine the punishment of Microsoft for violating the anti-trust laws. Forcing Microsoft to give its operating system software to schools for free would further enhance its stronghold on the Operating System and office tools markets. Microsoft would be guaranteed to get hundreds and even thousands of new users trained on their software. Microsoft was found guilty of using all its power to stomp out any competition that threatened it. This form of punishment seems to be helping Microsoft further its dominance in the market. This punishment is just as bad as the crime that was committed. It will be guaranteeing Microsoft gets the market share instead of allowing for a fair playing field for any competition.

I am also concerned by the text in Section III(D) as well as Section III(J)(2). One of the biggest and most viable competition to Microsoft's market share has come from the Open Source community. The Open Source community is, by definition, a not-for-profit entity. Section III(D) forces Microsoft to release "the APIs and related Documentation that are used by Microsoft Middleware to inter-operate with a Windows Operating System Product" to "ISVs, IHVs, IAPs, ICPs, and OEMs". It is not forced to release any of this information to any "not-commercial" organizations. This basically gives Microsoft legal grounds to snuff out any and all open source competition. Microsoft has been found guilty of using illegal means to stomp out any competition. Is there any doubt that they will use these new legal means to do so also? How are these sections making the playing field fair for competitors?

Michael Hartman

928 Waverly Hills Ct

Lawrenceville, GA 30044

**MTC-00003289**

From: Brian Covey

To: Microsoft ATR

Date: 12/7/01 4:26pm

Subject: Microsoft Settlement.

So, we have an illegal monopoly that gained undue influence over the marketplace by tying products together and essentially giving their browser away for free.

And to punish them, we're going to ask them to... Give a billion dollars' worth of their products away to schools, for free?

What is wrong here?

First of all, profit margins on software are insanely high. That billion dollars worth of software is not going to cost them a billion dollars. I bet you it doesn't even cost them a hundred million. Development is a sunk cost, so they're just paying for manufacturing and shipping. Second of all, this is just going to tie schools more tightly to Microsoft, making it even harder for competitors to stay in the marketplace. Make them give away a billion dollars to schools, and let the schools make the spending decisions, not just hand out a billion in free marketing materials.

Sincerely,  
Brian Covey

**MTC-00003290**

From: WFB

To: Microsoft ATR

Date: 12/7/01 4:21pm

Subject: Microsoft Case

Please, Please stop the Microsoft monopoly. This is my third computer in which I have been using Netscape as my browser. My local server, and my system's manufacturer, Gateway, have now informed me that they will not longer offer support or service under my service contract, if I continue to use Netscape.

Please, Please, stop this monopolistic take over by Microsoft. Their influence and their money makes everyone vulnerable in their path.

William F. Buckley  
buckbs@gulftel.com  
(251) 948-5936

**MTC-00003291**

From: BudVal@aol.com@inetgw

To: Microsoft ATR

Date: 12/7/01 4:28pm

Subject: Pro-Microsoft Settlement

As a consumer I have found that Microsoft's products have benefitted me. I also use lots of other products without any trouble. I endorse the settlement plan.

Joe Valentine  
Consultant  
Nonprofit Management  
Tel. 415-454-8182  
Fax 415-256-8108  
budval@aol.com

**MTC-00003292**

From: Ron Morris

To: Microsoft ATR

Date: 12/7/01 4:34pm

Subject: Red Hat proposal

I think that the Red Hat proposal is the best solution to the situation and that Microsoft should accept it. If Microsoft doesn't accept the offer voluntarily, they should be ordered to by the DOJ as a condition of the final decision.

**MTC-00003293**

From: Bill Kopacz

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/7/01 4:38pm

Subject: Microsoft case

Let the free market work. Let the public decide if they want the product, not the businesses. If the business disagrees, then the

need to form a coalition and provide a product that meets the competition and the 4-P's of marketing. Listed below are the four P's of marketing

\*Product

\*Price

\*Place

\*Promotion

Keep the states and government out.

**MTC-00003294**

From: Tom Lingenfelter

To: Microsoft ATR

Date: 12/7/01 4:42pm

Subject: Microsoft settlement

Forcing Microsoft to give a billion dollars worth (retail price) of software to poor schools is like forcing a tobacco company to place cigarettes in every soldiers daily rations.

**MTC-00003295**

From: Pamela Drago

To: 'microsoft.atr(a)usdoj.gov'

Date: 12/7/01 4:44pm

Subject: Hello,

Hello,

Just an interesting bit I noticed in a prior USA Today article regarding Microsoft's request for the EU to accept the conditions of the US antitrust settlement: "Microsoft warned (the EU) against what it called a "sweeping remedy" that it said would enable its largest rivals—such as IBM and Sun Microsystems Inc.—to develop nearly identical "clone" software at relatively little expense." Excuse my naivete, but wouldn't it be in the best interest of consumers to HAVE CHOICES of similar software at competing prices?

Looking at the history of Microsoft, a good number of their software products and systems were based on ideas developed by other companies (eg. Apple, IBM) and then produced by Microsoft for a lower cost to consumers due to their financial abilities to mass-produce. The opportunity for the tables to turn is now here, and Microsoft is decrying the very process that allowed it to become the powerhouse it is today. Competition is necessary for a strong economy and for consumer satisfaction. If Microsoft products are truly the "best" for the customer (rather than just the only ubiquitous choice out there), then they will maintain their stronghold in the industry. However, if consumers find that products from competitors offer greater programming options and overall product stability, then so be it. Either way, it should be up to the consumer to decide-not the company who has the most to lose.

On final note, Microsoft tends to speak on behalf of the consumer quite a bit, stating that we (the consumer) would be "hurt" by the potential consequences of this case. That's like my state senator saying that the residents of Washington state would suffer greatly if she took a pay cut.

Thanks for listening.

Sincerely,

Pamela Drago

Seattle, WA

**MTC-00003296**

From: Maniace Vincent—vmania

To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 4:45pm  
Subject: Settlement issues

I work for a technology company that uses UNIX and MS operating systems. They (Microsoft) were found guilty of having a monopoly and are basically getting away with it. Microsoft will only benefit by opening up there operating systems allowing other partners to develop applications for their operating system. It just means their business will adjust accordingly.

**MTC-00003297**

From: Marian Honsinger  
To: Microsoft ATR  
Date: 12/7/01 5:03pm  
Subject: Microsoft case

Yes! Please see that MS makes simpler programs. It hardly seems fair for the richest man in the world to make money on such crappy software. Having worked with programmers since the 80's, I suspect that MS creators are trying to outdo each other with new bells and whistles that ordinary people don't need. I don't need the whole Office suite, but I have to buy it to get the ones I use. The bells and whistles can't be tested adequately before customers use them.

I am experiencing more and more cases where MS software writes over what I'm doing. When I installed a second Email address for my winter/summer homes, an Outlook Express glitch caused both addresses to overwrite each other. This was verified by my provider's customer service. I even have to re-install Windows 98. MS also interrupted my new home page to ask if I want X service installed. It also creates more icons with "special offers" on my desktop if I install something new. My "Picture It!" software has a bug that has no solution on the MS web site.

**MTC-00003298**

From: Heath Jared  
To: Microsoft ATR  
Date: 12/7/01 4:47pm  
Subject: Microsoft Settlement

To whom it may concern:  
After reviewing the settlement between the Department of Justice and Microsoft, I am disappointed that a company found to be in violation of abusing its monopoly is actually only slapped on the hand (at best) by the deal. There is no substantial penalty for Microsoft that it cannot weather, and that in itself makes the settlement a laughingstock in the industry (you guys need to read some of the tech journals since this was released). I haven't heard anyone in my software company who thinks Microsoft will suffer any penalty from the deal, and most feel the company should face grave penalties. You really can't be serious, an over-sight committee which can't do anything in the legal system? Can you really believe Microsoft will adhere to this committee when it has no (zero, nada) power?

Actually, I have heard it described as a "get-out-of-jail-free card". I would interpret something such as that as a reward, not a penalty. People will say it is good for the economy. How can this be? Microsoft has already eliminated sectors of its software competition, and is well on its way to

eliminating the rest of its competition. Once no one stands in their way, who is to stop them from cranking up the cost of their services? Microsoft will certainly not fear the government when it choses to exploit everyone: You, the DOJ are in Bill's back pocket already.

Today, we have a big problem in parenting—threats not backed up with action, oftentimes ending up in reward. This leads to children who do not respect authority because their parents never punished them for these mis-doings. I am reminded of a recent visit to a local Toy's 'R Us here in Dallas. A child was waiting at the top of his lungs because his mother would not buy him a specific toy. His mother threatened him several times with spankings, even grounding, but the child never let up. Finally, rather than deal with the child the way she should have, she gave in and bought the child the toy. Rather than punishing him for what he had done wrong, he actually received a reward for mis-behaving!! My mother would have torn me up, right there in the store.

Now, your weak settlement has setup another controversial settlement at the civil level which is yet again not a penalty for Microsoft, but a free-ticket out of trouble and into more Monopoly. I have played the game "Monopoly" many, many times. No one has ever agreed to give me "Boardwalk" in place of "St. James Place", but here we have settlement after settlement where Microsoft is getting an un-believable deal. Had you dealt out a settlement that was reasonable, this would never have happened, and a certain Judicial Committee hearing would not be happening either.

It appears this practice has been adopted by you, the Justice Department in relation to Microsoft. No enforcement of threats. Rewards for those who deserve punishment. Please, let me know when you decide to start rewarding people for breaking laws that apply to me, like the speed limit...I'm willing to negotiate my reward just like Microsoft did....out of court PS-Take a close look at what the strong-willed states presented today...I suspect after Congress and the Court system gets done with Microsoft, the final outcome will be very similar to this new more realistic punishment for a mis-behaving child (Microsoft).

Sincerely,  
Jared Heath

**MTC-00003299**

From: Lamaan Whyte  
To: Microsoft ATR  
Date: 12/8/01 7:49am  
Subject: Microsoft  
Hi,

Can I stick my two cents in regarding the Microsoft cases? I'm a business consultant advising people with home-based Internet businesses. My clients are all over the world—mainly in the USA, but also from many other countries. For these people, the ideal operating system is either Windows 95 or Windows 98—both of which have been abandoned by Microsoft, and both of which need to be returned onto the market.

At issue is this: home-based Internet businesses are the fastest growing sector of

the business world in terms of numbers, rising from almost zero ten years ago to very many millions today. Nobody knows exactly how many there are, but my estimate is around 20–50 million now, and maybe 200–500 million within a few years.

To really flourish, this business sector needs single, simple operating system that accepts java (including javascript). Win9x is ideal. It has the most software, including all the relevant tools; it is well understood by the technical people who provide support; and it contains all the features needed, and none of the unwanted features that Microsoft seems to love so much. Recently, Microsoft withdrew the Win9x product range, with the result that already a market has emerged in both old (legitimate) copies of the range, and new (pirate) copies. I regard it most unsatisfactory that I am compelled to inform newcomers to the field that, if they wish to succeed in their new venture, they must seek first out a Win9x copy, pirate if necessary, because Microsoft will not sell it to them. I ask you to seek that a condition be placed upon Microsoft that they resume supply and support of either (preferably both) Win95 and Win98. I am told for networking reasons that Win NT should be included in this list, but this exceeds my expertise.

With best wishes,  
Lamaan Whyte  
Darwin Australia

**MTC-00003300**

From: Carl Friedberg  
To: Microsoft ATR  
Date: 12/7/01 4:50pm  
Subject: Proposed settlement to the Microsoft Antitrust case

Honorable Judge:

I am not a direct party to this action, but I would like to express my dismay that Microsoft has not been punished for violating the anti-trust statutes.

While I am not a lawyer, I am a user of computer products and services. Microsoft has attained dominance in this industry by using methods which have been legally judged to be anticompetitive. What punishment have they received for their actions? What is being done to keep them from doing this again, and again? Nothing has been addressed, for instance, regarding the latest onslaught from Microsoft, "dot net" and Windows XP. Both of these products continue these same practices, and nothing in the proposed settlement will curtail Microsoft's anti-competitive practices. Microsoft, in a separate action, has worked out a settlement of a large number of class action suits against it. The proposed settlement of those cases rewards Microsoft by placing their monopolistic software in many schools which might not be able to afford it otherwise, giving Microsoft yet another non-competitive foothold in a new market. In that case, I understand that RedHat Software has offered to provide free software for every school in the US, with Microsoft's \$1,000,000,000 "fine" being used strictly to purchase hardware. That's more in line with a punishment, than a reward, in my opinion.

Please, consider alternative solutions which will punish Microsoft for violating the

law, and keep them on the path of lawful action.

Sincerely yours,  
Carl Friedberg  
President & CEO  
Comet & Company  
carl@comets.com  
New York, NY

**MTC-00003301**

From: Rick Werkmeister  
To: Microsoft ATR  
Date: 12/7/01 4:51pm  
Subject: Microsoft

No one has forced everyone to rely on Microsoft products. For the competitors of Microsoft...quit trying to get the source code(s) and come up with an operating system/software packages of their own.

Rick Werkmeister  
358 S. 6th Street  
Rockport, IN 47635

**MTC-00003302**

From: mike.moxcey@att.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 4:55pm  
Subject: Microsoft Settlement

Microsoft is guilty.

Please repeat that as a mantra while you look over the proposed settlement.

Guilty people should not be rewarded for their crime.

1. Microsoft ran companies out of business so they could take over the market. We can't "punish" them by sending their software into the schools. We must correct the market. We create the market with our laws about patents and trademarks. Microsoft took advantage of that so we should take away their right to those patents and trademarks.

2. Because of the actions of Microsoft, they have very few business competitors. They would make you an offer you can't refuse. You either sold out to them or they put your product into the next version of the operating system and put you out of business. Now their only real competitor is the freeware stuff such as Apache, Perl, and Linux. These non-business entities are cut out of the proposed settlement that says Microsoft only has to share its APIs with "legitimate" businesses. Change it to M\$ must share the APIs with everyone and you just might protect the freedom required for a good market. Punish the guilty. Don't reward them.

Mike Moxcey  
Computer Specialist  
Fort Collins, Colorado, USA  
mike.moxcey@att.net

**MTC-00003303**

From: Jeff Falkenstein  
To: Microsoft ATR  
Date: 12/7/01 4:59pm  
Subject: Microsoft Case

Enough is enough. Please do not waste any more of the Taxpayers money on this issue. The government FOR THE PEOPLE should spend more time and money ON THE PEOPLE instead of going after Microsoft.

While states continue to pursue this, I feel that it is not Microsoft's fault that Dell, E Machines, Compaq, and other manufactures put Windows on their computers. The consumers should be given the right to

purchase their computer with LINUX, DOS, Windows, or whatever Operating System they choose. The computer manufacturers, however, want to SELL computers so they put the easiest operating system on them. which happens to be Windows.

We have people with health benefits being cut, people without homes living on the streets, no jobs, let's spend the money on helping those less fortunate. Again, this is a government FOR THE PEOPLE. Please help them out.

Thank you,  
Jeff Falkenstein  
Fort Myers, FL

**MTC-00003304**

From: Mullaney, Ed Q  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 5:02pm  
Subject: MS

Hey Back off...this is free enterprise. What is the idea here hold MS down long enough for a foreign product to be developed that can compete. Your time could be better spent looking into the problems with Bud Selig and MLB (Major League Baseball)

**MTC-00003305**

From: szot@nova.edu@inetgw  
To: Microsoft ATR  
Date: 12/7/01 5:02pm  
Subject: Criminals at Micro\$oft

Hi,

Please do not let the adjudicated criminals at Micro\$oft get away with their unlawful business practices any longer. Punish them severely and do not go through with the proposed settlement that merely allows them to expand into the education market under the disguise of "altruism". Anyone with more than two neurons to rub together can see what a scam that would be.

Frank Szot  
System Administrator  
Nova Southeastern University  
954-262-4934  
szot@nova.edu

**MTC-00003306**

From: Randy Spark  
To: Microsoft ATR  
Date: 12/7/01 5:03pm  
Subject: Microsoft Settlement

To whom it may concern:

I am against any settlement that Microsoft may receive that includes only organized business for profit. Include all businesses, like not for profit or non profit agencies that may have a competing product, but are software that is open source. Excluding open source from the remedies that Microsoft is charged with would be tantamount to giving them a stranglehold on the entire Internet.

I am further against any remedies that allow Microsoft to gain an unfair advantage in our public schools. Apple has long been a supporter of K-12 education and handing Microsoft an advantage into this educational arena would be a mistake. Apple and Linux should be given as much consideration, if not more, in the educational support in the remedies phase. Have Microsoft place the money into an educational trust fund that allows the schools to choose what hardware and software they would like to use. In

addition, Microsoft should have no say in how this trust is administered.

Thank you for your time and consideration,  
Randy Allan Spark  
800 Maple Avenue  
Washington PA 15301  
724-229-7490

**MTC-00003307**

From: Nicky Morrow  
To: Microsoft ATR  
Date: 12/7/01 5:08pm  
Subject: Microsoft Settlement

Dear Sir/Ma'am,

I am very very disappointed with the Microsoft settlement. Historically speaking a good argument can be made that Microsoft has been and continues to be the most damaging monopoly in the history of the United States. Microsoft has proven that it will not operate within the law and no organization on earth should know this better than your organization as Microsoft didn't even miss a step after signing previous agreements with your organization.

The job of the US Department of Justice is to enforce the Anti-trust laws. These laws were enacted for very very good reason. When these laws are not enforced something is taken away from all of us...the possibility to start and be successful in a business. Whoever made the decision to settle for an agreement that will have no effect whatsoever on Microsoft is stealing something from you and I and I don't like it at all.

Lastly, I want to know where the decision to give up came from. Was this decision from the President?

Regards,  
Nicky Morrow  
US Embassy  
morrown@fibertel.com.ar  
Buenos Aires, Argentina

**MTC-00003308**

From: Art Nickel  
To: Microsoft ATR  
Date: 12/7/01 5:20pm  
Subject: my thoughts

microsoft has used every trick it can to ensure that other developer's software either does not run or runs poorly on their less than stellar operating systems along with refusing to make the new software incompatible with older versions of the same programs, such as Word, Excel, and such. this marketing focus has:

injured other developers  
injured the public using their systems  
restricted the availability of good software solutions  
produced bad operating systems due to the focus on excluding other developers' programs.

This can only be remedied by the separation of the operating system manufacturing from the software development OR by making any operating system that runs more than 30% of the personal computers OPEN ARCHITECTURE.

Thank you  
Arthur T. Nickel

**MTC-00003309**

From: T.Barton@att.net@inetgw

To: Microsoft ATR  
Date: 12/7/01 5:20pm  
Subject: What Settlement? and why?

After all the time, energy and money wasted by DOJ, they tell us they were going to settle. Sounds fishy to me! Why doesn't Justice just admit they are gutless idiots. That's what they look like. I hope at least some of the Governors involved in this suit have the guts to finish this job that was started. Justice doesn't. If any body thinks that MSFT isn't a powerful monopoly, ask them what runs on their desk top.

**MTC-00003310**

From: Michael Samman  
To: Microsoft ATR  
Date: 12/7/01 5:22pm  
Subject: Leave Microsoft Alone

Enough is enough. In light of current national activities as well as a sinking economy perhaps it would be best to finalize this witch hunt and let Microsoft continue doing what they do best, provide the best technologies and help improve the economy.

Michael Samman

**MTC-00003311**

From: BOB DORIS  
To: Microsoft ATR  
Date: 12/7/01 5:26pm  
Subject: Microsoft

Microsoft must be stopped as it creates a never ending round of purchasing and upgrading that is tough on the average consumer.

**MTC-00003312**

From: support@axxs.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 5:29pm  
Subject: microsoft antitrust

Hi,  
In the past several years, Microsoft products have completely failed to evolve to growing security threats and are being swallowed by malicious (knowledgeable) people. On one side of the country, IIS(Internet Information Server) Servers are down from code blue or some other DoS exposure, and on the other side of the country confused people are getting hundreds of emails from someone who was using outlook and doesn't open attachments, but since they aren't going to microsoft.com everyday for their updates, they don't even have to open the attachments. Basicly, the only way to make a Microsoft consumer product secure is not to use it, and I believe this is in part because Microsoft has the consumer software market so dominated that they feel no need to provide quality product. Though this is not technically a monopoly, the consumers and the economy do not stand to benefit from it (as may have been implied). In fact, it is my belief that the only people that will benefit from this downgrade of product quality are the associates of Microsoft. I make my living providing tech support for Linux servers and I have to say that I thank god everyday that I am not providing support for Microsoft servers (I would have a lot of explaining to do).

Regards,  
Greg—Support  
#####  
/ /

|(R) (R)|  
| u |  
|—|

if you think that my signature looks stupid, it's because you're using variable width font (probably Arial if you're on Windows).

**MTC-00003313**

From: Chris Anderson  
To: Microsoft ATR  
Date: 12/7/01 5:46pm  
Subject: Who got bought?

So the punishment for microsoft is to give out copies of software to organizations (poor schools) that would normally never have bought those products and provide hardware to run those products.

The punishment is larger market share in the most fromative market? (k-12 schools)

Obviously someone was bribed, and bribed well.

Chris Anderson

**MTC-00003314**

From: Dave Alger  
To: Microsoft ATR  
Date: 12/7/01-5:42pm

Subject: Dates for submitting comments regarding the Microsoft

The web page containg the 'Information on the United States v. Microsoft Settlement' (<http://www.usdoj.gov/atr/cases/ms-settle.htm>) does not contain the start and end dates for the period of public comment. Please add them.

S,  
Dave Alger  
Phoenix, AZ

**MTC-00003315**

From: Dennis Gies  
To: Microsoft ATR  
Date: 12/7/01 5:44pm  
Subject: Microsoft Settlement.

To Whom it May Concern,

I would like to express my opinion that the settlement reached with Microsoft regarding its anti-trust violations is completely unsatisfactory. In particular, I find that the provisions excluding non-profit software vendors from having the same rights as for-profit companies are completely irresponsible, and in fact will strengthen Microsoft's position in the marketplace rather than place a check on the company's monopolistic expansion. In the past few years (perhaps even decade), Microsoft has efficiently eliminated one competitor after another using tactics which have now been deemed illegal. However, the settlement proposal gives no rights at all to those organizations which are now the primary competitors of Microsoft, specifically the Apache Foundation, the GNU project, and the organizations which develop Sendmail and Perl. Moreover, the settlement gives no rights to those individuals who consist of the primary competition to Microsoft in the O/S space, the developers of the Linux kernel and desktop applications such as KDE and GNOME.

For the Microsoft settlement to be even remotely acceptable, these groups must be given the same rights as for-profit competitors of Microsoft.

Thank you,  
Dennis Gies

dgies@vt.edu

**MTC-00003316**

From: Albert J. Polissen  
To: Microsoft ATR  
Date: 12/7/01-5:52pm  
Subject: my opinion

I believe this farce has gone on long enough. The states do not have the right to tell a company how to run their company. The only winners are the attorneys etc. The losers are people who use microsoft products. the states want to weaken the company, most articles & polls that I have seen that the majority of computer people say that the government and the states was wrong to sue MS MS has developed many improvements to PC operations, thru their R & D departments, why should they share that info to other competitors, let them spend their own money for new products. Is MS perfect, probaly not. Over all it has been a good company, they created thousands of jobs, and made a lot money for people. Weak companies don't survive. I think you get the picture.

AJP

**MTC-00003317**

From: Joseph Schlecht  
To: Microsoft ATR  
Date: 12/7/01 5:54pm  
Subject: Microsoft Settlement

I would like to submit a comment about the proposed settlement between the Federal Government and Microsoft. In accordance with the Tuney Act, I request that the following comments, and any responses received, be published in the Federal Register and filed with the court.

1. I do not believe that this settlement goes far enough to penalize Microsoft for the crimes it has committed. Microsoft is an illegal monopoly, this is a ruling by the courts of our great country.

2. As a member of the free software community, I would like to make it known that the verbage contained in the proposed settlement, like Section III(J)(2), could possibly eliminate many free software projects. The verbage used is to Microsoft's advantage, they will manipulate their ability to arbitrarily certify the authenticity and viability of a business to crush us (the free software community) like they have illegally crushed other competitors.

These are two of the largest problems I have with the proposed settlement. Let their be no doubt, if this settlement is approved, consumers will not benefit in the long-run, they will be subjected to an even more intense monopoly.

Sincerely,  
Joseph Schlecht  
Student, North Dakota State University

**MTC-00003318**

From: Randy Gaul  
To: Microsoft ATR  
Date: 12/7/01-5:57pm  
Subject: microsoft settlement

Sirs: I personally was deeply discouraged from pursuing programming as a career because of the overbearing presence and influence of Microsoft. I personally dislike the minimal nature of the settlement now

proposed and want to take this opportunity to voice my objections.

