

culprits, Bush and Ashcroft, should pay for their crimes. There is no way a reasonable person can look at how Ashcroft has handled this case since he took over and not see the glaring capitulation that the DOJ has handed Bill Gates.

Why surrender when you have won? Nine federal judges agree: Microsoft is an abusive monopoly and needs to be punished. Why, other than fraud or an abuse of power, would the DOJ give up like this?

"The best thing that happened to Microsoft in years was George Bush being elected president." THAT is not how JUSTICE is supposed to work in this country. The law, and the enforcement of the law, should be blind to who is sitting in the White House. The DOJ's actions in this matter have left a bad taste in my mouth and have brought into question the entire system of justice in this country.

Hoping that the real criminals behind this fiasco are brought to justice,

Byron York
713.416.4487

MTC-00004713

From: Lysinger, Sam (ISS Atlanta)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/17/01 4:12pm
Subject: Microsoft anti-trust case

Hello,

After reviewing the documents regarding the charges against Microsoft and spending many years using and supporting their products (I write this email using Microsoft Outlook), I feel that the US Courts should throw the book at Microsoft.

Most of the argument regards Web Browsers. Why is it that Microsoft Outlook, an email program, requires Internet Explorer in order for it to function? Web browsing and email are completely unrelated things. This alone tells me that I am being forced to use Internet Explorer on some level or other.

Most people don't take the time to download Netscape if another web browser is already on their computer. This is laziness, and not Microsoft's fault but they are exploiting the basic human desire of taking the path of least resistance in doing a task. To make it more interesting, HTML is a computer language that is platform independent. Why is it that Microsoft added specific HTML tags that only work in Internet Explorer. Most people don't think about it, but there are web pages I cannot browse without their html browser. I don't particularly like their browser, it functions fine, but I prefer the layout of Netscape. If you were to surf Microsoft's web page with a competitors web browser, you will find it difficult at best. This is clearly forcing me to use another piece of web browsing software, theirs, when I need to download a patch or security update for the windows operating system.

I like choice, I like Windows NT and 2000, I totally hate win95 and win98. I like unix and I like Mac OS also. I like Excel and I hate Microsoft Word with a passion (I use Word Perfect for DOS and I think much could also be said about Microsoft forcing application competitors out of the market but I don't want to take up too much of your time).

I do not like being forced into using something and I feel that I am. This is why

the 13 colonies kicked out the English and this is why we broke up Standard Oil and IBM.

I'd like to see justice done.

Thanks for your time,
Sam Lysinger
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Television is so educational, every time I turn it on I want to go to the library and get a book.

MTC-00004714

From: Jerry Seeger
To: Microsoft ATR
Date: 12/17/01 4:21pm
Subject: thoughts on the antitrust settlement

I am rather perplexed and amazed by the proposed settlement of the antitrust violations of Microsoft. Perplexed because the settlement is so weak that it is not a punishment at all and amazed that anyone thinks it would change Microsoft's behavior after the brazen way the company rolled over the last consent decree.

Microsoft broke the law. Microsoft is continuing with the exact same illegal behavior in Windows XP by bundling CD-burning software, instant messaging, and a host of other features. As an example, the CD-Burning features in Windows XP are vastly inferior to other commercial (non-free) products, but despite the higher quality the independent vendors cannot compete with free. Yet, if the features listed above are intrinsic features of an operating system which should be available at no charge, why do you have to pay an extra \$200 to connect securely to Microsoft's own servers? Which one of those sounds more like a necessary operating system feature that should not cost extra? The extra cost for a secure connection to a Microsoft server is an example of what happens when Microsoft has no competition in a market. This so-called settlement merely legitimizes Microsoft's continued predatory behavior. More competitors will vanish each year, until there is only one software company. Any software maker who makes a useful product for the windows platform will eventually be replaced by second-rate, but free, software from Microsoft.

Jerry Seeger
Vice President of Software Engineering
BinaryLabs, Inc.

MTC-00004715

From: Andrew W. Hill
To: Microsoft ATR
Date: 12/17/01 4:34pm
Subject: Microsoft Settlement

I strenuously object to the settlement in the Microsoft antitrust trial. I am a student, programmer and computer technician. I do technical support on both Windows and Macintosh computers, and it has been my experience that Windows is a far inferior operating system. It crashes more frequently, is harder to use and users are far less time-efficient on the Windows machines. Despite this, Windows runs on 90% or more of the computers in America.

Microsoft was convicted of engaging in illegal activities that enabled it to create and maintain a monopoly. There is no penalty

suggested for such illegal activities in the settlement, merely clarifications that hope to prevent further illegal continuation of the monopoly. I do not believe these will prevent such a continuation, and a penalty should be required in response to the illegal actions performed so far.

I am also skeptical about the availability of unbiased persons to sit on the technical committee. Microsoft's effect on the computing industry is such that there would be very few people with such technical knowledge that would not have any predisposition towards Microsoft.

In addition, the matter of illegally tying applications to the operating system has not been adequately addressed. Microsoft was initially convicted of illegally tying, but was overturned on appeal. Since then, it has been remanded to the District Court for consideration. This settlement prematurely closes the issue of illegal tying before it can be considered properly. This settlement is unsatisfactory for a number of reasons, especially the lack of a penalty. There is no incentive for Microsoft to comply with future requirements, as they have not been penalized for their actions, merely to cease such actions. What is to stop them from engaging in further activities knowing that there will be no drawbacks beyond stopping them? It would be akin to debating whether to take a miracle drug with the long term effects of water. No, there is no incentive here to prevent further abuse of the legal system, or of the market through the use of illegal monopolies.