Thank You  
R. A. Gaul

**MTC-00003319**

From: John Stanforth  
To: Microsoft ATR  
Date: 12/7/01 5:58pm  
Subject: Microsoft Settlement

In case no one was paying attention, Robert Cringley has done a great job of doing your work for you, lining out the many reasons why your proposed settlement with Microsoft is a very very poor solution which only strengthens Microsoft against the Open Source world which finally has a shot of competing.

<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

If you do still go forward with your hare-brained scheme, I'd at least like to cast my ballot for Steve Satchell to be on the Microsoft Oversight Committee... He's a respected industry leader who might lend some modicum of credibility to the sham you've created supporting Microsoft. God help the states rejecting your settlement. They are apparently now our last hope for justice in America. For now, I pray for a future when government officials actually understand the technology they try to preside over.

Sincerely,  
John Stanforth  
Chief Executive Officer  
Enabled Paradigm, Inc.  
js@enabledparadigm.com

**MTC-00003320**

From: Jacek Pliszka  
To: Microsoft ATR  
Date: 12/7/01 6:05pm  
Subject: Microsoft Settlement

Hi!

I am a postdoctoral researcher at University of California.

I would like to express my view on the settlement.

It is a very good idea to force Microsoft to develop a fully-featured version of their monopolistic software (defined by example by more than 75% of the market and more than 1 million users worldwide) for 2 or 3 most popular non-MS OSes. This would mean: Linux, MacOS and probably BeOS or BSD. For me this is fully analogical to telecom market: client should have full right to use any (any of the major) long distance providers (Operating Systems) even if in his just one company has monopol for local phone service (Office suite or Internet Explorer monopol).

The second thing concerns API. In order to allow non-profit organisations to compete with Microsoft products—they should be granted the full access to MS OS API necessary for their goals. Non-profit organizations have important impact on our economy: WWW was developed this way as well as Apache (running more than 50% of internet servers).

Such rapid growth, allowing other companies to profit on different kinds of business is unthinkable if WWW protocols and API was kept secret as Microsoft does with its OS interface.

Best Regards,  
Jacek Pliszka

**MTC-00003321**

From: JayRietmul@aol.com@inetgw  
To: Microsoft ATR  
Date: 12/7/01 6:07pm

Subject: Microsoft Monopoly is Dangerous  
Please break up the Microsoft monopoly. It is unhealthy for the economic security of our country. Too little competition.

It is unhealthy for the defense of our economy to have so much of our infrastructure dependent upon one vendor.

In short, monopolies can cause our great capitalistic, democratic experiment to fail.

Jay Rietmulder  
President/CEO  
Paragon Billing, Inc.

**MTC-00003322**

From: Bob and/or Jan Thune  
To: Microsoft ATR  
Date: 12/7/01 6:07pm

Subject: Microsoft—States continuation of case.

How can anyone of sound mind penalize a company that provides unbelievable functionality, quality, and low cost (sometimes even free!). And it is American entrepreneurship at it's best.

This is big government (and political power/influence) at it's worst. Sure some people want to bring Microsoft down. ... the ones that want to bring themselves up into the same position.

As an average PC user ... I say ... this is just wrong !!!!!

Bob Thune (Lecanto, Florida)

**MTC-00003323**

From: Sanity in Anarchy  
To: Microsoft ATR  
Date: 12/7/01 6:13pm

Subject: Microsoft is a T-Rex: King Tyrant Lizard

I'll give you the short story first: Microsoft is a tyrant in the world of computers. Their strategy seems to be "Be sort-of friendly towards customers, and flatten the competition." Their software has almost no compatibility with other formats, whereas other software quite often has to be compatible with Microsoft.

In my experience, Windows is slow, unreliable, and extremely hard to program for compared to Red Hat Linux, but people are forced into writing software for Windows because that's what everybody uses. And people are forced into buying Windows because that's what everybody writes software for.

Let's take another example (and there are more than I'll take the time to write here). There are two word processors that come with Red Hat Linux 7.2. AbiWord can read Microsoft Word files and half a dozen other formats. KWord can read and create AbiWord files, Microsoft Word, and half a dozen other formats as well. I can't check any of the other formats because I'm writing this from an office full of Windows computers, but not one Linux computer. (And why? Because they have to.)

But what can Microsoft Word read? Only what it has to. It can read its own Microsoft Word format and other formats common to

Microsoft Office, Rich Text Format, normal Text and Unicode Text formats, and HTML files if that functionality is installed.

This isn't even mentioning outright illegal practices like bundling Internet Explorer and making it impossible to remove (at least, for the average user). Or stealing such things as the idea for a spreadsheet program. Oh, and by the way—where did Windows come from in the first place? It was stolen from Macintosh. Much of the source code in use today was stolen from Macintosh, but I can't verify that because Microsoft doesn't give away their code.

Yet another reason to use Linux.

**MTC-00003324**

From: William Smith  
To: Microsoft ATR  
Date: 12/7/01 6:15pm

Subject: Microsoft settlement

The department of justice has essentially provided Microsoft with the opportunity to dump its operating system on the educational system to gain market share. Is this not what the decision against standard oil labled as predatory behavior? Standard oil lowered its prices at local service stations to prices below cost in order to drive local competition out of the market. Then with no other competitors, Standard oil was free to set the monopoly price. The same thing is being proposed as a "remedy" for this situation. Who the hell thought this one up? Mr. Gates?

William J. Smith (Joey)  
Research Associate  
Domestic Programs  
Georgia State University  
prcwjs@langate.gsu.edu  
O. 404-651-1908  
F. 404-651-0416

**MTC-00003325**

From: Fred.Williams@lawson.com@inetgw  
To: Microsoft.atr@usdoj.gov  
Date: 12/7/01 6:15pm

Subject: Microsoft Settlement

I am outraged that the DOJ and 9 states would agree to the Microsoft proposed remedy. This is supposed to be a punishment, not a reward. They have caused companies to go out of business or to be absorb by other companies. In the past when they had competitors that had superior products they tied an inferior product to the OS and gave you a choice of free or the competition. This has to stop.

**MTC-00003326**

From: William Smith  
To: Microsoft ATR  
Date: 12/7/01 6:19pm

Subject: A better way

Instead of letting Microsoft "give" its os to schools, have them buy a competitors os and donate it. Better yet, have them just donate the money (or even half of what they claim this donation to be worth) and let the schools spend it on things they really need, like good teachers.

William J. Smith (Joey)  
Research Associate  
Domestic Programs  
Georgia State University  
prcwjs@langate.gsu.edu  
O. 404-651-1908  
F. 404-651-0416

**MTC-00003328**

From: Josie Robinson  
 To: Microsoft ATR  
 Date: 12/7/01 6:22pm  
 Subject: Proposed Microsoft Settlement

My vote is against the settlement as it stands today. I am a professional in the IT industry since computers began on the market and I can assure you that by "forcing" Microsoft to "give" away their software to schools who may be needy is like letting the wolf into the sheep's pen! This will give them a foot hold in the school industry and they will emerge that much stronger in the future. Not only that, the donations can be written off, can they not? So they do not get punished financially either!

I am a system administrator who works on both Microsoft, Unix and some Apple products and can assure you that I know what I am speaking about. Apple has a good foot in the door to the schools nowadays and rightly so as their product is much easier to use than Microsoft products and superior. Why would you want to remove the only remaining foothold that Apple has on the market? This could well push them out of business. Wouldn't it be better to make Microsoft install it's products on other operating systems and other Intel based machines so that they could sample their own medicine? If you have ever tried to configure a product that was not "blessed" by Microsoft you would understand why this would be just deserts! I have watched them chase Netscape out of business, almost, even though Netscape had the better product. How you ask? By giving away Internet Explorer. By then they had enough money that it did not matter if they got any money from their web browser product. Meanwhile, Netscape has to sell their product to stay afloat in business. Didn't Netscape have to merge with AOL?

No, I say stop the cycle now. Some one has to put a stop to Microsoft's bullying ways. You, the DOJ, did a good turn by prosecuting them as a monopoly. Now do the right thing by giving them a true punishment. Please do not give them another opportunity to make yet, more money and tighten their strong hold in the market by pure might.

Thanks for listening.

Josie Robinson  
 Raleigh, NC

**MTC-00003329**

From: Stuart Sheffer  
 To: Microsoft ATR  
 Date: 12/7/01 6:22pm  
 Subject: Microsoft Settlement

I am writing to tell you that I am strongly opposed to the current settlement that's being proposed in the Microsoft case. Microsoft has been demonstrated to be a monopoly by the courts, but the present settlement does not appear to do anything to reign in their behavior, which has been bad for consumers.

Microsoft appears to be trying with Windows XP to get away with the same sort of monopolistic behavior it used against Netscape only this time it's being directed against the entire computer world.

Stuart

**MTC-00003330**

From: Ed Crawford

To: Microsoft ATR  
 Date: 12/7/01 6:25pm  
 Subject: What are those states thinking ??  
 Attn: US Justice Department

Dear Sirs

What are those States thinking? A thin version of Windows. Right. This is really going a long way in helping the average American business person. If Sun and Netscape want to compete, tell them to get their act in gear. Produce a good product, get it on the market and the American public will take care of the rest.

Let's not punish a respectable company that has had to write a lot of the rules in unchartered territory, and has been ethical about it. MS hasn't squeezed the American public for a thing. They have given us a lot and made it reasonably priced.

What a bunch of cry babies. Please tell these states to get with the bandwagon. End this ridicules law suit and let's get on with rebuilding the American way. Please have an Excellent Day.

Best Regards  
 Ed Crawford  
 34 Hillside Drive  
 Gilford, NH 03249  
 CC:Paul

**MTC-00003331**

From: DANA CORDES  
 To: (060)microsoft.atr  
 Date: 12/7/01 6:25pm  
 Subject: Microsoft Settlement

I believe the Microsoft's proposed settlement is a total sham. They were found guilty of being a monopolist, and should be punished. Allowing them to give \$500M worth of software, and almost zero cost to themselves, to schools is just allowing them to further expand their monopoly into one of the few areas where there is some "Alternative OS" influence. Also, everything possible must be done to protect the public interest by promoting open source software and the developers, like myself, who contribute to and use software developed in that manner.

In order to give competing companies and products a fighting chance, Microsoft should be forced to publish a full list of all windows APIs and transfer protocols so that other companies can, at the very least, build software that can integrate with Microsoft operating systems.

The way MS does business hurts all computer users. Diversity is good.

Sincerely,  
 Dana Cordes  
 4207 Helen St.  
 Simi Valley, CA 93063  
 805-583-5062

**MTC-00003332**

From: Eric Wood  
 To: Microsoft ATR  
 Date: 12/7/01 6:24pm  
 Subject: Microsoft Settlement

Having read articles about the proposed settlement, it is my firm opinion that Microsoft is trying to not only get away with a massive crime with hardly any cost to itself, but to further extend its monopolistic power in the software market!

The idea of this company giving outdated hardware and free copies of software that

cost pennies to produce in order to avoid paying a larger sum from its nearly infinite store of cash is absurd. The best remedy is to force them to, at the very least, include options to remove MSN Messenger, MSN Explorer and Internet Explorer from the Windows XP operating system. Splitting the company up would be even better, as it keeps them from simply replacing every third party software option from their platform, since the platform would no longer belong to those making the afore mentioned software programs.

The second main problem I have with the proposed settlement is the included attack upon open-source software. Microsoft has made a habit of inventing replacements for open standards, and making sure no competitor can use those replacements. In the case of open-source software, I quote from an article by Robert X. Cringely, published online at: <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> And I quote,

"The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

"Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: '...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...' "So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products."

This directly affects the software I use on a daily basis. Without something like SAMBA, I would have no access to a network with Windows computers. The settlement even attacks the government of this nation. I quote from the same source: "Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft 'middleware.' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. "But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. "I know, I know. The

government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT."

This outrageous behavior from one of the largest corporations on the planet must be shut down. Please do what you can to correct the wrongs with have been committed. You (the DOJ) were on the right path when you pushed for this company to be broken up. WHY DID YOU BACK OFF? Do not let money or whatever the cause may be stop you from administering justice. May God be with you as you consider what I have told you.

Sincerely,  
Eric Wood

#### MTC-00003333

From: Tom  
To: Microsoft ATR  
Date: 12/7/01 6:27pm  
Subject: Microsoft Settlement  
Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001  
Dear Ms. Hesse:

I am writing to express my concerns that the settlement proposed between the Department of Justice and Microsoft will create serious security concerns for users, businesses, and government entities. This settlement fails to address the main problem that was brought up in the suit, anti-competitive activities by Microsoft. A slap on the wrist for such a huge company will do little to increase competition in the software industry. There are significant problems caused by the monopoly Microsoft enjoys over web browsers, desktop operating systems, and office suites, including lost productivity, reduced innovation, and frustrated computer users.

However, the issue of security has not been given enough attention. Microsoft's anti-competitive tactics have put them in a position where they have had little incentive to improve the virus vulnerability in products such as Microsoft Outlook and Word. Lost time and down networks have resulted from the problems Outlook's design, most famously with the Melissa virus, but continuing with the Goner virus outbreak. When faced with the threat of cyberterrorism, these security problems can no longer be neglected in anti-trust policy. Only by restoring competition to the areas of the software industry where Microsoft has illegally generated monopolies can the nation obtain software that is less vulnerable to hostile agents at home or abroad. Microsoft has repeatedly demonstrated that without competition, they will not take adequate steps to make their products more secure.

Sincerely,  
Thomas Klem

#### MTC-00003334

From: Ives Frank Vazquez  
To: Microsoft ATR  
Date: 12/7/01 6:27pm  
Subject: Microsoft

I have 5 computers in my household I have tried Redhat Linux, Caldera Linux and Corel Linux spent over \$150.00. I could not get any of them to run any of these versions of Linux. I can run all versions of windows up to windows xp. Consumers are not idiots bring out a good product and we will buy it. Microsoft is number one because they have a good Product. [By the way none of these Linux operating systems gave me my money back!] I use Opera browser instead of MS Explorer because I think it is better product All these companies should stop crying and bring a better product and we will buy it. No law will dictate that to me Market forces will! Price and quality will always win. So stop trying to compensate for mediocrity and let the market decide.

Ives Frank Vazquez

#### MTC-00003335

From: John Garth  
To: Microsoft ATR  
Date: 12/7/01 6:27pm  
Subject: New Microsoft software  
Dear Sirs,

I have been made aware that the most recent version of Windows as well as the program Microsoft Money2002 requires the use of "Passport" wherein Microsoft improperly demands a lot of personal data from users of this software in order to use the software.

I consider that the mandatory use of "Passport" is a serious invasion of privacy and one more example of how a MONOPOLY like Microsoft thinks it can get away with this sort of behavior. Who knows what they will do with the personal data they ask for? Why should they be allowed to demand it?

My friends at the Justice Department: You are our main protection against such exploitation by a computer company that has been able to destroy competition, make unreasonable demands on OEM suppliers, and has become a powerful, almost unbeatable monopoly. You need to take a much stronger position than you do. Break up the company! With Windows they have had a huge advantage as far as making the software that utilizes it. The Internet Explorer is a classic example. Please take a strong stand! Consumers all over the world will thank you!

At the very least, be aware of the dangers of "Passport".

Thank you!  
John C. Garth  
7305 New Dawn Court NE  
Albuquerque, NM 87122  
(505) 821-0421  
E-mail: garthj@flash.net  
CC:Garth John

#### MTC-00003336

From: steve(u)r  
To: Microsoft ATR  
Date: 12/7/01 6:28pm  
Subject: Microsoft Settlement  
"Nine state attorneys general argued Friday that Microsoft must offer a stripped down

version of its Windows operating system and make its leading Office software compatible with competing operating systems. In a 40-page document, the states propose several new penalties in an attempt to punish Microsoft for breaking antitrust law. The federal government and several other states have already settled with Microsoft under more lenient terms. The states that haven't settled also argue for tougher enforcement provisions, including a court-appointed "special master" to oversee Microsoft's compliance."

I fully support the states in the above! Microsoft has demonstrated an arrogance that is beyond belief, and proven in the past that it will not abide by even watered down terms like those the Justice Department appears ready to accept. Microsoft is not an innovator! Their biggest products, such as Microsoft Office, are simply rip off's of ideas that other companies pioneered! You have done the American public a grave injustice by letting this arrogance giant off the hook!

Stephen K Rohrer  
Dallas, Texas

#### MTC-00003338

From: Joe Ragole  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 6:29pm  
Subject: my view

Microsoft's intention to pay back the people of the USA by donating its products to schools is an obvious marketing tactic. By donating to schools, they make themselves look like a friend of the common man. However, by propagating their products throughout schools, Microsoft's true intention is to expand their monopoly further by introducing impressionable young children to their products. To be completely straightforward, this is the same tactic of which tobacco companies are accused. If Microsoft is allowed to settle its case by donating its products to schools, the US DoJ will be doing a great disservice to the inhabitants of this country by sanctioning a further extension of Microsoft's monopoly.

—joe

Joe Ragole, University of Colorado student of biology and German "Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly; 'tis dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed, if so celestial an article as Freedom should not be highly rated." Thomas Paine, 23 December 1776

#### MTC-00003339

From: Avery Chipka  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 6:28pm  
Subject: Microsoft Settlement

I am of the personal thought that the currently settlement with Microsoft is one that will not solve the current problems Microsoft has caused but only make issues worse. Under the current settlement Microsoft is still free to exclude open source development projects from having access to windows source code and the tools needed

to make a compatible piece of software for the windows operating system. Microsoft is still being allowed to encode there browser into there operating system in a way that it can not be removed. The current windows Os (XP) is unable to function with out the usage of internet explorer. The recent release of windows XP home edition has yet again proven Microsoft unwillingness to share there operating system with other Os development teams. This time Microsoft has even gone so far as not supporting connectivity to there older operating system forcing users of the older Os to upgrade to there "newest and greatest Os". Microsoft has also continues to exile Macintosh users from the usage of all of there software other the office and even some parts of that can not be used in a Mac OS, Unix and Linux environments. Thus forcing many users over to the windows operating system that they do not want to be using. Look around a office building to those computers users who are running windows; when asked why many users will respond well I have to use windows there no way to use something else these days. Microsoft is now basically being given a free pass and a way to take over even more of the computer world with the current settlement.

Avery Z Chipka  
Apple ServicesWhalley Computer Associates  
azc@wca.com1 Whalley Way  
413-569-4359Southwick MA 01077  
<http://apple.wca.com><http://www.wca.com>  
The Information and thoughts expressed in this email are that of a single person and in no way reflect the thoughts of Whalley Computer Associates as a whole.

**MTC-00003340**

From: Christopher Dick  
To: Microsoft ATR  
Date: 12/7/01 6:30pm  
Subject: Microsoft Settlement  
Hello!

As a user of various operating systems and applications over the years, I recognize the position of Microsoft as the "defacto" standard for software in today's world. However, this does not justify their monopoly position.

Probably the single greatest way to allow Microsoft to continue in an economically viable way that also gives others an opportunity to develop, would be to force Microsoft to open its MS Office and other file formats. This would allow other developers, including "open source" and "freeware" developers, to make software that is 100% compatible with the "defacto" standard for documents, thusly allowing endusers choice in their operating systems, as Microsoft Office is the single greatest driving force behind Microsoft's monopoly.

Please consider this move as a viable portion of the settlement with Microsoft. Allowing Microsoft to simply "buy" their way out of it in the manner proposed simply extends Microsoft's monopoly into an area of personal computing that has traditionally been dominated by Apple.

Thank you for allowing the public to voice concern in this matter, and I hope that level heads will prevail.

Christopher Dick  
156 Superior Blvd.  
Wyandotte, MI 48192

**MTC-00003341**

From: Joe 'Zonker' Brockmeier  
To: Microsoft ATR  
Date: 12/7/01 6:34pm  
Subject: Microsoft Settlement  
To whom it may concern:

I'm writing to express my dismay at the weak and ineffectual set of proposed remedies that the DOJ and Microsoft have agreed to. Microsoft has been found guilty of abusing its position as a monopoly in the software industry, and the proposed remedies do little to actually punish Microsoft for this behavior. In fact, by abiding by this agreement, Microsoft is given free reign to act punatively towards Free and Open Source software projects that compete with Microsoft's own offerings.

I would ask the Department of Justice to reconsider this set of stipulations, and include provisions that will:

1. Protect Free and Open Source software projects by requiring that Microsoft provide complete, timely and accurate documentation of its APIs and file formats to any interested party.
2. Require Microsoft to cease anti-competitive bundling practices with its media player, MSN software and MSN Messenger.
3. Require Microsoft to produce a version of Office for Linux and other UNIX systems.
4. Force Microsoft to divest MSN. It's not in the best interest of the public to allow Microsoft to build MSN by shoving it down the customer's throat. Each new version of Windows locks customers into Microsoft's MSN and Passport system.
5. Force Microsoft to give open access to APIs for its .Net initiative.

The proposed stipulations contain too many loopholes. While breaking the company up into several companies was not a suitable solution, neither is letting the company off with a light slap on the wrist. Microsoft is getting off entirely too lightly for the damage that they've done and continue to do to the software industry. Allowing Microsoft to continue its business practices and a monopolistic position in the market is doing great damage to the consumer and other businesses in the computing industry.

Sincerely,  
Joe Brockmeier  
Joe 'Zonker' Brockmeier --  
jbrockmeier@earthlink.net  
<http://www.DissociatedPress.net/>  
"Life moves pretty fast. If you don't stop and look around once in awhile, you could miss it."—Ferris Bueller

**MTC-00003342**

From: Rob Szalapski  
To: Microsoft ATR  
Date: 12/7/01 6:36pm  
Subject: Microsoft Settlement

The settlement with Microsoft has a major defect that will have devastating effects on the software industry. Much of the development effort in areas like Linux, Apache and Samba provide software for free. Microsoft will be able to kill these efforts by

the wording in the settlement. While these efforts are oftentimes funded by major collaborations of typical business entities, the not-for-profit entities that control them do not. Protect these advancements or ruin an industry!!!

Rob Szalapski  
phone: (716) 742-8430  
Avanti Systems Division  
fax: (716) 924-4729  
117 Victor Heights Pkwy  
Victor, NY 14564-8938  
email: robs@avanticorp.com  
Rob\_Szalapski@avanticorp.com

**MTC-00003343**

From: David Sloyer  
To: Microsoft ATR  
Date: 12/7/01 6:40pm  
Subject: Microsoft Settlement  
Dear Sir/Mme:

I am very disappointed that the DOJ appears to be wimping out in its treatment of Microsoft, to the detriment of us all. The settlement proposed by the DOJ fails to address many important issues, and promises to extend Microsoft's ability to abuse their power as a monopoly to destroy current and potential competitors, forcibly extract revenue from users, and weakening US-based software companies generally vis a vis foreign software developers.

I urge you to reconsider, and to listen carefully to the position of those states which disagree with the settlement proposed by the DOJ.

Thank you,  
David W. Sloyer  
10573 Sunset Ridge Dr  
San Diego, CA 92131

**MTC-00003344**

From: Nelson, Christina L.  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/7/01 6:43pm  
Subject: Demands on Microsoft

Microsoft should not be under any compunction to make Office compatible with someone else's OS any more than Canon has to make their camera lenses compatible with another manufacturer's camera bodies. If you want a Microsoft Product...maybe the MS OS is the best way to go.

**MTC-00003345**

From: Joe Tarsha  
To: Microsoft ATR,microsoftcomments  
@doj.ca.gov@ inetgw,...  
Date: 12/7/01 6:41pm  
Subject: The proposed Microsoft settlements are inadequate

With great disappointment, I was dismayed to hear the terms of the announced settlements that the various states have proposed. How did we go from a proposed Microsoft breakup to a wrist slap within the course of a year? The appeals court unanimously affirmed that Microsoft was indeed a monopoly, which is a lot farther than this court went circa 1998 when similar charges were brought re Windows 95. At that time, Microsoft received a wrist slap with a consent decree and no damages. Again, they are back in court, having aggressively ignored the previous settlement terms.

What changed? The only thing that has happened of note is the year 2000 election.

It is clear that this case is being influenced by partisan politics. The result is that the computer industry has been brought to its knees, while Microsoft continues to grow via its illegal business practices.

The most glaring aspect of the proposed settlements is the utter lack of reparations to damaged parties. I am not just talking about consumers, but competitors, employers (and their stockholders and customers, too), some of whom testified and others provided supporting background evidence and consultation to the legal team at their own expense. The cases of Be, Inc., and Red Hat are two visible examples. As competing OS manufacturers, they suffered the most by Microsoft's multi-boot restrictions, wherein licenses were illegally tied to the exclusion of all other O.S.es. Be even made a public offer to waive the license fees to any OEM that would offer BeOS as an option, with no takers. Red Hat was only able to strike its first OEM deal only after testimony was taken and published that showed these illegal licensing deals. Today, Red Hat is struggling, but is endorsed by partnerships with big name players IBM & Dell, and Be has recently sold off most of its assets at a deep loss to Palm, laying off the bulk of its staff, and will soon liquidate. Both had many employees, stockholders, and customers in California. Be customers will soon, if they have not already, reluctantly purchase Microsoft products because there is simply no other alternative left!

The provision that the settlement is applicable only to companies of significant size (one+ million in sales) is also a slap in the face to competition—that means that new startups have no chance coming out of the blocks! Be and Red Hat would probably not have been beneficiaries of these terms. This is not a “level playing field”.

And a time limitation of only five years means that Microsoft will go back to business as usual after that. This lawsuit alone is three years old. If a term limit is somehow necessary, it should be for fifty years or longer, to make worthwhile the long effort plaintiffs have put into this case. If the suggested term is put in place, we might as well file another lawsuit right after the settlement is signed in order to see a continued “level playing field” since obtaining justice has taken so long.

As a taxpayer and damaged party several times over, I am disgusted at the proposed settlement. After years of effort, millions of dollars spent, and all of the \*proven\* facts in the case established before you, that plaintiffs would settle for pennies on the dollar and a token wrist slap (yet again) is a waste of taxpayer funds. The parties directly and indirectly involved should not have conceded leadership of the suit to Justice if they were to be abandoned so close to the finish as they have been.

Justice has now shown itself to be susceptible to party politics with this drastic change in settlement terms. In my opinion, the time is ripe for States to take control of the suit if Justice does not resume its previous tack. Otherwise, it is very likely the effort will quickly fracture, and individual companies, states/localities, and citizens will have to file suits independently, further

incurring cost, time, and effort in the justice system, and watering down any resulting settlement. I urge you to reject the proposed settlements and continue the suit vigorously to its logical conclusion.

The opinions expressed above are entirely my own, and not necessarily Be, Inc.'s. For further details, please contact the CEO, Jean-Louis Gasse, as he could provide significant further information, at [jl@gasse.com](mailto:jl@gasse.com).

Joe Tarsha  
Be, Inc.  
(a soon to be unemployed) I.S. Manager  
Home address: 3940 Branson Drive, San Mateo, CA 94403-3609

**MTC-00003346**

From: Marian  
To: Microsoft ATR  
Date: 12/7/01 6:41pm  
Subject: Microsoft Settlement

I am sending this email as a comment on the proposed settlement between the US Department of Justice and Microsoft Corporation. The settlement, as it has been published, does not protect the rights of consumers, nor does it impose a remedy that will allow competition in the software markets in which Microsoft has already demonstrated its illegal business practices. As has been amply demonstrated by the consent decree signed by Microsoft to settle a previous anti-trust suit, mere words on paper do not reign in their practices. More strenuous oversight is needed, or any settlement will be shown to be as worthless as the last. The largest competitor to Microsoft Internet Information Server is Apache, from the Apache Foundation. A not-for-profit organization. It, along with Sendmail and Perl, also from not-for-profit groups, are very widely used in Internet applications. My concern is that according to the language of the proposed settlement, these organizations have no rights at all.

Specifically the language in section III(J)(2) 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 language gives Microsoft the right to deny the very existence, and continue any and all of their anti-competitive practices against Open Source projects, or even any company they do not deem viable.

I also question the advisability of allowing Microsoft to define the criteria of “reasonable, objective standards” as they are the party guilty of violating our nation's laws in the first place. Should not these definitions be imposed by an external body that does not have Microsoft's interests foremost in their minds?

Section III(D), which deals with disclosure of information regarding the APIs for incorporating non-Microsoft “middleware” contains language which is equally disturbing. 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 these definitions, Open Source is again shut out, as are government entities and any other not-for-profit group.

I can not accept with any degree of credibility that Microsoft will not exploit any perceived flaw in the actual language of any remedy which is imposed on it. Additionally, the currently proposed remedy will only stay in effect for a period of 5 years. How are we to believe that Microsoft will not simply revert to their current illegal business practices after the 5 years have passed?

The remedy as proposed, is flawed in both its language and scope. I urge the court to seek a more appropriate and stringent solution and hope that it will act in the best interests of the American people, rather than ignore Microsoft's previous flagrant violation of an insufficient remedy.

Thank you.  
Marian Waldman  
2248 Stokes St.  
San Jose, CA 95128  
[marian@vex.org](mailto:marian@vex.org)  
[CC:marian@vex.org@inetgw,mwaldman@brocade.com@inetgw](mailto:CC:marian@vex.org@inetgw,mwaldman@brocade.com@inetgw)

**MTC-00003347**

From: Moses Ling  
To: Microsoft ATR  
Date: 12/7/01 6:43pm

I strongly disagree with the settlement because it DOES NOT do anything to prevent MS to practice what there had been doing in the pass. I think a lot of you have missed the point on what the real issue is. The real issue is not how MS deal with the OEM vendors and others, the real issue is how MS uses the advantage they have on the OS and apply it on their applications by hiding key element on the API and a lot of close standard. Because of that MS have an upper hand on other software houses, that make them hard to compete fairly. One by one they had taken out Wordperfect, Netscape, Realplayer, Borland and many more to come. With Windows XP a lot more companies will be taken out, first on my mind will be Winzip, next will be CD burner software companies and who knows who is next. With their new Passport service, there are coming after you. (U.S. Gov.) Think. They will have access to personal information on the Passport account worldwide. If you know how to think you can see the danger. Stop them before its too late. Thats all I have to say.

**MTC-00003348**

From: Chris Torgerson  
To: Microsoft ATR  
Date: 12/7/01 6:52pm  
Subject: Microsoft Settlement

Dear Sir or Madam,  
I believe any settlement with Microsoft should include both a financial penalty and a source code release to the public. As someone who's career has been hurt by MS's anti-competitive tactics, I believe both of these punishments are necessary and fair.

Chris Torgerson

Chris Torgerson  
 Technical Manager  
 New Media Merchants  
 phone: (858) 882-8500 ext. 2320  
 fax: (858) 882-8501  
 email: ctorgerson@nm2.com  
 www: http://www.nm2.com

**MTC-00003349**

From: Uncle Dave  
 To: Microsoft ATR  
 Date: 12/7/01 1:16pm  
 Subject: MS slimy income tactics in small reseller suits

Gentlemen:

I am the victim of one of THOUSANDS of lawsuits that Microsoft has waged over the past few years. I own a wholesale computer hardware company, primarily building servers and workstations custom order for small volume resellers.

In April of this year MS bought 3 software packages from me through an undercover reseller. They took FOUR months to tell me it was counterfeit (yet have never shown me why). The software met ALL the tests I could use for genuineness.

They then sent me a "cease and desist" letter through one of their many law firms. I emailed a response that I would comply and begin to buy through one of the suppliers they authorize that was listed on their cease letter. Exactly ONE day after my email they bought another s/w package, even while I was taking down the information on my website and getting set up with their authorized distributors. A few weeks later they slapped me with a complaint/lawsuit in Federal court!!

I have spent over 7k with my attorney to answer/deny the suit. I have researched other lawsuits and find that HUNDREDS if not THOUSANDS are quite similar. WHY? would MS do this? They aren't interested in stopping the true piracy out there—THEY WANT THE INCOME FROM THESE SUITS, BOTH FOR THEMSELVES AND FOR THEIR ATTORNEYS! IT IS THEIR DIRTY LITTLE SECRET.

I have spoken to several victims of this perversion of the legal process. NO ONE CAN AFFORD TO LITIGATE THESE SUITS, and virtually ALL ARE SMALL BUSINESS PEOPLE WHO ARE FORCED TO SETTLE for HUGE AMOUNTS. I plan on going to court without an attorney and asking for a jury trial. MS is so big, so arrogant, they simply are biting many hands in the channel that have fed them for years.

In all the years I have done business as Horizon Micro Distributors, WE HAVE NEVER EXPERIENCED INSTALLATION OR REGISTRATION PROBLEMS WITH WINDOWS98, OFFICE 2000 OR OFFICE 97, which are the specific programs they claim are bogus.

Any advice you might give us, or any reflection upon the arrogance of Microsoft that would affect the settlement in the big case, should consider their CURRENT ACTIVITY AND ATTITUDE TOWARD SMALL AND LEGITIMATE BUSINESSES.

We cannot have a bully of this size forcing small businesses out of operation.

Thanks  
 Dave Fears

Owner  
 Horizon Micro Distributors  
 503-469-0147

**MTC-00003350**

From: Montegoman6@cs.com@inetgw  
 To: Microsoft ATR  
 Date: 12/7/01 6:53pm  
 Subject: (no subject)

No monopoly is good for US consumers. Less competition for Microsoft equals less performance at a higher price for consumers.

If the present "big business" tag team of Bush, Cheney, and Ashcroft are able to discretely fulfill their obligations to Bill Gates and his campaign contributions, the beneficial change for consumers and fairness to competing companies will likely be minimal...

**MTC-00003351**

From: Paul Pomerleau  
 To: Microsoft ATR  
 Date: 12/7/01 6:57pm  
 Subject: Remedy in Microsoft case

The proposed remedy for Microsoft is a bad one. It does not give rights to not for profits, or private free-software developers. I also suggest that any settlement should act to restrict Microsoft's ability to simply out-spend other companies on legal fees. They should not be allowed to spend a dime more than their opponent on any court case. The above is important, since Microsoft uses its cash reserves as a weapon. Towards that end, I would also suggest that Microsoft be compelled to keep very little cash reserves, distributing all but 10 million of it to stockholders—always dividending, never saving, since that saving is a war-chest, allowing it to bully its competitors and its apparent friends alike.

Paul Pomerleau  
 Globalcom, Inc.  
 pom2@global-com.com

**MTC-00003352**

From: Dave Johnston  
 To: Microsoft ATR  
 Date: 12/7/01 6:57pm  
 Subject: Microsoft Settlement  
 David A. Johnston  
 989 North Pine Street  
 Ukiah, CA 95482  
 December 7, 2001  
 Renata B. Hesse  
 Antitrust Division  
 US Department of Justice  
 601 D Street NW  
 Suite 1200  
 Washington, DC 20530-0001

Dear Renata:  
 I am writing to inform you of my opinion regarding the proposed Final Judgement in the Microsoft Antitrust case. My background is in the Information Technology Industry and in education. In my current position, I am involved in a statewide project providing assistance to schools as they implement technology in the classroom. I have a clear understanding of the needs of rural, small and low-performing schools being from an area of California where the three are very common.

It would appear from my reading of the proposed final judgement that Microsoft is not being fairly discouraged from future

anticompetitive business practices. The end result is more of a slap on the wrist, rather than an action to promote serious reflection on the part of corporate management and a change in their business practices. Specifically, the portion of the judgement that allows them to get rid of obsolete Pentium II computers to low-performing schools who are already lacking in modern technology will do little to close the digital divide. Given that Microsoft is planning on "giving away" about \$843,000,000 of the \$1,000,000,000 fine in their own software is particularly incredible. It does two things. First, it reduces their actual cost to something much lower than the \$843,000,000. The list price that they are using to develop the estimate is much higher than even the price they current sell to schools. For example, our education price for Microsoft Office 98 was in the \$35/copy range, rather than the \$299 or higher retail price. By allowing them to give away their own product, you are greatly reducing their costs.

Second, you are only perpetuating their monopoly by putting more Microsoft product in place. Regardless of whether the schools receive the initial product for their surplus computers for free, at some point they'll want to upgrade or add additional features, etc., which is going to encourage them to purchase more Microsoft products.

I strongly urge you to reconsider this judgement and the minimal impact it will have on Microsoft or the digital divide. I strongly support the offer from RedHat software for Microsoft to purchase new computers for these schools and RedHat Software will provide the operating system and applications software for free for the life of the computers. Or, as Steve Jobs has suggested, force Microsoft to give cash to a foundation, who can then determine the best way to distribute the funds.

I appreciate the opportunity to make my views know.  
 Sincerely,  
 David A. Johnston  
 Dave Johnston, WD6AOENetwork/Telecom Consultant  
 dave@sonic.net  
 Ukiah, CA

**MTC-00003353**

From: Johann Amin  
 To: Microsoft ATR  
 Date: 12/7/01 3:38am  
 Subject: Microsoft must go DOWN!

Its a plain as the nose on your face that Microsoft has the muscle to bully its way into anything and anywhere; including the US justice system. Seriously, if the DOJ doesn't put its foot down and make SURE that Microsoft is CUT DOWN TO SIZE, it'll make lot of us think that Justice is on-the-take.

**MTC-00003354**

From: Brian Fahrlander  
 To: Microsoft ATR  
 Date: 12/7/01 7:02pm  
 Subject: Microsoft Settlement

I've watched as Microsoft overthrew the CP/M operating system back around the late 70's. Early on, it was good thing—more power, more options, more flexibility and every day a new thing for consumers.

But in 1995, Bill Gates was able to tell thousands of hardware people, "Give me details, or get shut out" and while that was an important unifying power, that power went to his head.

Show me a difference, for example, between the different versions of Microsoft Word as it went from 95, 97, 2000, and beyond. Other than fixing a minor bug here or there, it's almost identical throughout the lineage, yet buying a new copy (so you could still communicate with your friends and co-workers who'd already upgraded) each new version was still nearly \$200.

...but thank God they finally killed "Clippy" in Excel, which is the same way. Excel is another example of buy-because-he-says-so. And when they released Access, they released a flawed, bloated, overcomplicated mechanism that would "eat itself" when enough data had been saved.

It's sad. Really, very sad. I've been a supporter for almost 20 years now. But one day after rebooting 20+ times to fix another hardware/software glitch [knowing full well that both were MADE to work together, FCOL], I took up my friend's urging and tried Linux. It was crap, but it was honest crap. Very "old Unix" styled, but that was changing. Not just once a quarter, but every day.

That's been almost 5-6 years ago now. Not one day in that time have I booted Windows software on my desktop. I've been living without Microsoft for that long....IT'S A WONDER I'M STILL ALIVE.:

But think about it—when MS screws up, who can you sue? When there's a bug, what's the resolution? Wait on the 900 number for a minimum of 2 hours and hope they don't say "re-install", like they often do.

Linux is different: There are search engines—just look up your problem by entering keywords. Any problem you have, others have had weeks ago. New versions are available seemingly all the time. And the maintenance of it is SO much easier. No viruses, no BS problems that can't be resolved.

It's not nice, but it IS fair to compare Gates/Microsoft with Hitler: In the beginning he provided unparalleled growth of a third-world country with an inferiority complex and in only 10 years became a world power. But without anyone knowing, several million people were brutally hurt by this power, and it had to be stopped.

LISTEN TO CRINGELY: he's one of the few guys that really understands the problem and writes a column. And if he likes this Steve Satchell guy then he's probably a good, fair, honest, stand-up guy.

As the code is written now, Microsoft isn't penalized by your action, it's strengthened. It can just "secrefy" the code and prohibit anyone from developing with it in the future. Microsoft's become a rude, mean, two-faced machine for hypnotizing people and raking out their pockets. (Why else would viruses still exist in Windows after 18 years and they don't exist in Linux!)

PLEASE, PLEASE reconsider your actions. My life, and millions more will be effected by blind paperwork. (See my signature!)

Brian Fahrlander  
Evansville, IN

ICQ 5119262  
Linux Zealot, Conservative, and  
Technomad  
<http://www.kamakiriad.com/aboutme.html>  
LinPhone:  
briancommat;aquila.kamakiriad.com

**MTC-00003355**

From: Freund, John B  
To: Microsoft ATR  
Date: 12/7/01 7:12pm  
Subject: Microsoft Settlement  
I rarely write such letters but the proposed Microsoft settlement enrages me. For starters the donation of equipment to schools is a cynical ploy to increase market share.

I write this as someone deeply committed to overcoming the digital divide. But I do not want to do this at the risk of further enhancing the monopolistic practices of Microsoft. To me it is a modern version of B'r'er Rabbit saying "Please don't throw me into the briar patch." I leave to legal authorities to judge my impression that that settlement does nothing to curtail its monopolistic practices in any meaningful way.

Peace,  
John Freund, C.M.  
718 990 7938  
Please visit  
[www.famvin.org](http://www.famvin.org)  
[www.healhungers.org](http://www.healhungers.org)

**MTC-00003356**

From: Jerry Orn  
To: Microsoft ATR  
Date: 12/7/01 7:09pm  
Subject: Pick on something else  
Leave Microsoft alone. Free enterprise is alive and well.  
Jerry Orn  
North Canton, OH

**MTC-00003357**

From: root@valinux.intop.net@inetgw  
To: Microsoft ATR  
Date: 12/7/01 7:16pm  
Subject: Microsoft Windows XP  
I am against Microsoft requiring online activation of it's Windows XP product, and the "hardware profile" that this product creates when Windows XP is installed on a computer. The end user is paying a good price for this product, and it's use should not be restricted to just one computer in the household. Recent advances in hardware such as cheaper hard drives of large capacity, new graphics cards, faster processors, and processor upgrades will result in the computer user buying and installing these products, and Windows XP should not require an activation process that requires the user to "call microsoft" and explain why the upgrades are being made. Also, Windows XP, once purchased by the consumer, should be installable on any computer that the consumer has that will handle the memory and processor speed and hard drive space necessary for this operating system to function properly. The restriction that the product can only be used on one machine, and that any Hard Disk with XP installed on it can only be used on that one machine, is unfair.

Michael L. Dawley  
lester@intop.net

**MTC-00003358**

From: Brian Wang  
To: Microsoft ATR  
Date: 12/7/01 7:17pm  
Subject: Microsoft Settlement

I believe the present settlement is too lax and lenient. It would not stop Microsoft from abusing its monopoly powers. I don't necessarily agree with the original remedy of breaking up the company, but I believe the present settlement amounts to nothing but a slap on the wrist. I think the settlement proposed by the nine dissident states would be far more effective. By forcing Microsoft to make Office available for other platforms, it would promote competition in the OS space, since most of corporate America has standardized on Office.

Thank you.  
Sincerely,  
Brian Yen-Shan Wang

**MTC-00003359**

From: Jason Brown  
To: Microsoft ATR  
Date: 12/7/01 7:18pm  
Subject: Microsoft Anti Trust Case  
Having read through the original settlement offer and now the States Alternative Settlement, I would like to strongly encourage the adoption of the adoption of the States suggestions.

I particular, Microsofts real monopoly is in their office suite that almost all businesses have standardized on. Having the office suite and their standardized document formats ported to other operating systems dramatically increases the options for businesses and individuals.

Thank You.  
Jason Brown  
1009 W State St  
Geneva, IL 60134

**MTC-00003360**

From: Simon Lewis  
To: Microsoft ATR  
Date: 12/7/01 7:19pm  
Subject: Comment on Proposed Settlement

Simon R. Lewis  
16002 Meadowcrest Road  
Sherman Oaks, CA 91403-4716  
December 7,2001  
Phone: 818-906-7679

I'm a US citizen and live in California. I'm against the proposed DoJ settlement with Microsoft for the following reasons. As someone who bought and uses the OS/2 operating system, I suffered as a consumer when Microsoft violated antitrust law to drive it from the market. As I look to replace my computer, I am suffering again because my choices are being restricted by Microsoft's continuing conduct. A once thriving industry with competition and choice is being undermined.

My suggestion is to consider the Red Hat approach where Microsoft's free computers delivered to schools will all carry the Linux operating system.

By forcing Microsoft to disseminate a multi-platform open system to schools, the remedy (apart from providing schools with genuinely open, new software that stimulates choice and competition) will actually punish Microsoft's anticompetitive conduct.

Such a settlement would help to reintroduce competition, as opposed to the current proposed settlement, which actually rewards Microsoft for its violative conduct.

The proposed settlement actually extends Microsoft's monopoly to a new generation of users, and enables Microsoft to dump unsold inventory. It will be a sad day for antitrust enforcement to see the violator rewarded in this way, not least because the European Community enforcement process (led by the US trained Mr. Monti) appears to understand what our own Justice Department does not.

Thank you,  
Simon R. Lewis

**MTC-00003361**

From: Ray Gwinn  
To: Microsoft ATR  
Date: 12/7/01 7:21pm  
Subject: MICROSOFT ANTITRUST

The Microsoft monopoly goes into areas that I think you guys have never dreamed of. One way the monopoly has shown up in force recently is device drivers.

For example, look at a Dell Inspiron 8100 (I purchased one recently). If I desire to use an operating system other than Windows, like Linux or OS/2, drivers are not available. In the past, drivers would become available for other operating systems because some programmer would develop the drivers and release them.

NOW, the information necessary to develop the drivers is NOT being released. Why would a manufacturer like Dell, Nvidia, and Lucent withhold information that would lead to additional sales of their products? The answer is they would lose the blessing of Microsoft (and lose sales) if their products could be used by non-Microsoft operating systems.

The best example of this is the so called Windows Modem, the largest number of which is manufactured by Lucent. There is no technical or cost reason why such a device as the Windows Modem should exist. Ordinary modems (which work on any operating systems) work better and were previously costing less than Windows Modems. Any computer you purchase now will probably have a Lucent Win Modem installed. Windows Modem drivers are only available for Microsoft operating systems. I personally tried to obtain information from Lucent that is necessary for driver development, and they refuse to discuss it. Why? Releasing the information would only result in increased sales. Thus, if I purchase a new computer, I must use a Microsoft operating system, or the modem will not work. Note that if I want to access internet, the modem must be used.

There is nothing about a Windows Modem that makes it unique to Windows. It is just another hardware device.

I can go on and on, but if you are interested, you can contact me.

Raymond L. Gwinn Voice 304-252-2848  
Fax 304-255-7902  
26 Tanager Place  
Beckley, WV 25801

**MTC-00003362**

From: Sean, Sharon and Kyle Harbour  
To: Microsoft ATR

Date: 12/7/01 7:29pm

My opinion on the Microsoft settlement proposal vs RedHat counter proposal

I am definitely concerned that the proposal as endorsed by Microsoft would be a mistake. I support getting more alternative computer education in the public school system as a way of broadening students opportunities, and therefore I am for Redhat's counterproposal, or any proposal which imposes a strict monetary demand on Microsoft without offering them any direct method of recouping their losses, such as furthering their monopoly on desktop computer systems in this country.

Sincerely,  
Sean Harbour  
Portland, Oregon

**MTC-00003363**

From: Jefe Calhoun  
To: Microsoft ATR  
Date: 12/7/01 7:30pm  
Subject: Microsoft Settlement

I just wanted to express my concern over the suggested settlement in this case. The proposed settlement is a farce. It will cost Microsoft very little, and (ironically) actually extend their monopoly by hooking school age users. If Microsoft were truly interested in helping educate children they would donate the money as a lump sum to the schools with no strings attached for the schools to use as they see fit. Schools need better facilities, better pay for teachers, books and many other things more than they need used computers running Microsoft programs. Please, please, please do not be duped by Microsoft—their settlement is no punishment at all. Microsoft is a danger not only to business, but also in many respects to society. Their goal is to completely control technology and content at every possible level in the pursuit of extracting profit—there is no altruistic motive in any Microsoft action. Without going into great detail the result would be that ultimately we will no longer have democracy but technocracy, with all power focused in the monopolistic hands of Microsoft. A real settlement would see Microsoft broken up, permanently and irrevocably. That is in the best interest of all citizens of the United States and the world. I realize this may seem a radical opinion, but truly the ramifications of allowing Microsoft to continue in its current course of operation are frightening. I hope you can at least consider what the future could hold if no action is taken in this regard—at the very least please do more in depth research so that you can truly understand the consequences.

It does not seem that those involved in passing the judgement have done so to an adequate degree.

I again wish to stress my extreme alarm and distress that the given settlement is being seriously considered. I beg you to reject it.

Sincerely,  
Jeff Singer

**MTC-00003364**

From: Andrew Brown  
To: Microsoft ATR  
Date: 12/7/01 7:32pm  
Subject: Microsoft Settlement, I think that Steve Satchell should be on the three

person panel.

Steve Satchell should be on the three person panel. A person with knowledge of the field and who has no stock in Microsoft is the right type of person for the job.

Another thing is that DNA computer programming languages will completely exclude outside development. Microsoft must share the genetic computer algorithms that it develops for the creation of independent applets and executable functions. Bill Gates has funded research into self replicating and self improving computer programs. Programs that quite literally write themselves. The programs are analogous to DNA because of its ability to mutate and reproduce endless quantities of complex code. This data must be shared! Otherwise, we'll be doing the trial again every decade with Microsoft out lasting the Federal Government.

This is what Mr. Gates hopes will happen: You will allow further development at colleges without government supervision of what Microsoft's Millionaires fund privately. These campus researchers will spin off their own companies to be bought up by Microsoft as soon as the programs reach a BETA state.

Andrew Alan Brown  
(503) 771-1479  
emailto: AndrewNymph@Yahoo.com

**MTC-00003365**

From: phyllis michaels  
To: Microsoft ATR  
Date: 12/7/01 7:40pm  
Subject: microsoft settlement

Dear Sirs

Please include Steve Satchell on the three member committee to supervise Microsoft operations under the proposed settlement of the antitrust case. Steve has considerable knowledge of software and operating systems and has been deeply involved with the computer industry for years. He would be an excellent addition to the team to monitor Microsoft. Thank you for your attention.  
Sincerely Phyllis Micheals

**MTC-00003366**

From: Mike Mills  
To: Microsoft ATR  
Date: 12/7/01 7:41pm  
Subject: My Opinion

Why don't you leave them alone. Bill Gates has earned everything he has but because somebody else didn't think of it the competition wants it taken away. I think your decisions suck.

M. Mills

**MTC-00003367**

From: RJRains  
To: Microsoft ATR  
Date: 12/7/01 7:52pm  
Subject: Absolutely Ludicrous

It would be a travesty of justice if the ludicrous demands of those several states is actually considered seriously, and even worse if someone was to make it happen. The special stripped down software, compatibility with other operating systems, and compliance masters are all ridiculous. Microsoft is the standard. Period. The operating systems need to make their OS's compatible, and who in their right mind would buy stripped down software. This

would only hurt a valid American success story, and actually hurt competition. Microsoft is a company, not a government agency. If the whiners at Netscape, sub-par OS manufacturer, and others want to realistically compete, then they should do so, but not cripple a great product. Maybe we should take one engine and half the seats out of each airplane to allow for competition to come in. Again, ludicrous. Throw out the state suits and lets move on with life.

RJ Rains

**MTC-00003368**

From: Brad Hartin  
To: Microsoft ATR  
Date: 12/7/01 7:54pm  
Subject: Microsoft Settlement

To allow Microsoft to settle in this manner is essentially giving them exactly what they want. For a very low price tag, they are able to indoctrinate an entire generation of Americans into the Microsoft monopoly. This would be equivalent to settling with tobacco companies by telling them they were required to give children free cigarettes as long as they were in school.

The offer from Redhat Linux Inc. would be the ideal solution, but even it could use some modifications. I'd recommend that Microsoft pay, up front, \$1.5 billion in fines. The money would be divided across as many schools as possible while maintaining the viability of it's use. Redhat would provide the software as they have already offered. This would lead to a far greater number of students benefiting from the settlement, and giving them a chance to avoid becoming entrapped within the tentacles of Microsoft.

Bradley David Hartin  
San Antonio, Texas

**MTC-00003369**

From: Ski Collins  
To: Microsoft ATR  
Date: 12/7/01 8:03pm  
Subject: microsoft

I'm a state worker. I feel that Microsoft should pay a large fine. If they just give software and hardware to schools, they just increase thair market share! Other products are as good and better but, when you have the marketing of MS, they are like the NY Yankees, the rich get richer.

L. Collins jr  
Jefferson City, MO

**MTC-00003370**

From: Jeffrey Means  
To: Microsoft ATR  
Date: 12/7/01 8:09pm  
Subject: Ideas for solving the Microsoft antitrust issues

Dear Sirs:

Solving the antitrust issues with the plan Red Hat has submitted would most definitely help a lot of poor or otherwise unfortunate school systems gain the computers they need along with giving those schools a different teaching platform that is not helping Microsoft to become even more monopolistic. This would allow those schools in question to receive 1 computers and 2 software that does not teach our young school age students only Microsoft operating systems. Red Hat proposes the following:

—

Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts  
Open Source leader proposes to provide software to every school district in the United States if Microsoft provides computing hardware for the 14,000 poorest school districts  
RESEARCH TRIANGLE PARK,  
N.C.??? (BUSINESS WIRE)??? Nov. 20,  
2001??? Red Hat, Inc.

(Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement. Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States. Red Hat will provide online support for the software through the Red Hat Network. Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. A Win-Win Approach The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

"While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly," said Matthew Szulik, CEO of Red Hat.

"Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools

with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools." General information about Red Hat's support for education is available at

[www.redhat.com/opensource/now/](http://www.redhat.com/opensource/now/).

About Red Hat, Inc.

Red Hat is the leader in developing, deploying and managing solutions built on the benefits of an open source platform. The open source platform includes the Red Hat Linux operating system for mainframes, servers, workstations and embedded devices, GNUPro tools for developers, database, e-Commerce, secure web server, high availability server and run-time solutions like eCos and RedBoot. For this platform, Red Hat provides end to end professional services including Professional Consulting, Engineering services, Enterprise Support services, and Global Learning services. Red Hat Network is the premier Internet based service that simplifies and integrates the deployment and management of these offers. More information about Red Hat is available at [www.redhat.com](http://www.redhat.com). Red Hat is headquartered in Research Triangle Park, N.C. and has offices worldwide. For investor inquiries, contact Gabriel Szulik at Red Hat, 919-547-0012, x439.

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end of insert: [www.redhat.com/about/presscenter/2001/press\\_usschools.html](http://www.redhat.com/about/presscenter/2001/press_usschools.html)  
Jeffrey D. Means  
CIO for PicoTech  
Fort Collins, Colorado

**MTC-00003371**

From: Mike Schiraldi  
To: Microsoft ATR  
Date: 12/7/01 8:13pm  
Subject: Open file formats!

Forget about Office for Linux. Just make MS publish their file formats so someone else can write a good office suite that reads and writes Office documents.

**MTC-00003372**

From: David Gressett  
To: Microsoft ATR  
Date: 12/7/01 8:14pm  
Subject: Microsoft

Microsoft should be left alone—a free market in software does exist. Alternatives for Microsoft software exist for server operating systems, desktop operating systems, and application software. The Justice Department cannot replace a free market and should not try. At best, it can only enforce the rules of commercial honesty.

**MTC-00003373**

From: [gunzip@wt6.usdoj.gov](mailto:gunzip@wt6.usdoj.gov)@inetgw  
To: Microsoft ATR  
Date: 12/7/01 8:20pm  
Subject: settlement

I think the settlement terms between DOJ and Microsft are totally against the best

interests of consumers, the economy and the state of technology in general

**MTC-00003374**

From: UCLAlumnus Hi  
To: Microsoft ATR  
Date: 12/7/01 8:25pm  
Subject: Travesty

As a consumer and a resident of Silicon Valley, I am appalled at the DOJ's decision regarding the Microsoft case.

It is obvious that the DOJ does not operate in the interests of our country and its people but for the lobbyists and person turning the screws in the White House.

Shame on you all.

**MTC-00003375**

From: Stephen  
To: Microsoft ATR  
Date: 12/7/01 8:27pm  
Subject: Microsoft Settlement

Having read the proposed Microsoft Settlement, I would like to offer the following comments.

As a consumer, I am disappointed with numerous areas of this settlement. In particular, that this settlement fails to levy any penalty on Microsoft for their past wrong doings. Furthermore, it fails to address Microsoft's failure to comply with agreements reached in a previous settlement with the government. Microsoft is not above the law, nor do they write laws. They have broken the law and they should be punished accordingly! Another area I feel needs to be addressed is the subject of interoperability. Having retired from the U.S. Marine Corps after 20 years of service, one thing that constantly annoyed everyone was the seemingly deliberate way in which Microsoft repeatedly changed it's file formats to force software upgrade purchases because of incompatibility among units. Example. If my squadron in North Carolina was using Word 4 and the Naval Air Systems Command in Washington, DC was using Word 5, we couldn't open any documents they sent us because our version of Word was older than theirs. This problem was further exacerbated by Microsoft designing their products file formats to be incompatible with not only older versions of their own products, but products from other competitors such as Word Perfect. This deliberate planned obsolescence of designing incompatibility with competitors software and older versions of their own software needs to be addressed. Everyone who uses a Microsoft product or a competitors product is routinely punished by Microsoft for failing to upgrade to their newest release or purchase their products over a competitors. This needs to stop! I propose the Department of Justice bring interoperability to the table in it's settlement with Microsoft by requiring Microsoft to "always" disclose to competitors both current file formats as well as all planned changes to the file formats of all Microsoft products. This one step would return choice to the consumer in the products they choose to buy while maintaining interoperability among products and platforms. I cannot stress how important this one issue is for the computing industry as a whole. Software developers would be able to compete with

Microsoft on the merits of their product, unlike today where most fail in the marketplace because few consumers are willing to purchase a product that can't open a proprietary Microsoft document. Companies who do try to compete with Microsoft often don't last long or worse yet. Most never attempt to compete with Microsoft in the first place.

By dropping the barriers to competition, consumers win as well. Consumers could choose the word processor, spreadsheet, database, video player, etc., of their choosing based on features they like, not because of compatibility alone.

In closing, I would like to leave you with this thought. Not everyone who uses a computer is a power user. As such, not everyone needs to own Microsoft Office, Word, Excel, or Access. I'm sure the majority of consumers would be perfectly happy with the features available in a \$79.00 word processor if given the choice. Unfortunately they have little choice at the moment. So they spend over \$400.00 to purchase Microsoft Office for the sake of opening a proprietary Word document someone has sent them or to ensure others can open a proprietary document they've sent. Planned obsolescence, forced upgrades and proprietary file formats are out. Consumer choice is in. Give consumers that choice! We not only deserve it. We demand it!

Respectfully submitted,  
Stephen M. Szweczyk  
MSgt USMC(Ret)

**MTC-00003376**

From: Billy B  
To: Microsoft ATR  
Date: 12/7/01 8:28pm  
Subject: Micro Soft

Someone (Supreme Court or Congress) should step in and stop the states from tearing down Microsoft.

How can it be to the country's advantage to tear down something that will end up costing many, many jobs that which works so well for the general population? It is easy to say the company is too large and Bill Gates is too rich but the company and Gates got there by being the best and producing the best a consumer could get for his or her money. As the old saying goes it ain't broke so don't fix it. The average person on the street doesn't care how large Microsoft is or how much money Bill Gates makes that he can't spend anyway as long as Microsoft products work for them and Microsoft products do work. Changing Microsoft is like changing Mc Donald's, Kentucky Fried Chicken or Wall Marts and the American people just don't like change for the sake of change. A case in point that was learned very vividly by Coca Cola a few years ago. The States and especially the States Attorneys General just smell fame and fortune and political gain for themselves (I/we took on Microsoft) because the average Joe and Jane will realize nothing for the effort and most assuredly the States Attorneys General could care less about that. Makes one wonder just how much kickback the now less than successful companies are putting up should Microsoft be broken up for the Attorneys General? If the Department of Justice is

finished and the States had a chance to settle and didn't they just should be SOL!

Bill Montgomery  
22628 Highway T  
Waynesville Mo.  
65583

**MTC-00003377**

From: Dr. Larry Keller  
To: Microsoft ATR  
Date: 12/7/01 8:29pm  
Subject: Settlement

To Whom It May Concern:

As a Professor of Public Administration, a citizen of the United States and a consumer of computers, I find the settlement with Microsoft (MS) troublesome. The company is nearly a classic example of a predatory company whose main mission is domination. They prefer to set "standards" of their own choosing rather than abide by standards that are set by appropriate bodies. Their products are often inferior to others, and in some cases, such as Apple computer, they even own part of the company.

They not only dominate OS, they control the office market. In fact, they also own part of Corel, a distant second in that market. I can't imagine being a company competing on applications with those who work with the Company that controls the OS. That by definition is not fair competition; in fact, the numbers of sales of applications office products clearly demonstrate it is not competition at all.

They bundle their software so that consumers cannot easily use more powerful third party products without considerable knowledge. Defaults often trigger warnings and similar statements that a casual user of computers, by far the dominant user, would interpret as making it impossible to use any product but MS for a particular purpose. They greatly impede progress in software. In addition, the company also sells hardware. With the immense cash flow MS enjoys they can pick and choose what hardware they will make next. As with software, I have no doubts that MS would use that ability to punish whoever opposed them.

Finally, they sell OEM versions of their products at differential prices. The prices clearly tell companies that MS will not tolerate certain behaviors, especially those that favor competitors.

This is not a picture of a company that should be rewarded. It is a clear call for breaking MS into at least two (2) if not three (3) separate companies. A fitting remedy would be three (3) companies: one for the OS; one for applications; and one for hardware.

Any lesser remedy will not only be a miscarriage of justice but a disservice to national security and consumers of an industry who progress is stymied by the domination of an inferior OS.

Talk to you later.

Dr. Larry Keller  
Public Administration Program  
Levin College of Urban Affairs  
Cleveland State University  
larry@wolf.urban.csuohio.edu

**MTC-00003378**

From: Cliff and Doris Kilfoil

To: Microsoft ATR  
Date: 12/7/01 8:30pm  
Subject: Get off MS Back!

SPEND MORE TIME FIGHTING  
TERRORISTS&TERRORISM. GET OFF  
MICROSOFTS BACK. FORGET THESE 9  
OTHER STATES THE LEGAL FEES JUST  
ARE NOT WORTH MAKING LAWYERS  
RICHER WHILE THE REST OF US DO  
WITHOUT. FOR ONCE, CAN'T COMMON  
SENSE BE USED. THE JUSTICE  
DEPARTMENT SHOULD KNOW BETTER. I  
HAVE NOTHING TO GAIN BUT AM UPSET  
WITH ALL THIS PETTINESS. ESPECIALLY  
WITH ALL THE OTHER MORE IMPORTANT  
ISSUES IN THIS COUNTRY.

THANK YOU FOR TAKING THE TIME TO  
READ THIS. CLIFF KILFOIL

2 APPLETREE DRIVE BRUNSWICK,  
MAINE 04011

**MTC-00003379**

From: kendall  
To: Microsoft ATR  
Date: 12/7/01 9:34pm  
Subject: Microsoft Settlement

I am a software developer for a living and  
have worked on Microsoft/Sun/Linux/other  
platforms.

I could enumerate a lengthy list of  
evidence concerning how Microsoft's market  
position has hurt innovation and therefore  
harmed consumers. I'm sure others have  
covered those points and that's not really the  
focus, now is it? Microsoft is guilty of the  
crimes charged. Period. Guilty.

Ok, so now what? The settlement proposed  
in no way penalizes the company for past  
deeds. It puts only minor restrictions on  
future actions and has loopholes that have  
been pointed out in several articles. As a  
citizen, a computer user, a professional and  
a voter, I believe a much more severe penalty  
must be imposed. Funds illegally earned  
must be taken away and given to the  
organizations struggling to change the  
software landscape. Specifically, academic  
institutions and non-profit organizations  
which contribute to Free Software projects!  
Just sit back and imagine a world where  
innovations that take place every day in  
government funded Universities actually get  
investment capital and see the light of day as  
Free Software. Free Software has the best  
potential for preserving intellectual  
investments and preventing future harm of  
the kind Microsoft is so famous for.

I'm not saying all software must be Free.  
But government has the power, the right and  
the responsibility to protect the citizens from  
Microsoft by taking the illegal profits and  
funding the best source of competition that  
exists today. Microsoft can buy almost any  
company that threatens to compete with it,  
but can not buy a Free Software product with  
all the money in the world. I hope I've made  
my point without too much redundancy. I  
simply can not state strongly enough how  
meaningless I find the language in the  
proposed settlement.

Sincerely,  
Kendall Bailey

**MTC-00003380**

From: Bazzani, Nicholas J  
To: Microsoft ATR

Date: 12/7/01 8:34pm  
Subject: Microsoft Settlement

I believe it is an outright tragedy that  
Microsoft has been let off the hook like this.  
It is quite obvious from the viewpoint of  
someone who works in the IT industry that  
the settlement will do nothing to correct  
Microsoft's behavior. I would point to the  
release of Windows XP, which came bundled  
with the new Windows Media Player. The  
fact is that they are the "800 Pound Gorilla"  
in more areas than the PC-OS arena,  
although that is by far their most visible  
market. I would say that their practices in the  
Enterprise arena are their most blatant  
violations. In the arena of Server OS' (e.g. NT  
4.0 and Windows 2000), Exchange, SQL, IIS,  
etc. . . , they consistently natively integrate  
and, in effect, bundle their platforms together  
by making "add-on" capabilities for one  
product dependent upon licensing and  
installation of other Microsoft products. For  
example: Microsoft SMS will only work with  
a Microsoft SQL back-end—Microsoft  
Exchange can only be web-enabled by  
installing Microsoft IIS—With Exchange  
2000, Instant Messaging is bundled with the  
e-mail client and server software. The list  
could go on for days, but it all boils down  
to the same thing: Microsoft always talks  
about "innovation" which is just a shallow  
attempt to cover up their consistent and, I  
would say illegal, business practice of using  
their weight in one market (be it PC-OS,  
Server OS, Messaging, Web Servers, etc. . . )  
to break into existing markets (such as Instant  
Messaging, Media Players, Web Browsers,  
Internet Service Providing, etc. . . ) by  
bundling and making their software  
dependent upon their other software  
offerings. For example, try uninstalling  
Internet Explorer from Windows 2000—the  
OS will not allow it. Microsoft is also  
notorious in the E-Mail arena for creating  
proprietary formats that are unreadable by  
non-Microsoft systems (Microsoft Rich Text  
and especially the Microsoft Transport  
Neutral Encapsulation format of Outlook/  
Exchange are unreadable and Microsoft does  
not restrict these formats from being sent  
over the Internet—which cannot be dealt  
with on the recipient end) As one writer for  
Wired magazine put it, after the Nimda  
outbreak it is apparent that [Microsoft could  
be considered a threat to National Security].  
They have consistently put "buggy" and  
insecure software into the market, and this  
fact has been demonstrated time and time  
again by 14 year olds who can download  
"Virus Development Kits" off of the Internet  
and quickly create and send a new virus into  
the wild. This, in and of itself, is not such  
a threat although it does allow a truly  
malicious and technically astute virus writer  
to crater or compromise a large numbers of  
systems with relative ease—as demonstrated  
by Nimda.

As an IT Professional and an Economics  
graduate—I had hoped for something more  
from our Department of Justice. I firmly  
believe that the settlement will have no  
impact on Microsoft's anti-competitive  
business practices moving forward.

Nick Bazzani  
Lotus Domino Operations  
DSS-Plano SMC

972.796.5321

\*This statement in no way reflects my  
company's stance on this subject. It is simply  
an expression of my personal opinion.\*

**MTC-00003381**

From: Ralph Campbell  
To: Microsoft ATR  
Date: 12/7/01 8:34pm  
Subject: Microsoft settlement

I am very much concerned about the  
current settlement proposals in the Microsoft  
antitrust case. I believe they do not place  
enough restrictions on Microsoft to  
discourage future transgressions. I am  
including a letter I sent earlier to  
Congresswoman Zoe Lofgren about the  
Microsoft antitrust case which gives  
technical details as to why I believe this.

In particular:

(1) Making Microsoft give large amounts of  
their software to schools only increases their  
market share and helps teach more people to  
use and depend on their products. This is a  
benefit to Microsoft, not a punishment.

(2) Making Microsoft sell their operating  
system for less money. This does nothing to  
limit the practices Microsoft used to put  
Netscape out of business as outlined in the  
antitrust case. It also does nothing about their  
current practices as outlined in the attached  
letter.

I urge you to investigate this and persue a  
tougher settlement. Thank You.

Ralph Campbell  
691 Willow Glen Way  
San Jose, CA 95125

**MTC-00003382**

From: ebow  
To: Microsoft ATR  
Date: 12/7/01 8:50pm  
Subject: Seems like yall are doing microsoft  
a favor.....

The settlement forces Microsoft to donate  
software, hardware, and services to  
America's poorest schools.

The settlement will simply introduce  
Microsoft to a market where they could  
further extend their monopoly.

I believe that Microsoft should give the  
schools money and only money. I also think  
that Microsoft is getting off easy.

Sincerely,  
ebow

**MTC-00003383**

From: Harvey DeGering  
To: Microsoft ATR  
Date: 12/7/01 8:40pm  
Subject: settlement WIN 95, WIN 98, WIN 98  
upgrade, WIN98 2nd Edition, etc.etc.:

Each contains things I'll never use ... yet  
I must pay for them, (and for fixing the  
errors!)

Give me a BASIC system and let ME add  
what I want.

Harvey & Winnie DeGering  
Sutherlin, OR  
harwin@bezipppy.com

**MTC-00003384**

From: Martin  
To: Microsoft ATR  
Date: 12/7/01 8:46pm  
Subject: microsoft antitrust and the idea of  
fines for microsoft.

Well just to put things in alignment towards fining Microsoft for their unfair practices. You fine Microsoft and they pass the cost on down to their customers. That means I pay for the fines you levy on Microsoft. And so does everyone that owns a PC.

The Fact is this:

When I started my hobby with computers I priced the other O.S. developers. There was Digital Research D.O.S. and Microsoft D.O.S. along with the UNIX environment. To tell you the truth DR. DOS was so buggy and cumbersome that it wouldn't do at all. The UNIX based O.S. world was in the stratosphere with their prices. \$500.00 to over \$1000.00 for a single system. Not to mention the cost of the "supported" hardware! Microsoft O.S. ran on anything and it cost me \$100.00.

Even to this day Microsoft O.S. is still cheaper than any UNIX O.S. I would dare SUN or HP or Novel to make their O.S. as inexpensive as the Microsoft O.S.

As for the UNIX-like open source O.S. like Linux, FreeBSD. What could be better than free! Well, to say the truth, free isn't always the best. I have to admit that Linux looks and acts a lot like UNIX. FreeBSD is more UNIX like than Linux and very stable. To be truthful, I use Linux O.S. in my home network for servers and I have yet to experience serious problems. The Big Drawback is that the UNIX-like operating systems are not for the Newbie! They are to say the least, frustrating and not at all user friendly. The Open Source Community has had it in for Microsoft for a long time. May be they have a legitimate gripe against Microsoft, but I don't see it as far as the Newbie is concerned. Microsoft makes an O.S. that is less expensive than UNIX, much easier to use than UNIX and UNIX-like operating systems and ANYONE can use it with little effort.

Now if the open source community could do what Macintosh is doing, I could say that they would have a competing O.S. for the masses. (Macintosh O.S. version X is the FreeBSD kernel with the Mac GUI.) Wow!

So much for my opinion;

Martin Klestinez  
mkles@home.com

From sunny Mesa, Arizona

#### MTC-00003385

From: Lester Hightower  
To: Microsoft ATR  
Date: 12/7/01 8:48pm  
Subject: Microsoft Settlement

To whom it may concern:

I would like to express my concern that the DOJ's recent settlement with Microsoft is ludicrous. Microsoft is a clear monopoly with unprecedented power over the largest growth sector of the US economy. That monopoly must be broken, but the settlement that has been proposed does quite the contrary—in many ways it actually helps to extend that monopoly! The settlement provides Microsoft explicit protective barriers against the one segment of the computer industry that has demonstrated some hope of ability to compete with it, the Free Software/Open Source/Linux community. Rather than rehashing a well written piece on that topic I

will ask that you read this short article by Robert X. Cringely:

<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

Additionally, the part of the settlement requiring Microsoft to donate computers to schools—that is just as insane. The US school systems are one very small segment of the US computer industry, but one segment where Apple's Macintosh computers have continued to compete successfully with Microsoft due to Apple's superior simplicity, reliability, and the fact that grade schools are not in the "must have Microsoft Office" jail that 99% of all US businesses are. Having Microsoft give computers to grade schools will serve to harm Apple's position in that market, it is in perfect harmony with Microsoft's efforts to destroy Apple's position in that market, and it is giving Microsoft a huge tax break to boot! The government needs to force Microsoft to open source all of its operating system products, which are no different than cable TV or telephone switch standards (OSes are an infrastructure standard), force Microsoft to publicly disclose the file formats for each and every product that it sells, before they are allowed to go to market, force Microsoft to change its software licensing agreements so that they are transferable (create a market for used Microsoft software), and force Microsoft to publicly disclose any additions or modifications that its products make to current and future communications standards (like HTTP, FTP, SMB, etc.) so that other can make products that inter-operate or compete. Remedies such as those will actually accomplish something positive.

Sincerely,

Lester H. Hightower  
TheAIMSGroup.com  
Chief Technology Officer  
The Advanced Integrated Management Solutions Group

#### MTC-00003386

From: Rory Ivers  
To: Microsoft ATR  
Date: 12/7/01 8:54pm  
Subject: Microsoft settlement

I wish to voice my extreme displeasure with the poor standard that too many government representatives consider to be an acceptable settlement of the Microsoft case.

This proposed settlement is on par with the United States taking over Canada, Mexico and the Caribbean island countries by any available means. Then, facing world condemnation for our ruthlessness, we set Cuba free. Far too little, too late, with nothing to stop us from taking Cuba and the rest of the Western Hemisphere the next time we want to grab territory. Certainly this is a ridiculous scenario, but in the computer world, this is exactly what our government is considering. To even consider allowing Microsoft to manipulate such a settlement, you are sending a message to them that the government really doesn't care about the behavior that caused this issue. Just tell them, 3Don't do it again or we'll have to do something mean like ground you for a week. Not terribly effective at preventing a recurrence.

Do what you should, not what is politically expedient! Resolve the damages, then

demonstrate with punitive measures exactly why businesses should NEVER engage in such practices. It worked with ATT decades ago, and it would work with Microsoft. ATT's breakup did not just level the communications playing field. It created an atmosphere that encouraged competition, invention and expansion of the industry far beyond what would likely have happened had other gutless politicians and lawyers behaved to the lower standard this current administration is considering. (BTW, I am a Republican and do use Microsoft products.)

Rory Ivers  
Ivers Photo & Imaging  
7460 Cabrillo Avenue  
La Jolla, CA 92037-5201  
(858) 551-5151 office  
(858) 551-5152 fax  
<http://www.iversimaging.com>

#### MTC-00003387

From: Roger  
To: Microsoft ATR  
Date: 12/7/01 8:58pm  
Subject: Microsoft Settlement  
Greetings,

I'm Canadian but I believe that MS's lawsuit is a global issue. Would it be so hard for you to leave them alone? Don't you think that it's the consumers right to vote with their pockets? I like Microsoft the way it is. It's been always good for the consumers. They're the ones who popularised the PC as we know it.

have a good day,  
Roger

#### MTC-00003388

From: rjswing  
To: Microsoft ATR  
Date: 12/7/01 9:12pm  
Subject: Break Up Microsoft

The illegal monopolist, Microsoft, threatens the future of technological innovation and the free market in software by leveraging its monopoly in operating system and office software.

Besides national defense, the number two priority of the federal government is to protect our economic system from monopolists. Thus far, the Justice Dept has utterly failed in that charge. Please enforce antitrust laws vigorously!

Thank you for your reconsideration of this important policy matter.

Rex Swing  
Lebanon, IN

#### MTC-00003389

From: Michael J. Mallory  
To: Microsoft ATR  
Date: 12/7/01 9:14pm  
Subject: sellout

Thanks for selling consumers out.

#### MTC-00003390

From: rjswing  
To: Microsoft ATR  
Date: 12/7/01 9:18pm  
Subject: Break Up Microsoft  
Dear Justice Dept:

Your charge is important and underestimated by most Americans. After national defense, antitrust enforcement is the number two charge in our free market system.

The incentive in our free market system is to become a monopolist. Microsoft long ago achieved that status and more than their deserved economic reward for their success. They need to be broken up. To date, the Justice Dept. has utterly failed to protect our economy from this significant monopolist. Please consult knowledgeable economists on this matter and rectify your grievous error in antitrust enforcement.

Thank you for recognizing your errors and correcting them.

Rex Swing  
Lebanon, IN

**MTC-00003391**

From: jpavlo@ilm.com@inetgw

To: Microsoft ATR

Date: 12/7/01 9:19pm

Subject: some quotes on Microsoft settlement

"We're baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education—one of the few markets left where they don't have monopoly power."

-Steve Jobs, in a statement, reacts to the Microsoft antitrust lawsuit proposal. New York Times. December 3, 2001. "It strengthens Microsoft's position in education against their only competitor, and at the same time it gets them off the hook. It even makes them look generous."

-IDC analyst reacts to the Microsoft antitrust lawsuit proposal. New York Times. December 3, 2001. "The centrepiece of Microsoft's proposed \$US1 billion civil antitrust settlement is their donation of Microsoft software, which they value at \$US830 million, to our schools. We think people should know that the actual costs to Microsoft for this donated software will likely be \$US1 million."

-Steve Jobs, as quoted by news.com.au. December 6, 2001. "We think a far better settlement is for Microsoft to give their proposed \$1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice."

-Steve Jobs offers an alternate settlement. Reuters. December 6, 2001. "If Microsoft is not going to be broken up, the correct solution would be for Microsoft to take the \$1 billion, and set up a fund to seed competitors."

-ROM offers its solution. December 4, 2001. "The more I think about it, the more insidious it seems."

-Charles Haddad doesn't think much of Microsoft's proposed settlement. December 5, 2001.

Joe Pavlo—jpavlo@ilm.com—415-448-2775

"I love deadlines. I like the whooshing sound they make as they fly by"

—Douglas Adams

**MTC-00003392**

From: Dave Jones

To: Microsoft ATR

Date: 12/7/01 9:21pm

Subject: Microsoft.atr@usdoj.gov

The proposed settlement with Microsoft is so vague—so riddled with undefined terms and loopholes—as to be an affront and insult

to the taxpayers whose millions were spent prosecuting the company.

I have been a professional software developer for over 25 years, yet I cannot tell what the document bans and what it permits. Given any wiggle room at all, Microsoft will do continue to do business as usual, arrogantly thumbing its nose at the court and the Justice Department.

I strongly oppose the proposed settlement.

Best regards,  
Dave Jones

**MTC-00003393**

From: Art Gonzalez

To: Microsoft ATR

Date: 12/7/01 9:23pm

Subject: I was told to send???

Hi! I'm writing this e-mail because I was told to do so by a company that I subscribe to receive newsletters.

On this newsletter they write about the Microsoft settlement and how it affects this company and this is what they wrote, without mentioning the name of the company. (responding to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly). Well I'm not a software savvy nor a business major and I do not have anything against this company or Microsoft or for that matter any other dot com company but this to me sounds like a case of jealousy, why can this company and all the other companies on this settlement get together and offer the same or maybe even better software than the one offered by Microsoft

Sincerely: anonymous

**MTC-00003394**

From: chuck@vm1.cpssoft.com@inetgw

To: Microsoft ATR

Date: 12/7/01 8:28pm

Subject: vote of confidence for Dec 07/2001 state proposal

The proposal filed Dec 7,2001 by the nine U.S. state attorneys seems to have many positive elements, in my opinion.

The previous proposed agreement has many loopholes, and a limited time span (5 years). With the legal resources available to Microsoft, they will be able to stonewall and fight this weak agreement on almost every point, so that the actual impact on their day to day conduct will be essentially negligible.

Please enforce a stronger remedy. The Dec 7 filing seems to have many of the required elements.

Charles Pilkington  
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Halifax, N.S.  
B3M 2B8  
chuck@cpssoft.com  
http://www.cpssoft.com  
902-450-5761 (W)  
902-443-9392 (H)

**MTC-00003395**

From: Robert E. Blair

To: Microsoft ATR

Date: 12/7/01 9:35pm

Subject: MS settlement

I would like to encourage the DOJ to adopt the proposal by Redhat to contribute software and as terms of the monopoly settlement to force Microsoft to provide hardware to

schools. It would be absurd, as part of a monopoly settlement, to distribute Microsoft software to schools.

This simply extends the influence over the market that they were convicted for in the first place. Justice would best be served if Microsoft were forced to distribute an alternative to their software instead and provide hardware as penance for their monopolistic practices.

Yours truly,  
Robert Blair  
1S235 Lloyd Ave.  
Lombard, IL 60148

**MTC-00003398**

From: Bruce McFarling

To: Microsoft ATR

Date: 12/7/01 9:48pm

Subject: Microsoft Settlement

Dear Sir/Madam,

I am a U.S. citizen, working in Australia as a lecturer in Economics. With respect to the proposed settlement in the Microsoft antitrust case, I would like to point out one glaring loophole.

In the settlement, commercial companies are provided with direct protection against some anti-competitive behaviour by Microsoft. However, in many instances, only Open Source Software operating by attracting volunteer labour on a global basis can maintain the developer resources to provide effective alternatives to Microsoft's products. Therefore, in many cases commercial companies rely on, and contribute to, Open Source Software development efforts as a part of their competitive strategy.

There is no protection in the language of the settlements against action against Open Source Software, or indeed any not-for-profit activities (including government activities), and therefore no protection for those companies whose most effective competitive response to Microsoft's aggressive use and abuse of market power is to participate in such activities.

It is therefore important that the restrictive language with respect to activities of viable commercial entities be expanded to include those not for profit organizations that make their work available to commercial entities, whether based on Open Source access, access to participants in joint activities, or otherwise.

Dr. Bruce R. McFarling, PhD

Virtually,

Bruce McFarling, Shortland, NSW  
ecbm@cc.newcastle.edu.au

**MTC-00003399**

From: B Davis

To: Microsoft ATR

Date: 12/7/01 9:50pm

Subject: Microsoft Settlement

Dear Sir,

The proposed settlement is inadequate. At a minimum Microsoft needs to allow other OS versions to be shipped with new PC's, which is now prohibited by Microsoft OEM agreements. PC's for schools may make everyone feel good, but it does nothing to redress the damages caused by Microsoft's business practices.

Regards,  
Jimmie M. Davis, Jr.

**MTC-00003400**

From: Dave Jones  
 To: Microsoft ATR  
 Date: 12/7/01 9:56pm  
 Subject: Microsoft Settlement

I wish to oppose the Microsoft settlement in the strongest possible terms. Please recall what Microsoft did in response to previous, much clearer instructions. In the words of the DOJ itself, Microsoft offered "a version of Windows 95 that will not work." That contemptuous behavior on the part of Microsoft should not be forgotten. The proposed settlement is full of ambiguities and loopholes that will allow Microsoft ample opportunity to mock the courts, the Justice Department, and the American taxpayer. They will seize every opportunity.

David B. Jones

**MTC-00003401**

From: The Galli's  
 To: Microsoft ATR  
 Date: 12/7/01 9:57pm  
 Subject: A Sad Day

Why don't you concentrate on more protection for us poor consumers from terrorism as opposed to from Microsoft. If I was Gate's I would move the company to Mexico. Give us a BREAK!!

**MTC-00003402**

From: James Saville  
 To: Microsoft ATR  
 Date: 12/7/01 9:59pm  
 Subject: Microsoft Settlement

This case has gone on too long. I am a consumer and have not been harmed in any way by Microsoft's actions or products. In fact, I think they are one of the only companies in the industry that is trying to make the computer a usable and productive device. I will keep buying their products—if that turns them into a monopolist, then the market has spoken. So what—if someone writes a better mousetrap, I will try it, but for now no such product or company exists. I am tired of hearing about a case brought by incompetent competitors—they are just not intelligent enough to compete against Microsoft—that is hardly their fault.

James Saville  
 jsaville@bellsouth.net

**MTC-00003403**

From: Jim Dossey  
 To: Microsoft ATR  
 Date: 12/7/01 10:02pm  
 Subject: Microsoft Settlement

I would like to voice my concerns about the recent DOJ settlement with Microsoft. After reading over the settlement, I see several problems.

1. In most cases you allow Microsoft to define the groups that it must work with. You've got to be kidding!
2. You appoint a 3 member board to oversee this agreement, and then allow Microsoft to elect 2 of those positions. You've got to be kidding!
3. You have totally ignored one of the largest segments of the computer software industry, namely, Open Source Software. This is perhaps the only real, current, threat to Microsoft's monopoly. The agreement is written so that the only entities that

Microsoft must present it's API's and other secrets to, are those that can do them no harm. You've got to be kidding!

I have several other concerns, but I believe that these are enough to render this agreement virtually useless.

Thank you,  
 Jim Dossey

**MTC-00003404**

From: Richard Burden  
 To: Microsoft ATR  
 Date: 12/7/01 10:07pm  
 Subject: Microsoft Anti-Trust Case

I am one person who believes the Department of Justice has done nothing to prevent Microsoft from extending their Monopoly. In short, you have done nothing to correct past wrongs. You need to punish them financially. Force them to sell a stripped down version of their Operating System. How do you purpose to force Microsoft to reveal to their competitors how their operating systems works, so that all software developers have an equal footing. You should force them to post the source code of the Application Programmers Interface on the internet. At least make a true attempt to curb Microsoft's abuses and maybe open the way for competitors to compete fairly with Microsoft. I feel strongly that every one would have been better off if you had forced Microsoft to split into at least two companys. One to produce software, and one to produce only the operating system. That in it's self would make it a necessity for the operating system company to reveal the internals of how to make applications work with their operating system. The prosperity of the operating system would be dependent on applications working well.

You have done Microsoft a favor. What about the users who must put up with a buggy operating system and companys that would like to compete on an equal footing with Microsoft. A monopoly in the Technology field is not good for individual users, companies, or our country as a whole. You need to re-think what you have done, because the monster still lives. The monster has a right to live, but not to consume all that it sees or desires. Slow it down while you can.

**MTC-00003405**

From: Hollis Blanchard  
 To: Microsoft ATR  
 Date: 12/7/01 10:23pm  
 Subject: Microsoft Settlement

After reading Robert Cringely's article on the proposed settlement (<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>), it concerns me greatly that non-commercial organizations are being overlooked. Microsoft's greatest enemy is open standards, which allow customers to choose freely between vendors and products without being trapped into an existing solution. These open standards are almost universally supported and developed by non-profit and volunteer organizations such as the Apache and Samba Foundations. Please keep open standards very much in mind when developing this settlement.

Hollis

**MTC-00003406**

From: Mike Hill  
 To: Microsoft ATR  
 Date: 12/7/01 6:02pm  
 Subject: Microsoft Settlement

I feel that many of the proposed "settlements" flat out make Microsoft's position better. They have been found guilty of anti-competitive behaviour, and now you are allowing them to compose the terms of the punishment. What is that about?

Specifically, allowing them to give computers and software to schools only servers to further entrench their presence. Fine if they want to do this on their own, but not as part of a punishment.

Allowing them to determine who they get to provide API information to is just ridiculous. Many of Microsoft's own internal documents point to linux as "the long term threat" to windows. Under terms of the settlement, Microsoft only has to provide this information to businesses that live up to Microsoft's standard of a business. Why should Microsoft be allowed to determine who is a good business? Not only does this affect not-for-profit companies like SAMBA and Apache, but could also be manipulated to be anyone that Microsoft sees as a competitive threat. Remember, they are guilty of anti-competitive behaviour. Anti-business. Time and again they have manipulated the wording of contracts to their benefit. Apple made the mistake of signing a contract which Microsoft drew up saying they wouldn't imitate the Apple OS in the then current version of Windows. So Apple got screwed on later versions.

You have to be living in a cave if you are not aware that free software and the open source movement is the biggest alternative to Windows on the home PC market. How many other operating systems can run on your computer at home, especially now that BeOS has been discontinued? Any settlement that allows Microsoft to keep open source companies from receiving the same information that any other developer can access is absolutely flawed. It is, in fact, a settlement—not a punishment. They are guilty, remember. If their OS is as top-flight as they claim, then they should have nothing to worry about from little companies whose yearly revenue don't match MS's advertising budget.

Finally, steps must be taken to ensure that Microsoft is no longer able to exert such incredible control over OEM's. Microsoft exerts absolute authority on what software and/or modifications these computer manufacturers can make to the Window's desktop. They also prevent them from selling multi-OS machines, meaning machines that can boot into more than one operating system.

Remember, Bill Gates is a lawyer's son. Microsoft has reached its position not by developing great software, but by outwitting companies with their contractual law. Typically these companies fail to grasp the nature of the computer software industry. Don't fall into the same trap.

Mike Hill

**MTC-00003408**

From: Bill and Eve Shay

To: Microsoft ATR  
Date: 12/7/01 10:39pm  
Subject: Microsoft Settlement

To whom it may concern,  
Are you assisting Microsoft in the elimination of Apple (one of the strongest platforms in school systems)? Who thought this up? Microsoft marketing? It's brilliant. Microsoft gets away with no real penalty and eliminates another pocket of competition by overrunning the school systems. By the way, Linux is also strong in the schools. Did the government want to damage Microsoft's competitors? Isn't Microsoft supposed to be punished for their behavior? How does this help the consumer? The US government needs to rethink this strategy before more damage is done.

Please consider your actions carefully or at least consider RedHat's counter proposal.

William Shay  
Sr. Software Engineer

**MTC-00003409**

From: Larry McVoy  
To: Microsoft ATR  
Date: 12/7/01 10:37pm  
Subject: Microsoft Settlement

As a long time computer user I am appalled the direction the justice department is taking. I strongly oppose your settlement and I strongly oppose the idea that Microsoft "giving" software to schools is a penalty. That's a mistake, it's just a way to make them make more money. Microsoft is about one thing: making money. I've got nothing against that, I do that too. I just don't lie, cheat, steal, and crush people and companies in order to do so. I don't think that you should let them do that and that is the message you are sending.

Think about it. Do you have kids? What would a kid think about all this? They have a way of cutting through and getting to the point. A kid would see this as "the guy with the money can do the wrong thing and get away with it". What's that say about our country? You should be ashamed of this. What is happening is pathetic. It's an embarrassment to this country, to what we stand for, to our heritage. How are you going to feel if the EU slams Microsoft and our own government just folded their tent and caved in to some rich nerd?

Come on, have some backbone, there are lots of people like myself out here who feel this way and we have long memories. Do the right thing. It's what this country is about.

Larry McVoy  
CEO  
BitMover, Inc.  
CC:lm@bitmover.com@inetgw

**MTC-00003410**

From: rhixon  
To: Microsoft ATR  
Date: 12/7/01 10:43pm  
Subject: Microsoft settlement

Dear Sirs,  
I am appalled at the proposed settlement with Microsoft. Microsoft is the worst example of a rapacious monopoly that I've ever seen. Because of Microsoft, the rate of development in the PC software industry has been stifled. I am completely in favor of the original breakup plan for the company; the

new proposed settlement will have little or no effect on Microsoft's predatory business practices (see Windows XP, and Windows 2000 Service Pack 2 for example). Because of Microsoft's monopoly, I have had to pay for MS operating systems on my last five PC's—of which only one still has the MS operating system, and only two of which were ever even turned on using the MS operating system.

I am very disappointed in the Justice Department and the current administration.

Regards,  
Ray Hixon  
CC:rhixon@n2netmail.com@inetgw

**MTC-00003411**

From: peter  
To: Microsoft ATR  
Date: 12/7/01 10:45pm  
Subject: Microsoft settlement  
CC: .peter@mitchellpc.com

I agree completely with Robert Cringly.. see below

He's Not in It for the Profit  
Steve Satchell for Microsoft Anti-Trust Compliance Committee!

By Robert X. Cringely

Two calls came in on the same subject in the same day this week, but from very different perspectives. The first call was from a lawyer working for the California Attorney General. He was looking for somebody like me to testify in the remedy phase of the Microsoft anti-trust case. California, as you know, is one of nine states that have chosen not to go along with the proposed anti-trust settlement between Microsoft and the U.S. Department of Justice. The nine states think Microsoft is getting off too easily. The second call came from Steve Satchell, an old friend from my Info World days, who had noticed deep in the text of the proposed Microsoft/DoJ settlement that as part of the deal, there will be a three-member committee stationed at Microsoft to make sure the deal is enforced. Satch wants one of those jobs.

I think he should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest. Sometimes there is a distinct advantage to being the first to apply for a job, so I think Satch should be a shoo-in for one of those compliance gigs. And the boy looks mighty fine in a uniform.

The job will be a challenge, that's for sure. The committee has the responsibility of settling small disputes and gathering the information needed to prosecute big ones. They are supposed to have access to ALL Microsoft source code, and their powers are sweeping. If it goes through, I only hope the court picks three tough but fair folks like Satch.

Meanwhile, there is still plenty to complain about in the text of the proposed settlement, itself. Those who followed the

case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: "Microsoft is guilty."

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against "competing" commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business .... "

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

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 (IHWs),

Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

This is far from over, though. The nine states are still in the fight and you can be, too, by exercising your right under the Tunney Act to comment on the proposed settlement. The Tunney Act procedures require the United States to:

1. File a proposed Final Judgment and a Competitive Impact Statement (CIS) with the court.
2. Publish the proposed Final Judgment and CIS in the Federal Register.
3. Publish notice of the proposed Final Judgment in selected newspapers.
4. Accept comments from the public for a period of 60 days after the proposed Final Judgment is published in the Federal Register.
5. Publish the comments received, along with responses to them, in the Federal Register.
6. File the comments received and responses to them with the court.

To make your views known (and to put in a good word for Steve Satchell), there are several options:

E-mail: [microsoft.atr@usdoj.gov](mailto: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

Mail: Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530-0001

**MTC-00003412**

From: Jerry Cupples

To: Microsoft ATR

Date: 12/7/01 10:49pm

Subject: Microsoft Settlement

I object to the proposed settlement being offered Microsoft Corporation after the finding they are guilty of monopolistic activities. Microsoft is simply being given a slap on the hand, and told "bad, don't do that". This is absurd. They have crushed most competition, bought the others, and acted to co-opt any other new and possibly viable commercial enterprises in the software business. They have forced Encyclopedia Britannica to give away their intellectual property by offering a software based product at a price so low that it makes the printed book obsolete, yet charge \$500 for a copy of a spreadsheet and word processor which is simply a re-hash of the older version with a few more bells and whistles they produce for a few dollars.

They have such dominance of the market that they now garner 90% of all profits made publishing computer software.

Microsoft acts aggressively to bring new products to market positioned to dominate targeted competitors. For instance, a niche company like DeLorme, who offers mapping software. Microsoft essentially gives away a map program, literally free with coupons or rebates, until the competitor must reduce their price to the point of loss.

Microsoft has developed an effective way of actually paying hardware manufacturers to ship its products installed on machines, and they have prevented any competition from using similar means of distribution, punishing equipment manufacturers who do not fall in line. Their legal armies have been given all the weapons and money to delay the battle, and to open fronts on every court in the land. At last, they lost.

Microsoft is GUILTY.

Microsoft must be punished in a real fashion. They should be broken apart. The pieces should be fined heavily and constrained in a true fashion, and if they are not, their management will simply pause and continue in the same line of operation. Steve Balmer and Bill Gates are completely arrogant in defending their corporate actions, and although this college dropout is now the richest man on the planet, he contends it is simply good business. This was only good business in the same way that Standard Oil was good business, or that the railroads and coal industry were good businesses. Gates is the J.P. Morgan of his generation, only less benevolent, more overtly aggressive in breaking his competitors.

If the US courts fail to take action to dissolve this software beast, a historic lapse in the U.S. Government's duty to protect consumers and citizens will have been enacted and fortified with legal precedent. Microsoft has about \$36 billion in cash to pay lawyers, lobbyists, and to bribe or influence any commercial interests who can legally accept the forms of bribery and coercion they have perfected.

I urge you to do something to protect the interests of the public in this matter.

Regards,

Jerry Cupples

Plano, TX USA

**MTC-00003413**

From: Dewitztom@aol.com@inetgw

To: Microsoft ATR

Date: 12/7/01 10:55pm

Subject: (no subject)

Dear sirs—

I have been repeatedly shocked by the concessions made to Microsoft in the proposed settlement of the current antitrust case. Microsoft's software involves little or no real innovation compared to the rest of the industry, yet costs 2-3x as much as comparable software products. Although I am forced to use the Microsoft operating system and office products because they are mandated by my employer (a large multinational oil company with 100,000 employees worldwide), I believe MS Windows to be technically inferior to IBM's OS/2, Linux, UC Berkeley's BSD, Apple's OS-X, and Sun Microsystem's Solaris OS. Nevertheless, these other companies almost have to give away their software for free in order to compete with Microsoft's monopoly.

The DOJ should show to the court that the need for compatibility, interoperability, and interchange of computer and communications software is so important that even a 70% market share is a tremendous advantage. And, as you know, Microsoft has used this advantage repeatedly to put potential competitors out of business and to extend its monopoly into new markets.

Do not underestimate the American public. We appreciate that a strong monopoly strengthens our dominance of foreign as well as domestic markets. Still, we know that we would benefit more in the long run from stronger controls on, or dilution of, the Microsoft monopoly than we will lose from increased international competition.

Please review the incredible, and obviously illegal, provisions of Windows XP for further regulatory actions under antitrust law.

We, the public, appreciate your work on this in the public interest.

Thank you!

—Thomas Dewitz, Ph.D., R.P.E (Texas)

**MTC-00003414**

From: Toby Burton

To: Microsoft ATR

Date: 12/7/01 10:59pm

Subject: Settlement is absurd!

To whom it may concern,

I cannot believe what I have read regarding the contents of the Microsoft Anti-trust settlement. This is a blatant attempt to allow Microsoft into the Educational market. I cannot believe that it is even being considered. Preferably, the Justice Department should push for a break up. Since that probably won't happen, I am in favor of Red Hat's counter proposal (make Microsoft pay for hardware and install Red Hat Linux). Better yet, have Microsoft pay to put in additional Macintosh software and hardware in the nations poorest schools. Remember this penalty is not going to stop the Microsoft. Just look at the "features" bundled into XP. It reads like a target list of software companies to put out of business.

Toby Burton

9012 Wagtail Drive

Austin, Tx 78748

**MTC-00003415**

From: Matt Fotter  
 To: Microsoft ATR  
 Date: 12/7/01 10:56pm  
 Subject: Microsoft Settlement

I would like to express my extreme displeasure with the settlement agreement reached between the Department of Justice and Microsoft corporation.

Language in the settlement, specifically Section III(J)(2), effectively allow Microsoft to exclude any not-for-profit organizations from the remedies allowed commercial organizations. Since large parts of the Internet are powered by software and applications created by not-for-profit organizations, Microsoft will be able to exclude it's biggest competitors (eg The Apache Foundation/www.apache.org produces the most widely used webserver on the Internet). This settlement does more to stifle competition and empower Microsoft than it does to curb the behaviors which led to them being found guilty.

Matthew Sturgis Fotter, registered and active voter—

**MTC-00003416**

From: William Stevens  
 To: Microsoft ATR  
 Date: 12/7/01 11:02pm  
 Subject: Microsoft Anti-trust Settlement

Dear DOJ,  
 I've watched the case, with all its turns and events over the past months. Microsoft is indeed a huge monopoly with no one's best interest at heart beyond their own pocket books. As a technology professional with years of experience, some pre-dating microsoft, I can only say the the microsoft experience has been unsettling. Microsoft not only destroys small upcoming companies with good ideas, it destroys good ideas. Microsoft constantly re-invents perfectly good wheels, making new wheels with a proprietary microsoft flavor. Left unchecked, they would destroy or subvert anything good in the software and OS world. Their bungled network protocols and complicated OS and application interfaces, together with their over abundance of features bloat software and leave numerous security holes and exploitation opportunities that suck countless hours from offices around the country.

Microsoft needs to be broken up, forced apart into smaller, less monolithic sections that can't use their size to brutishly squelch good ideas that don't fit into their view of how to do things. Microsoft should especially be kept away from the Internet and anything to do with networking standards. Do not fall for the argument that microsoft did a great thing bringing computers to the people. This "gift" was a sales pitch of the grandest proportion, and the gift is far more expensive than most people realize, until they have invested far more than they planned. Counting only the time lost to crashes and blue screens, americans and american corporations have lost millions upon millions of hours and dollars.

I urge you to seek the harshest of settlements for this case, microsoft is no friend of the people, and no friend to the computing industry.

Kindest regards,  
 William Stevens

**MTC-00003417**

From: Evan Chaney  
 To: Microsoft ATR  
 Date: 12/7/01 11:11pm  
 Subject: Settlement

I'd just like to let you know that I view the proposed Microsoft settlement as highly insufficient and anything BUT an actual settlement that disables their monopoly over the computer industry. All this proposed settlement does is extend their monopoly. As such I am appalled that the United States Dept. of Justice has agreed to accept it. Such an action clearly shows that either no intelligence was used in coming to that decision or they were influenced in some way by Microsoft's desires to end this case citing an impact on the economy.

That is not a valid reason.  
 Evan Chaney  
 U.S. Citizen

**MTC-00003418**

From: Lynda Dimmel  
 To: Microsoft ATR  
 Date: 12/7/01 11:15pm  
 Subject: microsoft

I think the entire antitrust case, and all of its subsequent ramifications, is nothing more than sour grapes on the part of those who cannot keep up. As a programmer working as a contractor, I see and use many products—products whose manufacturers are behind this case. Quite frankly, those products have a lot to worry about. Most are archaic languages or bastardized derivatives of legitimate languages. The reason why Microsoft products are leaders in both home and business is simple—they are better. More functional, easier to use and to learn, more powerful and have capabilities that have barely been tapped. Most of the third party software that would like to see compatibility resolved are really facsimiles of software.

As a point of reference my current project is a nightmare of Microsoft-like forms and frames appearing like, but struggling to achieve, the functionality of the real thing. Operating on source code filled with @ and other symbols that calls itself a 'scripting' code and claims compatibility with everything from HTML to Excel—well, the programming will work, but it isn't pretty. It is cumbersome and, after working with a 'real' language, is almost funny. It is one of IBM's responses to the need for a middle-ware product linking it's mainframe database with PC applications. Perhaps the problem is with the mainframe and it's producer should be striving to make the mainframe compatible vs. forcing a substandard 'link'.

If Microsoft holds a monopoly perhaps it is in ambition, talent and innovation. Please don't make them into an IBM clone—secretive, paranoid and totally devoid of everything that is technology today. See this for what it is—retaliation for being one-upped 20 years ago; retaliation for lacking the foresight to see anything except for what was directly in front of them; and the proliferation of middle-ware software houses continuing to produce substandard knock-offs of software that will only create a lack

of continuity and a deep mire of sludge as all are forced to become 'compatible', to speak the same language. When looking for developer information on a Microsoft product, one can locate hundreds of sources—from the Microsoft site to sites that publish tutorials and development information to easily obtainable resource materials. When looking for developer information on an IBM Partner product where does one go????? If there's something out there that doesn't involve bringing the IBM support consultant on site—let me know because as far as I can see it doesn't exist. There's a wealth of websites all spouting a lot of Marketing chatter, but no real information. You even have difficulty finding resource manuals on their stuff! Now that's monopolizing—forcing their customers to use an 'authorized' IBM consultant 'officially' trained to do one thing. Truly the death of inventiveness! Just another cube farm dweller in a white shirt and a black tie.

My personal analogy is that this case is like half of a football team complaining because one of the team members is working too hard and making them look bad. Rather than see the bar get raised, they want it lowered. Universal compatibility is not going to be better, it is going to limit the capabilities of technology, create confusion and vulnerability, and it is going to be more difficult for the average user to make use of their applications. Maybe IBM will get what it always wanted in the end, computers will be for big business and geeks! I should just say "Thanks for nothing!"

**MTC-00003419**

From: Stephen McKay  
 To: Microsoft ATR  
 Date: 12/7/01 11:06pm  
 Subject: MS / DOJ Settlement

The settlement terms relating to the provision of aid for US schools clearly provides mere temporary relief. After 5 years, how will these school maintain their systems? The longterm financial burden upon these schools seems untenable, and the opportunity for Microsoft to further extend it's monopoly on desktop operating systems is quite clear. This is not a punishment but a marketing exercise Microsoft might well have ventured regardless.

The RedHat alternat proposal should be given consideration here. Children will benefit more from learning a Unix-style operating system as the GUI skills of using X-Windows will translate to any GUI desktop environment (including MS Windows) and the opportunity for them to learn in depth about the Internet and TCPIP in general are greatly enhanced. Further, the Unix legacy of the Linux OS provides considerable historical value allowing students to better understand the origins of the Internet and the forces which drive it.

All in all, the RedHat proposal addresses some serious shortcomings in the agreement while providing much better longterm value monetarily and educationally to the schools of America.

Regards  
 Steve McKay, MCSE CNA  
 Network Administrator / Adult Educator

**MTC-00003420**

From: jay@JaySmith.com@inetgw  
 To: Microsoft ATR  
 Date: 12/7/01 11:15pm  
 Subject: Microsoft debacle

Greetings,

I am disgusted and embarrassed by the manner in which the Bush administration's Justice department has handled the Microsoft case. As both the owner of small corporation (mailorder/retail; 29 years in business) and as the one-person IT department for same, I am extremely familiar with the Microsoft manipulations.

I find it completely mind boggling that Microsoft continues even TODAY to do business in such a manner that no other company on the planet would be permitted to do.

It seems obvious to me that few or none of the people in a decision making capacity (for this case) have a clear grasp of the insides of the technical issues and business practices involved. HAVE YOU —READ— THE LICENSE AGREEMENT FOR XP?? HAVE YOU —READ— THE AGREEMENT FOR MSN or HOTMAIL?

Because Microsoft's products are so prevalent they are in a position to do extreme damage to the IT infrastructure of this country—and the world—if they are allowed to act in such unfair and manipulative ways.

You may think that all the Microsoft "bashers" are cranks and kooks (and some surely are), however, if you personally had purchase, administer, and use (at a high level, not just for word processing or something), you would quickly come to realize that the situation is getting worse day by day.—

Jay Smith  
 e-mail: Jay@JaySmith.com  
 mailto:Jay@JaySmith.com  
 website: http://www.JaySmith.com  
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 P.O. Box 650  
 Snow Camp, NC 27349 USA  
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 Toll-Free Phone in US & Canada:  
 1-800-447-8267  
 Fax: Int+US+336-376-6750

**MTC-00003421**

From: rpm@wag.caltech.edu@inetgw  
 To: Microsoft ATR  
 Date: 12/7/01 11:19pm  
 Subject: Microsoft Settlement

I am very disappointed with the DOJ's treatment of Microsoft. I am a software professional, and frequently use both Microsoft and non-Microsoft products. In the trial the DOJ, and particularly David Boies, did an exceptional job of demonstrating that Microsoft has acted as a predatory monopoly. Unfortunately, the punishment that the DOJ under the new administration has negotiated with Microsoft is far milder than the crime dictates. Microsoft was, and continues to be, a predatory monopoly, with business practices that endanger other companies that seek to compete with it. Microsoft has engaged in a public relations campaign that talks about their freedom to innovate, but how about the freedom of Netscape or Sun? How about the freedom of Linux developers to create Samba, a program that allows

inexpensive Linux machines to act as file servers for Windows computers? How about the freedom of companies that depend upon high quality software to have an alternative to Microsofts overpriced and undertested software?

Our nation's economic strength over the next 20 years will depend to a large extent on our ability to develop computer hardware and software. Microsoft has already hurt the ability of many companies to compete on a level playing field. These are companies that might have created the next revolution, a revolution that may have created taxable income for those companies, and employed Americans who would then earn and spend and pay taxes. This doesn't just hurt those companies, it hurts America itself.

The only proper punishment for Microsoft is to split the company into OS and an applications divisions, but the DOJ has perhaps already announced that it will not try and split Microsoft. Please, seriously consider the idea of forcing Microsoft to sell and support a version of Microsoft Office on Linux, which is probably the last appropriate punishment remaining to the DOJ.

Respectfully yours,  
 Rick Muller

**MTC-00003422**

From: Morgan Schweers  
 To: Microsoft ATR  
 Date: 12/7/01 11:22pm  
 Subject: I support the states newly proposed alternate remedy!

Greetings,

As a software developer, I have encountered first-hand the abuses of power from Microsoft. I have seen their products fail to work with competitors. I have seen them arbitrarily change specifications in order to break the hard work of other companies. I have seen projects rejected, solely on the basis that, "It's in a market segment that Microsoft is interested in, and we can't afford to have their attention turn on us." I have experienced, and suffered through the fear, uncertainty, and doubt that they spread about in order to maintain their commercial position.

I would like to express my support, and strong hope that the alternate remedy plan provided by California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah and West Virginia, along with the District of Columbia will be considered as the primary plan.

I feel that it penalizes Microsoft appropriately, and places requirements on them that actually have useful and valuable benefits to the consumers.

Competition improves the consumer landscape. I believe, and many of my coworkers and fellow developers believe, that the alternate remedy plan better provides for competition in the primary field that Microsoft has been abusing its monopoly: the desktop operating system.

The entire software development world, and the majority of people who are technically aware of how Microsoft has abused its power, were aghast at the first proposal which came out of this case. It amounts to absolutely nothing more than a slap on the wrist, and in fact most

technologists believe it gives them MORE access to monopolistic practices in the future.

I strongly, and deeply urge that the recent alternate remedy be adopted as the actual remedy plan. It is better for the consumers, and provides punishments that fit the monopolistic behavior.

Thank you for your time,  
 Morgan Schweers  
 Software Engineer

**MTC-00003423**

From: Alex  
 To: Microsoft ATR  
 Date: 12/7/01 11:42pm  
 Subject: Microsoft Settlement.  
 To: Renata B. Hesse  
 Antitrust Division  
 U.S. Department of Justice  
 601 D Street NW  
 Suite 1200  
 Washington, DC 20530-0001  
 From: Alexander R. McCreary  
 2022 N.E. Wasco St.  
 Portland OR 97232  
 Madam,

I have read parts of and have heard a great deal about the proposed settlement between Microsoft Corporation and the Department of Justice. Being an end user of Microsoft operating systems and also of other operating systems, including Linux, I must say that I do not believe this settlement, in its present form, goes far enough in limiting Microsoft's ability to control the future of software and operating system development.

The first point I would like to discuss is Section III(J)(2).

Microsoft should not be allowed to decide to whom it will describe or license API, Documentation, or Communications Protocols affecting authentication and authorization. If this is allowed to happen, you can be assured that Microsoft will effectively cut off all access to information needed by software developers of companies that it deems to be "Not for Profit" or "Open Source Projects". No one entity should be cut off from this information just because they do not meet Microsoft's "criteria as a business". Allowing this wording to remain intact in the final settlement will be more damaging than having no settlement at all.

The second point I would like to discuss is Section III(D).

This section is even more disturbing when one looks at the footnotes for the legal definition of to whom it will disclose information regarding API's.

API's (application programming interface) provide programmers with coding information that allows them to create "middleware" (software that works on top of the operating system) that will work seamlessly with Microsoft products.

Only those companies and individuals who are writing software for profit (commercial) will be allowed access to the needed API's.

Most "Open Source" and "Not for Profit" software writers need this code for the applications to operate in Microsoft operating systems. There is no legal reason that these companies or personages be denied access to this information other than to allow

Microsoft to further control the development of software by whom Microsoft wishes.

The Department of Justice would do well to remind themselves that the software market is not a typical industry. Many of the programs that allow the Internet to operate are in fact "Open Source" and in direct competition with products from Microsoft. Many "Third Party" programs that are "Freeware" but not "Open Source" are also in direct competition with products from Microsoft. All products, whether "Open Source" or "Freeware" or "Commercial", should have the same protections from Microsoft. All products, whether "Open Source" or "Freeware" or "Commercial", should have the same rights to information concerning API's from Microsoft.

I would like to close by reminding the Department of Justice that Microsoft was found guilty of being a monopoly. In that regard, the actions proposed in this settlement are more damaging than if no action was taken to curtail the illegal activities in which Microsoft has been found to have committed in the past, and which, if this settlement is allowed to stand as written, they will continue to commit.

Thank you for your time.  
Alexander R. McCreary

**MTC-00003424**

From: laspencer  
To: Microsoft ATR  
Date: 12/7/01 11:49pm  
Subject: microsoft settlement

Microsoft should be split into three companies.

1. An operating system company
2. An application software company.
3. A games oriented software company.

The three companies should be kept separate and should be forbidden to exchange information that is unavailable to the public.

Lee Spencer

**MTC-00003425**

From: Gary L. Withrow  
To: Microsoft ATR  
Date: 12/7/01 11:58pm  
Subject: Microsoft Settlement

First off, let me say that I wouldn't want your job for anything! I've worked for government for most of my adult life and I know a lot of bright people who work for government and none of them would want the job of trying to defend this settlement as justice.

Microsoft lied in open court when they (Jim Alchin) testified that the video he was presenting to the court was proof that uninstalling Internet Explorer... (you know the rest or can read it in the court transcripts)

If I did anything like that in federal court I would be facing perjury charges as fast as the ink could dry, this settlement doesn't even fine Microsoft for court costs. People, there is no way that this settlement looks like you did your job. Talk about snatching defeat from the jaws of victory. Review Microsoft's compliance with the original consent decree, how do you figure this private commission who can't even talk about their deliberations are going to get it done?

I could go on and on without taking an unreasonable position on why this settlement

is not in the public interest. By now you have hopefully heard from enough people, enough reasons why this should not be approved. Microsoft deliberately and repeatedly has shown nothing but contempt for the judicial system that has convicted them of monopoly and upheld that conviction by a unanimous vote on appeal.

Do the right thing here, punish them for what they have been convicted of and make it sufficient to deter them from similar conduct in the future.

Thank you,  
Gary

**MTC-00003426**

From: Manh Lee  
To: Microsoft ATR  
Date: 12/8/01 3:00pm  
Subject: Anitrust response to MS

Hi,

I am agreed with Redhat proposal, ie MS is to supply hardware only to school and let Redhat supply free software to all schools in America

Thanks

**MTC-00003427**

From: Ray Niccolls  
To: Microsoft ATR  
Date: 12/8/01 12:20am  
Subject: Sell outs

How much did they pay you?

**MTC-00003428**

From: Jay Shuman  
To: Microsoft ATR  
Date: 12/8/01 12:21am

Just stop messing with Microsoft and put an end to the state objections to the settlement. Microsoft is a hero not a villain. The justice dept. should have better things to do with my money than chase phantoms!

JS

**MTC-00003429**

From: Jeff Davis  
To: Microsoft ATR  
Date: 12/8/01 12:21am  
Subject: Microsoft Settlement

In my opinion, changes need to be made to the anti-trust settlement with Microsoft.

The following quotes from the I, Cringely Column of Dec 6, 2001 exhibit and state a lot of my concerns. The full article can be read at <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> Here are the relevant quotes that peaked my interest and concern.

"The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against "competing" commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and

freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. "

The settlement with Microsoft must protect fair competition. This must include open source and non-profit corporation projects. Please take steps necessary to do this. I agree whole-heartedly with this article and hope changes can be made in the deal. Please protect these very important projects that benefit so many.

thanks  
Jeff Davis

**MTC-00003430**

From: Richard Driver  
To: Microsoft ATR  
Date: 12/8/01 12:26am  
Subject: Anti-Trust Settlement

I wish to add my voice to those who have serious reservations with regard to the Microsoft (MS) anti-trust settlement. In

particular the proposal for MS to donate software to educational institutions is an extremely badly thought out proposal. Apple Computers has had a strong foothold in this market and you would be undermining their ability to compete against the might of MS with this move. It will also destroy any hopes that the Linux community have of establishing themselves in this and other markets. Far better that MS be made to purchase the hardware to support other OS platforms. I also applaud the proposals being put forward to make MS license MS Office to other companies.

The settlement is a sell-out by the justice department and I am only glad that some of the states have not been willing to go along with it.

Sincerely Yours  
Richard D. Driver, Ph.D. (Professional Scientist)  
19 Peters Street  
Cambridge, MA 02139  
Tel: 617-492-6332

**MTC-00003431**

From: BLS  
To: Microsoft ATR  
Date: 12/8/01 12:39am  
Subject: Microsoft...?

Has anyone installed A Microsoft product.. ANY of them.. Windows will completely take over your system and give you NO options as to what it installs or how to configure it. Will change your desktop appearance and many many other traps and info gathering shit that you have no idea how they use it or who they share it with... I think Windows should be an operating system ONLY.. and sell or market it's layered products separately, but they should be allowed to market anything they want.. just don't package it to where I have no choice as to what gets installed on my system...

**MTC-00003432**

From: art—frame@mac.com@inetgw  
To: Microsoft ATR  
Date: 12/8/01 12:35am  
Subject: I like what the 9 states have proposed...

Sirs:  
The nine states that are continuing their suit against Microsoft have come up with brilliant solutions to a complex problem. Instead of the slap on the wrist that you guys are planning to give them after your political party received big chunks of cash from Gates. The nine states also appear to have people working for them that know the difference between RAM and ROM. Don't you have equally competent people advising you as to what is a proper solution or have they been bought off as well?

If your current solution becomes the final solution, then expect hackers and geeks to run rampant over the net and through your own servers and files since the Rule of Law will have been ignored by the highest officials in a "bought and paid for" justice department. (and because the only choice you will have will be Microsoft products which have huge security holes that any high school kid could penetrate) Wake up people!!! This isn't some minor computer game squabble. This will mold the future of

the computer industry in the U.S. for decades to come.

If you blow this, fully expect a call for an investigation of the officials in your department who let this happen and what they had to gain by selling out their fellow Americans. Also expect that the computer industry will find a way to brand each of you individually and publically on the World Wide Web for the traitors you will be. End the terrorism in the computer field by clamping down on the 5000 lb. gorilla that is holding the world as hostages to the vision of only one man. Bill Gates. He is the computer world's version of a Bin Laden and your response is to let him promise to behave in the future. Tell that to the thousands of people who lost their jobs because Microsoft ran them out of business. Tell that to their families who watched brilliant ideas get smacked down by Gates and his heavy fisted approach to the "free enterprise system".

Stand up and show the world the value we Americans place on a free market and a level playing field for all. The American dream of giving EVERYONE a chance to succeed is in peril and you must act to restrain monopolists and their terrorist values.

Arthur Frame  
Canton, Ohio

**MTC-00003433**

From: Anthony Neville  
To: Microsoft ATR  
Date: 12/8/01 12:46am  
Subject: DOJ/Microsoft Settlement.

You cloak your actions against Microsoft under the guise of "protecting consumer choice." Your corruption is surpassed only by the vampiric business interests you represent. You snakes!

Microsoft has every right to sell its operating system to whomever wants it. Microsoft has every right to bundle its own applications and utilities with its own operating system. They don't belong to you, Apple Corp, RedHat, IBM, nor Sun Microsystems. They are Microsoft's products, and we consumers will decide how successful Microsoft is in the marketplace, not the power-tripping rights violating swine in the Department of (in-)justice, and not those mooching companies on whose behalf the DOJ is punishing a marketplace winner.

Sincerely,  
Anthony Neville.

**MTC-00003434**

From: sh  
To: Microsoft ATR  
Date: 12/8/01 12:46am

I have been in the software programming business for many years and I can say that you people are harming and slowing down technology and ideas. Ask any of those lawyers what a "cut-down" version of Microsoft Windows will do for them and ask them why and they will all stutter probably. You people are a joke on this issue. Focus on finding thieves and people that kill another, instead of operating systems the government and lawyers know nothing about.

**MTC-00003435**

From: Frank Nickerson  
To: Microsoft ATR

Date: 12/8/01 12:52am

Subject: re: Microsoft

Contrary to popular opinion I believe Microsoft has some wonderful products. I also think they have some great lawyers working for them. I say this because they broke the law and the law doesn't hurt them for doing so. Breaking the law is worthwhile for Microsoft because the proposed settlement makes their breaking the law worthwhile for them. In my opinion that has been the strategy of Microsoft: breaking the law is a cost of doing business. However, the law is supposed to be the law. Maybe Microsoft shouldn't be broken up but they need to pay for breaking the law. There needs to be an incentive not to break the law similar to the death penalty; three strikes and you are out. If they do the crime they must pay for the crime. It needs to hurt. It needs to punish.

Microsoft is unrepentant for its actions. Unrepentant citizens get more jail time. Unrepentant criminals don't get parole. Microsoft should be treated no differently than a citizen. They should not be an exception to our rule of law. Their corporate license is a privilege given by the government and the people of the US. They need to understand they report to their shareholders AND they report to the American voting citizens via the law. The Justice Department can do better than the current settlement.

Please give the American people our justice. Make Microsoft realize that the law is not just another cost of doing business.

Sincerely,  
Frank Nickerson

**MTC-00003436**

From: Mike Hicks  
To: Microsoft ATR  
Date: 12/8/01 1:07am  
Subject: Microsoft Settlement

Hello,  
In accordance with the Tunney Act, I'd like to make some comments regarding the tentative agreement to Microsoft's Federal antitrust case that the U.S. Department of Justice, nine States, and Microsoft agreed to in November.

I'm CC'ing the Attorney General of Minnesota as well as some local media outlets, so they can all know what kind of comments people are making regarding this case. For their convenience, I provide the following URL so they can read the agreement for themselves: <http://www.usdoj.gov/atr/cases/f9400/9495.htm>

I am currently a student attending the University of Minnesota in Minneapolis, MN. I'm focusing on Computer Science, for which I've done a fair amount of programming in Linux and Solaris, Sun Microsystem's variant of Unix. I also work on campus, supporting Linux and Solaris systems at the Carlson School of Management.

Most of my comments are based around part III., the "Prohibited Conduct" portion of the document. In short, I feel that this is a poor agreement that is quite favorable to Microsoft. The Department of Justice and the nine States should withdraw their consent to the agreement or alter the agreement. Failing that, I believe that the Court should reject the agreement and find other remedies.

First off, I was surprised in a number of cases to see what appears to me to be gaping loopholes that would seem to make the agreement almost entirely ineffectual. I may be misunderstanding the precedence of different portions of legal documents, but the statements are unsettling to say the least.

On the second page, in part III.A., the settlement states "Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM..." I'm unsure what "this provision" means in that statement, but whatever portion of the settlement it covers, it seems to void. It appears that Microsoft could draw up any license agreement they want with any Original Equipment Manufacturer, and have it go into full effect.

The next paragraph starts off, "Nothing in this provision shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service..." This is coming from a portion of the document (III.A.) that starts off, "Microsoft shall not retaliate against any OEM..." It would seem to be that "Consideration" would be the opposite of retaliation (and, in fact, the definition of "Consideration" at the end of the document seems to reflect this). Microsoft would be, in theory, restricted from retaliating against any OEM. However, they could provide Consideration to any other OEMs. It seems to be basically the same effect, in my view. Again, in III.F.3., similar wording comes up. "Nothing in this section shall prohibit Microsoft from enforcing any provision of any agreement with any [Independent Software Vendor] or [Independent Hardware Vendor]..." It appears that Microsoft has voided another chunk of the document.

It continues. In III.G., the top of page 5 starts with, "Nothing in this section shall prohibit Microsoft from entering into any...joint venture or...services arrangement..." Forgive me for saying so, but this document seems to be turning into Swiss cheese!

I'm just a layman when it comes to legalese, so I may be misinterpreting. Still, this is only the beginning of what I have to say.

In III.A.2., Microsoft is restricted from retaliating against 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." That seems pretty nice, but it leaves out the options of selling computers either with no Operating System at all, or with a single non-Microsoft Operating System.

In III.C.2., OEMs are allowed to distribute or promote "Non-Microsoft Middleware by installing and displaying shortcuts...so long as any such shortcuts do not impair the functionality of the user interface." I think it would be appropriate to try to determine what "impair" means, or set up a structure for determining what that means.

Related to the above, III.C.3. mentions that OEMs could set up certain pieces of software to launch automatically, even if similar Microsoft products exist. However, this is under the condition that the software either has "no user interface or a user interface of

similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product." How is "similar" defined here? Wouldn't having a similar interface potentially lead Microsoft to attack makers of such software, possibly on the grounds that they had infringed on a Microsoft trademark, copyright, or patent?

Another similar portion is in III.H. The section numbering seems screwed up here, so I'll call it paragraph four on page 6. Microsoft is allowed to let Windows start up a Microsoft Middleware Product when the "Non-Microsoft Middleware Product fails to implement a reasonable technical requirement". Microsoft recently used similar logic to prevent a number of high-quality web browsers from accessing web pages on their MSN network. Microsoft may have had some legitimate reasons for doing so, but there were some documented cases where Microsoft restricted browsers that fully met Microsoft's technology requirements. Letting Microsoft define what this means would be a really bad idea, in my opinion.

There are some portions of the settlement relating to releasing documentation for communication protocols and programming interfaces for Microsoft Operating Systems and their related products. III.D. requires Microsoft to release documentation within 12 months for Windows XP. New documentation will appear for each "new major version" of the Windows Operating System. I would note that the traditional method for specifying a new major version is to increment the number to the left when the version looks like "X.Y". For instance, going from 1.0 to 2.0 or 3.9 to 4.0 would constitute a new "major version". There is no need for Microsoft to do this when they release new Operating Systems. Microsoft Windows 2000 was also known as Windows NT 5.0. At a somewhat low level, Windows XP is also known as Windows NT 5.1. If this practice continues, Microsoft could theoretically keep going up to version 5.999 if they wanted to, and not release any new documentation.

Additionally, I'm concerned about the restrictions Microsoft might place on the use of documentation for their programming interfaces and communication protocols. It appears that Microsoft may only release information through their Microsoft Developer Network (MSDN). What if Microsoft requires people to pay to be part of MSDN? This could prevent developers of Open Source software from building interoperable products. Additionally, licensing terms could be put together that would prevent people from using the documentation in a non-commercial product.

III.J.2. indicates to me that Microsoft does not want to release any information to non-commercial developers. It states that Microsoft can request in a license that the licensee "has a reasonable business need for the API..." and that the licensee "agrees to submit, at its own expense, any computer program using such APIs...to third-party verification, approved by Microsoft..." Certainly, an open source developer would be unhappy to shell out large amounts of money to verify to Microsoft that their software works. Additionally, even many businesses may balk at this idea. I'd wonder

what sort of expense would be imposed upon licensees. In the same area of the settlement, III.J.1. and III.J.2. state that Microsoft does not have to release documentation for security-related portions of programming interfaces and communication protocols. This would restrict non-Microsoft software from being fully compatible with Microsoft software, potentially causing the software to not function at all. I have never seen any documentation for Microsoft's APIs or communication protocols, but I have heard from many people that such documentation is often poorly written or just outright wrong. If Microsoft intends to continue such poor documentation practices, any concessions they make in this settlement will likely have only a small effect on people who wish to make software products that are compatible with what Microsoft distributes.

I find it strange that one of the last lines of the settlement, in VI.U., is this: "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." I recall that one of the big questions in this case revolved around what portions of software code could be considered to be part of the operating system. This seems like a strange statement to make, and I would worry that it could cause another protracted court case like this to come up in a few years.

I'm done dissecting the settlement, so now for some more general comments. It would seem to me that the point of this settlement is to prevent Microsoft from repeating past aggression against various vendors in the computer industry. One of the mightiest tools that Microsoft has in its toolchest is the Dollar. It is widely understood that Microsoft has vast reservoirs of cash, and they know how to use it to quickly acquire, in part or in full, other companies that have competing or potentially useful technology.

In my view, Microsoft does not practice innovation, they practice "buynnovation". So many companies have been assimilated into the company that I doubt anyone has an accurate count. I feel it would be a good idea to reduce Microsoft's ability to acquire new technology in this manner. One possibility would be to impose a monetary penalty on Microsoft. I would certainly hope that flushing the company's bank accounts would change the way it does business. I'm sure there are other ways to slow Microsoft's acquisition of technology.

Microsoft is starting to work its way into many areas that are connected to the software Microsoft makes, but are not software ventures themselves. The Xbox gaming console is one of many examples. It seems that Microsoft would like consumers to live their entire lives in a Microsoft-dominated world, using a Microsoft-approved Internet Service Provider and viewing Microsoft-generated content. This concerns me greatly, and I would love to see something that forced Microsoft to be just a software company again.

Almost at the expense of anything else, Microsoft seems to hold its intellectual property most closely. It recently came out that Microsoft is attempting to stall the European Union investigations into its

activities by saying that much of the requested information is covered under intellectual property rights. Within its new NET strategy, Microsoft has patented a lot of stuff. These patents could come back to haunt the parties in this case, and there are many references to intellectual property in the settlement. If Microsoft desires so greatly to hide behind the shield of patents, I feel they must have an ace up their sleeves. I feel the Court should nullify some of the rights Microsoft has by voiding patents held by the company, at least in certain areas.

I've finally come to the end. I thank the Department of Justice for accepting my comments, and hope the parties involved in this case can come up with a better agreement that addresses the concerns I have.

Sincerely,  
Michael Hicks

**MTC-00003437**

From: Matthew Hunter  
To: Microsoft ATR  
Date: 12/8/01 2:07am  
Subject: Microsoft Settlement

The proposed settlement of the antitrust case against Microsoft is a dismal failure to provide any significant penalty, much less remedy.

First, the present case is predicated in part upon the failure of Microsoft to follow a previous consent decree. Pretending their behavior will materially improve with a second such decree is at best demonstrating a disregard for past events, and at worst collusion.

The presence of a trio of powerless enforcement watchdogs, paid and accommodated by Microsoft, living in the Microsoft culture, is akin to setting a young fox to guard the henhouse; sooner or later, the fox grows up.

Second, allowing Microsoft to settle matters with "charitable" donations of (some) hardware and (much) software demonstrates a clear ignorance of the problems Microsoft presents the industry, as well as a failure to understand simple economics.

Microsoft's power is derived from ubiquity; they gain market power with each additional user on their software, in a powerful network effect. With schools, in addition, they gain the opportunity to influence an impressionable young mind into using their software over another product, creating a lifelong customer. When tobacco companies use these tactics, they are vilified. When Microsoft uses these tactics, it is called charity?

Even setting aside the clear benefits gained from indoctrinating schoolchildren, this "charitable donation" offers no remedy whatsoever to competitors or consumers. They regain no market share, acquire no financial restitution, and gain no benefit from the resources and goodwill they have expended in helping to bring this issue before the court. Indeed, those who have testified against Microsoft are now placed in an exposed position, known to Microsoft as an enemy while they simultaneously depend on knowledge from Microsoft to develop and sell their products on the Microsoft platform.

Finally, any fixed-value donation where the donator sets the value of each item

donated is inherently worthless—should Microsoft choose to set the price of their software at 1 million dollars per unit, for the purposes of this donation, there would be no recourse. That is, of course, an extreme example, but the cost to Microsoft of providing an additional "license" is negligible. Their donation consists of nothing tangible and costs them nothing to offer. It is entirely a sham.

Third, reading the fine print of the agreement as recently published, it is notable that interoperability requirements placed upon Microsoft refer exclusively to commercial enterprises. This is a significant loophole when the "only" competitive threat to Microsoft on the desktop consists of the Linux operating system and associated open-source software. Shall Microsoft be required to provide interoperability information to "commercial competitors" while freezing out Linux (which needs to read Microsoft filesystems), StarOffice and other open-source office packages (which need access to the Office file formats), Apache (which needs to interoperate with Microsoft's Internet Explorer browser), Samba (which provides network file-sharing compatibility for UNIX systems), and other open-source projects?

It is worth noting here that any commercial product whose only competition is free has demonstrated that competition is unprofitable, and hence, impossible to sustain.

Fourth, the antitrust case against Microsoft neglected to examine the entire issue. This is not a case where a single monopoly exists, but rather a network of interconnected monopolies and potential monopolies. I have outlined them below:

1) The operating system monopoly. Microsoft has an unchallenged monopoly on desktop operating systems for the Intel platform. It is impossible to get a single desktop computer from a major vendor of Intel-compatible computers with either a) No operating system or b) any non-Microsoft operating system. The naive will present the Macintosh or Linux as counterexamples. I respectfully request that the Macintosh advocates return when the market agrees with them (we can measure this by allowing them to return when they need to use their toes to count the Macintosh market share percentage). Linux, of course, is a free product and not a commercial venture. As such, its presence as the only "competition" merely reinforces the point that commercial competition with Microsoft's monopoly is impossible.

2) The office software monopoly. Many companies depend on the Microsoft office software suite to run their business. This software is bug-ridden, plagued by security holes, continually increases in cost, and does not reliably interoperate with any other package, including prior versions of itself. Despite this, the software has become a widespread standard, and enjoys the same powerful network effects as Microsoft's operating system.

In the year 1990, there existed a number of viable Competitors offering alternative software packages. By the year 1995, many of these alternatives had ceased to exist. By the year 2001, NONE of those alternatives has

remained profitable, and only one remains in business. Their marketshare remains in the single digits, their product has not been substantially updated in years, and they were saved from bankruptcy by an investment from Microsoft. They exist at the sufferance of Microsoft—a token competitor.

Is this what happens to superior products in a free market? No. Microsoft can use the "taxes" paid by OEMs on their shipping operating system to fund development of their office applications, and offer them as bundles to OEMs at low prices. Exclusivity agreements prevent the OEMs from offering alternatives without paying higher prices overall, and being undercut by their own competitors. Those who prefer not to offer the Microsoft software at all face higher prices for operating system licensing. Users buying a new computer end up paying for a Microsoft operating system (whether they want it or not) and a Microsoft office application suite (whether they want it or not) because it is cheaper for OEMs to play Microsoft's game than try to survive without the ability to bundle Microsoft's software at the market rate.

It is notable that no major OEM provided testimony against Microsoft during the trial; they know that Microsoft knows who its friends are.

3) The browser monopoly. When the internet threatened to shake Microsoft's hold on the market, Microsoft responded by attacking its competition for browser market share (Netscape) fiercely. This was the ONLY major issue the two antitrust actions have attempted to deal with. Both attempts have failed to produce any noticeable change in the pattern of Microsoft's behavior.

4) The potential media monopoly. Microsoft presents a credible threat of leveraging their operating system monopoly to gain a monopoly on software for the display of streaming media (internet video and audio). This is a clear violation of antitrust law. No court has attempted to address this issue.

In conclusion: There is only one remedy which offers any hope of redressing the harm done to the free market by Microsoft's abuse of their monopoly. Microsoft must be split into the following entities, all of which must be forbidden to collaborate with each other:

1) At least 3 companies offering the Windows operating system. These companies must be compelled to offer the Windows operating system with full source code and without any application bundles (Office, Internet Explorer, etc) to all customers at no additional cost. The cost of the operating system must be publically posted, special discounts to individual vendors forbidden, and any references to other software products forbidden. These remedies are nothing more than current antitrust law requires of a monopoly.

2) At least 3 DIFFERENT companies offering the Office application suite, under the same conditions.

3) At least 3 DIFFERENT browser companies offering Internet Explorer, under the same conditions.

The proposed settlement, in its present form and in any conceivable revision, addresses none of the problems and provides

no solutions. It is a gross miscarriage of justice and must not be allowed to stand.

Matthew Hunter  
(matthew@infodancer.org)

**MTC-00003438**

From: Nathan Z  
To: Microsoft ATR  
Date: 12/8/01 1:31am  
Subject: Microsoft Settlement

The settlement people are proposing, where Microsoft would have to license Office to other vendors for multiple platforms and the other remedies included in that is the right choice. Please take it into serious consideration as it is best for the United States of America and all of the people.

I stand behind this remedy to the whole case.

**MTC-00003439**

From: Dariusz Zelichowski  
To: Microsoft ATR  
Date: 12/8/01 1:33am  
Subject: Re: Microsoft settlement proposal.

To Whom It May Concern:

I am appalled to hear the news of the proposed settlement with Microsoft for their crimes against fair competitive practices and intellectual property violations. In particular the proposed distribution of Microsoft's software to educational institutions seems like another catch by Microsoft to trick even more entities into using their inferior and insecure product.

I do agree that much help is needed by less fortunate educational institutions, but letting Microsoft extend its market will be comparable only to "the first one is for free" policy of drug dealers. There are other and superior alternatives to MS products, Mac and Linux products, to name just two of them. In my opinion Microsoft should indeed pay the proposed \$1 billion dollars in penalties, but the sum should not include any barter of their software.

I cannot help but notice that this evil corporation has a strong grip on our legislators and, what is so sad, on our government. I am carefully watching the proceedings of this case and my future voting decisions, as well as those of many of my associates, will largely depend on the resolution of People vs. Microsoft.

Please note that by "people" I don't mean just the formula but real citizens—those citizens who do realize the extent of damage induced on the industry by the Redmont monster.

Respectfully,  
Darius Zelichowski, Buffalo, NY

**MTC-00003440**

From: Peter Moresi  
To: 'microsoft.atr(a)usdoj.gov'  
Date: 12/8/01 2:15am  
Subject: DOJ will look foolish

Microsoft is dominating the computer market with windows and will dominate the Internet with the .Net strategy if more effective action is not taken. Microsoft has always beaten the competition with business tactics that would not be acceptable in any market.

If the current plans are taken, the DOJ will turn their opportunity to restore competition

to the marketplace into a big win for Microsoft.

I work in the computer industry as a software developer and the general consensus in this industry is that Microsoft and their powerhouse teams of lawyers have turned an anti-trust case into a big Microsoft victory. Furthermore, the plans for Microsoft to give away PC's loaded with Microsoft Windows to the country's poorest schools should not be allowed to take place. This would only deepen the penetration that Microsoft has in the educational market. OpenSource alternatives should be considered and I believe should be the first choice to helping build a viable alternative to windows loaded PC's. With a combination of Linux (redhat.com), Sun Microsystems's StarOffice (OpenOffice.org), gnome foundation software (gnome.org), the Apache group (apache.org), and many other OpenSource alternatives (opensource.org), a platform without any proprietary Microsoft code could be an effective alternative for students. This would open a door to a powerful Unix-like operating system that has been proven to be very stable and robust in the worlds of scientific and data processing computing. Any settlement that would require Microsoft to pay damages to avoid litigation should strictly prohibit the use of Microsoft Windows as the operating system loaded on those PC's.

There is no mention of Microsoft's strategy to control the Internet with the .Net initiative. This quote from the Microsoft Developers Network (MSDN) is a blatant example of how Microsoft views Standard Organizations. "Microsoft believes very strongly in Internet standards and the standards process, and is committed to implementing appropriate standards when driven by customer demand. However, standards compliance is part of a larger effort that includes many constituencies. By innovating, and driving customer requirements into Internet Explorer and then into the standards groups, we'll make the Internet a richer platform for all users."

They believe in the standards process, as long as they are making them up. If this plan is executed then Microsoft will not only continue to control the desktop market, but will push their way into the server market and dominate the Internet.

If the DOJ does not take more appropriate action, then the world of computing will become a one-man show.

Peter Moresi  
Thinque Systems

**MTC-00003441**

From: JDonner  
To: Microsoft ATR  
Date: 12/8/01 2:02am  
Subject: Microsoft Settlement

Hi. I'd like to comment on the proposed Microsoft settlement. I object to everything in the settlement that says that Microsoft need not disclose its API or communications protocols to anything other than a for-profit business. ( Sections III(J)2, III(D), footnotes. ) Much of the most successful software using MS's protocols is open source; e.g. Samba. Many, many people including for-profit companies rely on Samba (a piece of

compatibility middleware) to let Windows talk with Unix. If the current language passes, MS would be able to choke off technical information from the Samba group and groups like it, hurting one of the biggest current sets of beneficiaries of interoperability with Windows. Open Source software is MS's biggest competitor, which is likely why they fought for those constraints. The DOJ should not make a bad settlement that would allow MS to hide information from Open Source teams, which are some of the biggest current successes wrt interoperability with Windows.

Sincerely,  
Jeff

**MTC-00003442**

From: cen40381  
To: Microsoft ATR  
Date: 12/8/01 2:03am  
Subject: microsoft anti-trust case

Hello,

As a citizen of this great country, I agree with providing the poorest and rural school districts a way of improving the children's lives in education. Intellectual property in the private sector and charging a fee for using the product, i.e., software is beneficial for the individual, or company who developed it. The hardware, i.e., circuitry is a one time purchase, but the software costs much more in upgrades and no production other than typing command codes for an output, then not allowing anyone to improve without charging a fee, in the public sector of education is charging the people who instruct America's future, and restricting their abilities by charging a fee for intellectual property, is outrageous; an outcry from the very people, our future leaders, to be hindered by a sum determined not by the public sector, but the commercial sector, appalls the very foundation this country is based upon.

I myself, as a voting citizen agree in part with the hardware portion of the settlement, but denying other commercial, or public entities, who have the same entitlements to provide intellectual property to be included, at Microsoft's cost an opportunity to install, and provide the same or greater level of improvement to our poorest, deprived children who hold the future of us, the retiring public a future also.

The proposal, the open source entity, has a great opportunity to not only improve our children's future but also the life long learning of our citizens who are consumers of the intellectual properties and pay for the right to use, but not improve the software that benefits our lives.

Please include the proposal Red Hat Software has offered in your amended judgment in the settlement, because it's a benefit to the same people whose lives it improves, our poorest citizens and our future leaders

Sincerely,  
Clyde Coffey

**MTC-00003443**

From: Brian Adam Pike  
To: Microsoft ATR  
Date: 12/8/01 2:07am  
Subject: Microsoft Settlement

To whom it may concern:

I have some concerns about the proposed antitrust settlement with Microsoft, which I'd like to voice.

First, as I understand it, Microsoft will give its software to schools along with donations of computers. One thing that is important to remember about the software industry is that after the first copy of the software has been sold, it essentially costs \$0 to make the second copy. As a result, it will cost Microsoft extremely little to give its software to schools (except for the cost of media and possibly technical support).

Another important thing to remember is that since Microsoft does not publish their APIs or the file formats for the Office suite, it will be very difficult for the schools to move away from Microsoft products; the documents they may have created using the donated equipment will not be readable with other software products. As a result, the schools will be 'locked in' to Microsoft software, and will be forced to upgrade in the next product cycle. For example, Windows 95 has just become officially unsupported by Microsoft, so Microsoft is not making its software products compatible with Windows 95. Any licenses for Windows 95 that schools may have are now worthless.

If the APIs and file formats were published, then various other companies or open-source projects could guarantee full compatibility with documents created with the Microsoft Office Suite. This would provide an avenue for consumers to move away from Microsoft products, hurting Microsoft's monopoly. Currently, such competing projects attempt to reverse-engineer the APIs and file formats, with very limited success. For example, NTFS (the Windows-NT File System) support on Linux is extremely flaky, and has been threatened with legal action from Microsoft. If the documentation for NTFS was available, Linux would very quickly have full, seamless support for NTFS filesystems. With this support in place, it will provide an avenue for consumers to move away from the Windows NT product line to other operating systems (such as Linux) without destroying all of their important data.

It is important that these data be published without any restrictions. The current settlement gives Microsoft the ability to decide who is allowed to view APIs, Documentation, and Communications Protocols. What would stop Microsoft from preventing some groups from accessing this information?

I believe the settlement should include one or more of the following requirements:

- Put their API and file format documentation in the public domain, without any non-disclosure agreements or other restrictions on usage.
- Fund the development of competing products, such as various open source products (OpenOffice, AbiWord, Gnumeric, the KOffice suite, SaMBA).
- Provide a donation of hardware and competing software to schools. If children only know how to use Microsoft products, it ensures the future success of Microsoft's monopoly. However, if we teach them how to use other products, it will hurt Microsoft's monopoly. Red Hat Software

has publicly supported this option, and offered to provide the software and support for free.

—Force Microsoft to stop using its software dominance to encourage use of its other products (i.e., using the Windows XP installation to advertise Microsoft's MSN network, Microsoft's Passport authentication service, etc.). This is like selling milk with flour built-in, as an integral part of the milk product, in order to bake bread. It simply makes no sense, especially if there is only one brand of milk on the shelves.

Thank you for your time and attention on this topic.

Sincerely,  
Brian Pike  
Student, NC State University

**MTC-00003444**

From: Gregory Peterson  
To: Microsoft ATR  
Date: 12/8/01 2:33am  
Subject: Microsoft Settlement

To Whom it May Concern,  
Microsoft has proven to be very adept at locating loop holes in the law, and stretching the business ethics that govern business in the US. While commerce isn't necessarily governed by ethics as much as by law, an argument could be made that there are certain behaviors that deem a reward and other behaviors that require condemnation. Microsoft has been a powerful, positive influence on the US and global economy. Bill Gates has made many personal contributions to charities. But by all indications, Microsoft has no intention, and has never had any intention, of competing in an open market.

Now that they have effectively eliminated any commercial entities that may have produced a competing operating system, who is left to lead the charge? Competition serves not only the financial concerns of the market, but it also serves to push technology forward in many different, unpredictable and ultimately beneficial ways. Any settlement that leaves Microsoft intact, or that allows their input, will only serve Microsofts interests.

Simply reveiwing the Grand jury disposition of Bill Gates will reveal the combative and elusive nature his company has inherited from his leadership. Make no mistake, Microsoft is no more interest in a fair settlement today than they were three years ago. They will subvert the meaning of any settlement and challenge the courts to years long battles. Microsoft must be stilled now.

Greg Peterson

**MTC-00003445**

From: Sherman  
To: Microsoft ATR  
Date: 12/8/01 2:45am  
Subject: Microsoft Settlement

Hello,

Having been following the recent events concerning the Microsoft Settlement, I feel it necessary to point you towards a website that I feel has made a valid point.

<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

Robert X. Cringely (of PBS.org) has posted an excellent perspective on the flaws of the

Proposed Final Judgement, and visiting his site would be better a course of action than attempting to explain his points to you myself.

Thank you,  
Jason Krautle  
sherman@playground.net  
613-820-4027

**MTC-00003446**

From: Paul Rupe  
To: Microsoft ATR  
Date: 12/8/01 3:03am  
Subject: Microsoft Settlement

Upon reading the proposed settlement in the US vs. Microsoft anti-trust case at <<http://www.usdoj.gov/atr/cases/ms-settle.htm>>, I am struck by how little it actually accomplishes. The terms of this lopsided "compromise" truly leave me in doubt of who actually won the trial. While some Microsoft proponents will no doubt claim that any desire to see a stronger remedy demonstrates an envy toward a successful company, I only wish to see a fair marketplace where interoperable products can compete on their own merits.

Below are specific weaknesses in the current settlement proposal and some suggestions for additional remedies:

Section III.J.1: "No provision of this Final Judgment shall: Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems..."

I see two problems with this: First, Microsoft can manipulate the design of their software so every major component is somehow inextricably tied to some security measure. They already attempted to finagle their way through the trial by claiming that their Internet Explorer web browser was an integral part of the Windows operating system and that separating them was technically infeasible. I have no doubt that Microsoft will try to do the same "integration" with DRM or other components protected by this clause in order to close off as much information as possible to would-be competitors. For example, nothing stops Microsoft from adding some trivial encryption scheme to Word documents and then claiming that it is an anti-piracy measure that must be kept secret. No one can license rights to this new "encryption" under this clause, and anyone who attempts to reverse-engineer and discover it on their own risks prosecution under the Digital Millennium Copyright Act (DMCA).

Second, the restriction is completely unnecessary—and in fact, antithetical—to the goal of providing consumers with secure, high-quality software. Instead, it promotes "security by obscurity". History has shown again and again that the most secure protocols are those that are openly available for analysis and critique by unbiased experts in the field. The well-documented Pretty Good Privacy (PGP) system has been around for years without a major security flaw, while

closed, proprietary systems like Microsoft's own access control mechanism in Windows Media Player are cracked<sup>1</sup> with almost laughable ease. Frankly, if merely disclosing the algorithm behind a particular security measure is enough to compromise it, then it is not very secure to begin with. Given the very real costs of data loss and identity theft in today's world, we cannot afford to use anything less than the most robust and well-researched security measures available.

Section III.J.2: "(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business"

This clause conveniently allows Microsoft to exclude all open source development from the benefits of Section III, thus shutting out a major competitor.<sup>2</sup> Microsoft has publicly stated that they consider the free software movement a "cancer",<sup>3</sup> so we can safely assume that the chances of (for example) Linux meeting any such standards they set are zero. The goal of this anti-trust remedy is to restore fair competition to the marketplace. It is a mockery if Microsoft is allowed to pick and choose its competitors.

The only fair thing to do is make all communications protocols, file formats, and APIs publicly available free of all licenses and restrictions. I am very disappointed that Section III.J gets bogged down with terms like "intellectual property." As a software engineer, I can say that there is rarely anything insightful or innovative about file formats or communications protocols themselves. Usually they are simply arbitrary arrangements of fields in a data structure, the result of convenience to a particular implementation rather than clever research or design. Protecting them as if they were groundbreaking inventions serves only as an artificial barrier to interoperability and certainly does nothing to "promote the progress of science and useful arts" as the Constitution states.

The idea that one company can gain exclusive rights to something as basic as a method of arranging data is absurd. It would be like Ford saying no other automaker could put the gas pedal on the right and brake on the left. Ford's actual mechanical implementation of gas and brake pedals may very well be protected, but the left-right arrangement itself should not be. Microsoft's hypocrisy in this regard is particularly astounding. There would not even be a World Wide Web for them to dominate were it not for open standards like TCP/IP and HTTP; yet they want to keep their own communication protocols secret for the sake of "innovation." True innovation comes from competition and competition requires interoperability.

Since Microsoft has deliberately used proprietary data formats and APIs as weapons against the competition, they should have the ability to freely create such

things taken away from them. Forcing them to publicly disclose all such interfaces in advance and without any licensing restrictions would not punish Microsoft unduly nor put them at a disadvantage. It would only level the playing field again and allow other companies to build fully compatible products that can compete on merit alone.

Also missing from this settlement is any remedy for Microsoft's past behavior. The current trial has been going on for years, all the while Microsoft has brazenly used the same monopolistic tactics to tighten their grip on the marketplace. As almost a slap in the face to this trial, the recently released Windows XP has more bundled features and more blatant promotion of Microsoft-affiliated services than ever before. Any remedy that does not address that is an insult to the anti-trust laws and to the American people. As a start, I humbly suggest a large monetary donation to the Free Software Foundation.<sup>4</sup>

Since Microsoft is a repeat offender, the punishment here should have a strong deterrent value. Logically, if the cost to Microsoft of yet another anti-trust trial five years from now is less than the benefit of continuing their anti-competitive practices, then they have absolutely no reason to change. If this happens, then the Department of Justice has wasted its time and staggering amounts of taxpayer money for nothing.

I am pleased that Section III.A finally acknowledges once and for all that the exclusionary contracts between Microsoft and OEMs are unlawful due to Microsoft's monopoly status. But by similar reasoning, should the End-User License Agreements (EULAs) between Microsoft and consumers also be examined? In particular, consider the "as-is" clause that absolves Microsoft of any liability for the damage resulting from defects in their software. Among other things, this prevents consumers from seeking compensation for the billions of dollars in damage done by malicious software such as Code Red, Nimda, and countless e-mail viruses that can exist only because of gaping security holes<sup>5</sup> in Microsoft's software. Ruling Microsoft a monopoly means that consumers were forced to accept this "as-is" clause under duress, so like the OEM contracts, perhaps it should be voided as well.

Another remedy is inspired by the actions against tobacco companies. When they were deemed harmful to consumers, all tobacco products were required to carry a strongly-worded health warning. Similarly, since Microsoft has been found guilty of hindering free market competition at the expense of consumers, require all of their products to bear a short, factual statement to that effect. Provide consumers with all the facts without any positive "spin" by Microsoft so they can make an informed decision. If this sounds harsh, consider that individuals convicted of serious crimes lose some of their rights and

gain a permanent mark on their record. Microsoft should be no different.

The settlement currently proposed would change very little. It leaves Microsoft with too many loopholes to effectively continue doing business as usual and fails to address the damage already done and continuing to be done even now. I would rather see the trial continue for another year or two and produce an effective remedy than accept a watered-down, short-term compromise that will lead only to another round of violations and court trials in a few years. I hope the Department will truly consider these points and take the time to devise a more substantial remedy, one that seeks less to accommodate a guilty party and more to reestablish meaningful competition in the PC software industry.

Paul Rupe  
prupe@nc.rr.com

#### MTC-00003447

From: Exile In Paradise  
To: Microsoft ATR  
Date: 12/8/01 3:08am  
Subject: So monopolies are legal.

It is my inexpert opinion that Microsoft is clearly a monopoly. I believe Microsoft should not be allowed to continue their bullying dominance over computing, not just in the United States, but worldwide.

Microsoft's product line continues to expand into markets not related to their "core" business.

Xbox game consoles?

Microsoft Network?

Microsoft is a monopoly as far as the average IT person is concerned, regardless of what their massive legal team would have the media tell everyone to believe.

No matter where you go or what business you are in, as an IT person you are forced to endure their shoddy products. Everyone "demands" them, regardless of how much damage they do to the files or information they process.

The only way such massive influence could exist is through the undeniable fact that Microsoft, by hook or by crook, has become a computing monopoly.

No one company should have such complete control over such a fundamental cornerstone of modern business or society.

If the DoJ does not slow down the M\$ Juggernaut, and institute some real controls over what M\$ is or is not allowed to offer as products, then the effort has come to nothing.

Please, do not go easy on M\$.

Their influence is too pervasive in every aspect of computing to be allowed to continue unchecked.

Take appropriate action now.

What saddens me is that most of the DoJ documentation and email is probably prepared on and handled by M\$ products, which makes me think the whole effort of writing was a waste in itself.

"What do you need Windows for? If you want a workstation, call Sun. If you want a PlayStation, call Sony."—Exile In Paradise

#### MTC-00003448

From: Bob Niederman  
To: Microsoft ATR  
Date: 12/8/01 3:14am

<sup>1</sup> "MS digital rights management scheme cracked." <<http://www.theregister.co.uk/content/4/22354.html>>

<sup>2</sup> "MS promotes Linux from threat to 'the' threat—Memo." <<http://www.theregister.co.uk/content/4/22770.html>>

<sup>3</sup> "Ballmer: 'Linux is a cancer.'" <<http://www.theregister.co.uk/content/4/19396.html>>

<sup>4</sup> "Free Software Foundation." <<http://www.fsf.org/>>

<sup>5</sup> "Nimda Worm Shows You Can't Always Patch Fast Enough." <<http://www3.gartner.com/DisplayDocument?doc=cd=101034>>

Subject: Microsoft settlement

(This is similar to an email I previous sent, but with 2 new points (see 10 and 11) and some more enhancements on previous points.)

I believe that any settlement that would have a chance of restoring competition to the computer industry would require at least the following:

1) All terms must be enforced by a non-Microsoft party with full access to all Microsoft resources, including source code, email, memos, letters, working papers, etc. There is no such thing as a confidential document for Microsoft anymore. Microsoft cannot be trusted to voluntarily comply with any agreement.

2) All communication protocols used by all Microsoft products must be fully documented. Such documents must be made available to any and all parties for any reason, free of any charges or limitations in use. Microsoft is not allowed to change their protocols until 90 days after documentation of such changes are made available to any parties requesting them, free of charge or limitations in use.

3) The previous term must also apply to all Microsoft APIs (Application Programming Interfaces).

4) Microsoft may not keep agreements secret. In particular, the terms of the current OEM agreements, currently protected as "trade secrets" must be disclosed.

5) Microsoft may not use agreements with Computer OEMs to restrict in any way the addition of other software to the computers. In particular, OEMs are not to be prohibited from selling "dual-boot" systems, where the system can be booted into Windows or into some other operating system, such as Linux or a form of BSD or BeOS.

6) Microsoft may not use their licensing terms to stop users or developers from using Open Source software or Free Software.

7) Microsoft may not meddle in the legislative processes of Federal, State or local governments or bodies that make recommendations to them, with their work on UCITA being a prime model of behaviour that is prohibited to them as a monopoly.

8) Microsoft services (such as MSN or hotmail) may not require the use of microsoft software by users wishing to use the service. (Which Microsoft did on MSN, restricting non-MS browsers.)

9) Microsoft services, such as MSN, must not be forced upon users through exclusive contracts with ISPs or LECs (such as currently with Qwest).

10) Microsoft products sold on OEM systems must be priced separately. The same systems must be available to the consumer without the Microsoft products and the price must be discounted by the cost of the microsoft product. "Per CPU" licensing is prohibited. The OEMs are charged proportionally to the copies of Microsoft products they sell. Microsoft cannot charge based on sales of OEM machines that do not have the Microsoft products included.

11) Microsoft is not allowed to use the price of software in calculating the value of any settlement, payment, or in publicity regarding same. (as in the ridiculously inflated value of their proposed aid to

schools in exchange for gvetting private suits dismissed).

**MTC-00003450**

From: Scott Menor  
To: Microsoft ATR  
Date: 12/8/01 3:57am  
Subject: Re: U.S. v. Microsoft: Settlement Information

To Renata B. Hesse (or whom it may concern):

I strongly agree with Steve Jobs' statements against the earlier proposed Microsoft settlement. In particular, requiring Microsoft to donate their products to schools isn't punitive as the cost to Microsoft would be negligible. Worse, such a donation would increase the prevalence of Microsoft products in schools and so make it more likely that exposed students would continue using Microsoft products at home and later, so strengthening Microsoft's monopoly.

Unfortunately, the revised settlement isn't a significant improvement. While it is true that I have not had a chance to thoroughly examine the newly proposed settlement, on first reading, it seems to lack any significant fines or penalties (particularly when considering the economic size of Microsoft but even for a much smaller corporation). Minimally, I think the settlement should include a substantial fine (on the order of several billion dollars per year) over the course of 5 years (or longer).

Further, significant safeguards should be implemented to prevent Microsoft from using their OS monopoly power to take over other markets and force competitors' products off of the market. In particular, care should be taken toward .Net and Passport.

Sincerely,  
Scott Menor  
Junior Researcher—System / Network Administrator  
Autonomous Systems Laboratory  
University of Hawai'i at Manoa

**MTC-00003451**

From: Michael K. Harrison  
To: Microsoft ATR  
Date: 12/8/01 3:58am  
Subject: Harsher penalties are needed!

To whom it may concern,

I just wanted to express my concern that the proposed settlement does not do enough to eliminate the monopolistic practices of Microsoft or promote more competition. Knowing that your time is valuable I will try to keep this short and brief. I recently started to experiment with Linux in an effort to make sure I was not held hostage to paying yearly subscription fees to use my computer. I fear that Microsoft in the near future will resort to annual licenses even to the operating system so that it can maintain consistent revenue. Well in my experiment I tried to access one of my favorite sites [www.cnbc.com](http://www.cnbc.com). I love and use the personalized stock ticker on that site nearly everyday. It was only then that I realized that I was unable to run that feature using Netscape. I would have to use Internet Explorer. I then realized that I can't get Internet Explorer for any other operating system besides Windows. Finally I noticed that CNBC and ESPN (another one of my

favorite sites) had recently become affiliated with MSN.

It is because of this experience that I don't feel the proposed settlement is adequate. Even if you force them to allow vendors to place other competing products like Netscape on the Windows OS, I would probably still need to use Internet Explorer to get the full benefits of the websites affiliated with MSN. If I need to use Internet Explorer to get the full benefit of my favorite site, why would I install a competing browser? To view sites that aren't affiliated with MSN? I may be wrong but it seems to me the possibility of Microsoft influencing the content of websites to dictate which browser and operating system I use exists. I contend that it is an abuse of monopolistic power and is currently in practice. Your proposal does nothing to eliminate this practice.

I suggest that in addition to your proposed settlement, Microsoft has to open up the web sites it controls, owns or influences to most competing products. Only then will competitors become viable options. Internet Explorer will then truly be competing on it's merits versus being the only option available. Unless this step it taken, I'm afraid Microsoft's monopoly will only grow larger and stronger while competition and innovation become non-existent.

Sincerely,  
Michael Harrison

**MTC-00003452**

From: Anthony Boyd  
To: Microsoft ATR  
Date: 12/8/01 4:02am  
Subject: Microsoft Settlement

The new settlement proposal from the 9 states is much better than the DOJ offering. If third-party-companies can license the Office codebase and release Office for alternative platforms, that helps to remedy one of the chief reasons for bringing the suit in the first place: Microsoft is locking people into a single platform. I would like to encourage the courts to favor the new settlement offer.

I do not feel that any settlement should force Microsoft to give away its software to schools as an act of atonement. This of course would simply kill off what little educational market Apple has left. It would serve to cripple a Microsoft competitor, not help.

Anthony Boyd  
627 West Homestead Road  
Sunnyvale, CA 94087

**MTC-00003453**

From: Dan  
To: Microsoft ATR  
Date: 12/8/01 4:05am  
Subject: Microsoft Case

Hi. I'm Daniel Kasak, a 25yo Australian. I work for NUS Consulting—<http://www.nusconsulting.com>—as a programmer & database administrator. I have been following the Microsoft case closely, and am very alarmed with the following points (I'll be concise):

a) Microsoft are not receiving any real penalties for profit /already made/ at the expense of other companies they have ruined. As Microsoft has already been found guilty, there should be a reasonable attempt

made to judge the damage done in dollar terms to other businesses, and Microsoft should be forced to reimburse these companies. I realise this would be difficult and inaccurate, but at least a token effort must be made.

b) The terms of the current settlement exclude Open Source software from the terms of the deal—eg Open Source projects cannot get access information required to make their products work with Windows. Such Open Source projects include:

\* Linux—Operating system described by Microsoft officials as being Microsoft's "biggest threat". <http://www.linux.org>

\* Apache—Web serving software with more than 50% of the overall market.

Microsoft IIS's biggest rival. <http://www.apache.org>

\* Sendmail—Email serving software with the most markets share. Microsoft Exchange's biggest rival. <http://www.sendmail.org>

\* Samba—File & print sharing software allowing non-Microsoft operating systems to integrate into a Windows-based network. <http://www.samba.org>

\* StarOffice—Sun's open-source desktop productivity suite. Microsoft Office's biggest rival. <http://www.sun.com/staroffice> & <http://www.openoffice.org>

\* Netscape / Mozilla—Web browser & Email suite. Microsoft Internet Explorer's biggest rival. I believe this is also one of the main reasons why they are in court now. <http://www.netscape.com> & <http://www.mozilla.org>

The list above is by no means exhaustive, but paints an interesting picture of Microsoft's business threats, and gives insights into why Microsoft has chosen to exclude "non-business" entities from the disclosure terms of the settlement. This is a MAJOR flaw in the settlement, and MUST be remedied.

In my opinion the original decision to split Microsoft into 2 companies would have addressed at least part b) of my complaint. I am saddened that this path was not taken. I urge you to reconsider letting Microsoft off so lightly. If they are not stopped soon, they will become so powerful and entrenched into our high-tech society that no court of law, government, or any other organisation will be able to affect them. Or has this already happened? I will wait for your verdict before I pass final judgement.

Thankyou for your time.

Daniel Kasak

#### MTC-00003454

From: DippyDawg6@aol.com@inetgw

To: Microsoft ATR

Date: 12/8/01 4:23am

Subject: Microsoft Settlement

Having Microsoft donate software to schools is hardly a punishment, in fact it is quite the opposite. By having their software in schools, for free, they're making sure that children learn to specifically use their software every where. If Microsoft software is all that people know how to use then doesn't that ensure them even more market share? Of course it does. It's a mockery of justice and an insult to the populace for our officials to try and pull a "fast one" on us like that.

Kenneth Krutsinger

#### MTC-00003455

From: Paul Powenski

To: Microsoft ATR

Date: 12/8/01 4:40am

Subject: Microsoft

ANY way you cut it Microsoft used their funds to leverage time, time enough to ruin companies competing with them and time to reduce the choices available to consumers.

Is that the environment we want in America?

They claim they need to right to innovate. But, only if Microsoft does all the innovating.

Why don't you ask Intel how they were constantly intimidated by Microsoft about imaging and graphics initiatives.

IT IS DOCUMENTED in InfoWorld, PC Week and others. What about companies like Lattice, Sybase, and Stac who attempted partnerships which was constructed to restrict their innovation to Microsoft's terms.

What viable and equal choices do we have today—NONE.

NOW Windows XP is more stable than Windows 2000? Why don't you get a copy of the launch of windows 2000 and see those claims. I guess Microsoft feels we are a bunch of idiots and have complete contempt for the general public. What about their performance in front of the panel during their anit-trust trial. Does that not say enough?

All they do is shift the problems from one area to another under the belief that all is OK.

Just gloss up and pretty up the desktop and everyone will ignore the problems ?

Their software is certainly not worth what they ask for it.

Office Packages—when there was competition an office package was @250.00. As soon as the main players went belly up now the price is mid \$400.00 and up. For what. Why can't I CHOOSE how many features I want and pay appropriately. Since Microsoft claims to be the software giant of the world is this too tuff for them to handle. Or their arrogance just allows them to just charge us what ever they want whenever they want.

Something significant should be done FOR Microsoft STIFLING INNOVATION.

The whole thing stinks stinks for all of US.

#### MTC-00003456

From: John G Casey

To: Microsoft ATR

Date: 12/8/01 5:20am

Subject: Microsoft Settlement

To Whom this May Concern:

I wish to voice my option on the Microsoft settlement as a University student, a user of Microsoft products, and as a citizen of our great nation. I am strongly opposed to the penalties on Microsoft, there penalties are weak and need to be changed. I agree with the 9 states who are now, seeking there own settlement, but now unfortunately my home state New York has settled.

Microsoft is a monopoly, the operation system market, which yes, is not as important as it is now...is still the heart of the soul of the computer. Microsoft is restricting knowledge and innovation, we are now still working on the same system which for me is the same as Windows 95, now XP comes and has more bells and whistles, yet no innovation.

Open Source, Linux...innovation is key.

I use both OS and I love Linux, personally, but that is not the issue. The issue of Microsoft giving away computers to schools, only degrades the presence of Apple in education. Further strengthening an already powerful company.

Where is the protection for not-for-profit companies?

How many times have I gone onto a web site and saw ".../cgi-bin/...", cgi-bin= perl scripting, simple as that. what is perl, well it was created by not-for-profit companies.

Does a writer compose a book, only to let a person put it on there shelf and make them self's look smart by it?

Does an engineer design a skyscraper, with out an independent body of their PEERS to review there work?

Does a company create a product, which requires other products (which is only available by the company), to do ANYTHING useful, then forces other companies out of business...just because they have a good idea? The computer net we know today, the net of yesterday (ARPANET) and the net of tomorrow has been build on innovation by people of great skill in universities trying in their own way to change the world. The men and woman who created everything we take for grated today are long forgotten is history and a wealthy businessman who took innovation off the backs of others, now intends to stop the innovation which made is vision a reality.

I ask you again, as an American,

Please reconsider your penalty,

John Gerald Casey

#### MTC-00003457

From: Viveka

To: Microsoft ATR

Date: 12/8/01 8:26pm

Subject: Microsoft Settlement

Public comment follows:

Any remedy which includes Microsoft giving software away, or committing to write more software for other platforms (such as MacOS or Linux), will merely extend the MS monopoly, and so will be counterproductive. MS currently holds \*two\* linked and self-reinforcing monopolies—over the OS, and over Office software.

Extending the MS Office monopoly will not help anyone.

As a consumer, I use Office only because I HAVE to. People constantly send me files in MS Office formats, and I need to be able to view and modify them in order to do business. I detest the MS Office interface design, and abhor the lack of stability and security in this software. Despite this, I have paid MS repeatedly over the years for their horrible software.

I would vastly prefer to be able to view and modify Office documents using other software of my choice, such as AppleWorks. However, I cannot, as Microsoft deliberately hide and obfuscate their file formats. This situation does not occur in other areas where MS does not hold a monopoly. I use the software of my choice to view and modify image files, web pages, maps with detailed geographic metadata—because other software vendors hold to the agreed IEEE standards.

The best way to provide competition, thereby benefiting consumers, is to take away

Microsoft's means of preventing \*other\* companies from making software that is compatible with Microsoft's.

To do this, simply require Microsoft to document its file formats, in a timely and public manner. Straightforward mechanisms for doing this exist, under the auspices of international standards bodies such as the ISO and IEEE.

Other remedies based on the same principle (of reducing Microsoft's ability to raise barriers to entry) also make sense—such as completely removing their control over the desktop (currently held through restrictive license agreements).

The focus of any remedies should be to promote competition in the Office and OS markets, empowering consumers to make real choices, and forcing MS to compete on the quality of their software.

Regards,  
Viveka Weiley,  
embittered consumer who never wants to have to buy inferior MS software again.

**MTC-00003458**

From: Eric Smith  
To: Microsoft ATR  
Date: 12/8/01 5:56am  
Subject: Microsoft Settlement

Please allow the states to come up with their own methods of dealing with Microsoft's abuse of their monopoly. I would like to see a punishment that actually discourages their behavior, while allowing

third party software and hardware companies a chance. The government's recommendation just exasperates the problem, it certainly doesn't do anything to solve it.

Sincerely,  
Eric Smith

**MTC-00003459**

From: os2express(a)icon.co.za  
To: microsoft.atr(a)usdoj.gov  
Date: 12/8/01 6:42am  
Subject: Bowing down to Microsoft?? Why! Dear DOJ representative.

It is clear that inflicting Microsoft operating systems on unsuspecting poor school kids will not make the monopolistic practices of Microsoft any weaker. If you really want to weaken or punish them and to cut down on their future abuses of power, either split the company or make them give away millions of dollars of hardware preloaded with Linux and the fantastic Star Office, NOT with yet more force fed preloaded Microsoft products which just tie in their monopoly further.

Let me know what you think of my proposal.

Thanks  
Murray Zipp  
Steve: os2express@icon.co.za  
Heather: os2express@mweb.co.za  
<http://www.os2.co.za/software>  
OS/2 Express—  
By appointment only:  
21 Burma Close, Julius Wernher Street

Bruma, Johannesburg, 2198  
SOUTH AFRICA  
tel +27-11-616-6485 or call Heather on  
cell: 082-493-1967  
fax +27-11-616-5107

**MTC-00003460**

From: Kelly  
To: Microsoft ATR  
Date: 12/8/01 6:45am  
Subject: Microsoft Settlement

The proposed settlement, in a nutshell, stinks.

What about protections for the 'not-for-profit' organizations? Such as any Linux distribution. Moreover

Apache web server software. In other words, software organizations which do not meet Microsoft's definition of a "business," (see Section III (D) and Section III (J)(2)) of the proposed settlement. They are left utterly out in the cold. As you well know Linux, as stated by Microsoft personnel is Microsoft's biggest "threat."

Recommendation: Microsoft be vertically split into three separate commercial companies. Then, the newly created companies would have to compete against each other. Naturally those newly formed companies would be unable to buy each other out or collaborate with each other, etc.

Kid Kelly

"The consequence of apathy is ... tyranny."