Sincerely,
Andrew W. Hill

MTC-00004716

From: Matthew Toczek
To: Microsoft ATR
Date: 12/17/01 4:40pm
Subject: Microsoft Settlement

Department of Justice,

It is my opinion that Microsoft has already proven it does not respect and will not abide by antitrust laws in this country. I appreciate your work and time spent in attempting reasonable compromise with Microsoft; however, it is not your fault a legal, lasting and appropriate solution cannot be made—it is Microsoft's. As such, I feel the only way to get the point across to this gigantic corporation is through extensive legal and economic means.

Sincerely,
Matthew Toczek
public key: www.wpi.edu/toxic/public-key/public-key.html
CC:Matthew Toczek

MTC-00004717

From: mpl22@cornell.edu@inetgw
To: Microsoft ATR
Date: 12/17/01 5:09pm
Subject: Microsoft Settlement

Dear Sir/Madam,

This letter presents my response to the revised proposed Final Judgement to resolve the United States' civil antitrust case against Microsoft, which is currently up for public review. I am a citizen of the united states, and a resident of Ithaca, NY.

I. Critique of Proposed Final Judgement

The proposed Final Judgement that the US and Microsoft agreed to on November 6th appears to have the best intentions, and addresses many of the major issues raised by the case. Unfortunately, I feel that it falls short of being an effective remedy.

I agree with many of the points in the following critique of the proposed final judgement, and it is more complete than my own statement will be. Please review the statement on the antitrustinstitute.org website at: <http://www.antitrustinstitute.org/recent/149.cfm>

There is much to consider in that document, the points in the proposed final remedy that I consider most important to review are that:

(1) it makes no attempt to address "ill-gotten gains" garnered by Microsoft through its anticompetitive practices. This is a serious shortcoming because the company's illegal tactics have placed it in a very advantageous position in the industry. In order to make anticompetitive behavior unprofitable, there must be substantive punishment that reduces those gains.

(2) the anti-retaliatory clause is insufficient. Section 3.A.1 specifies that Microsoft shall not retaliate against an OEM for "developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;". Section 6.L defines Microsoft Platform Software as "(i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product." As I read this clause, it still allows retaliation against OEM's for developing, distributing, promoting, using, selling, or licensing, software that competes with other Non-Platform Microsoft Products, such as Office, .Net, and other applications. This opens an important window for Microsoft to continue its anticompetitive practices.

(3) the api disclosure provision in section 3.D is impossible to enforce. The only way to ensure that Microsoft isn't hiding undocumented API's is to audit the source code. No body with sufficient manpower has been appointed to do this. A more appropriate solution would be to require disclosure to API's AND source to ISVs, IHVs, IAPs, ICPs, and OEMs. They could then audit suspect code themselves, and present an informed complaint to the Technical Committee, which could verify and investigate.

(4) The only punitive measure specified to discourage Microsoft from non-compliance is a 2 year extension of the terms of the judgement. If Microsoft is not complying with the judgement anyway, this is an extraordinarily ineffective punishment.

II. Support for Plaintiff Litigating States' Remedial Proposals (December 7, 2001)

The proposal filed by the state on December 7th, 2001 is a much more complete remedy. The proposal is available on the web at: <http://www.naag.org/features/microsoft/ms-remedy—filing.pdf>

(1) It addresses the Microsoft's ill-gotten gains in section H by Open Sourcing the code to Internet Explorer. The Court's Findings of Fact, issued on 11/5/99, state that Microsoft successfully used its monopoly power to

increase the market share of Internet Explorer. These findings of fact can be found on the US Department of Justice webpage at: <http://www.usdoj.gov/atr/cases/f3800/msjudex.htm#vh> By Open Sourcing the code to Internet Explorer, Microsoft is deprived of the gains associated with their anti-competitive behavior. Additionally, consumers and the entire computing industry benefit by augmenting the publically available software infrastructure of the internet.

(2) Section E offers a stronger anti-retaliatory clause which covers all Microsoft products, and not just Platform Products.

(3) Section C offers an API Disclosure provision that is enforceable. ISV's, OEM's, etc are provided access to source as well as API documentation. This will allow them to inspect suspicious code and present well informed complaints to the Technical Committee.

(4) Section O offers excellent punitive measures in the event that Microsoft does not comply with the Judgement. Additionally, section L of this document provides excellent protection against Microsoft co-opting and breaking standards compatibility, as the findings of fact show it did with the JAVA standard. This topic is not addressed in the Proposed Final Judgement.

III. General suggestions

Unbundling Microsoft middleware/products/services is a superior solution than requiring alternatives be bundled as well. The latter has the effect of favoring a small number of well established middleware/products/services by creating large barriers of entry to new middleware/products/services that are not included in the OS distribution.

Mandating that Microsoft offer licenses to third-party companies to port its applications to alternative Operating Systems is a superior solution than requiring that Microsoft maintain ports of particular products to particular OS's. Determining whether a port of a given application to a given platform can be profitable is difficult and should be decided by the market. Microsoft should not be allowed to lock-out existing markets by not porting applications and not allowing others to do so. However, is it not feasible to expect Microsoft to port every application to every platform. There is not always a demand.

There should be a reward in the event that Microsoft makes every effort in good faith to comply with the judgement. Perhaps make the judgement applicable for 10 years, with an option to terminate the measures in 5 if Microsoft makes efforts in good faith to comply.

IV. Relevant Links

(1) The Proposed Final Judgement (11/6/2001) <http://www.usdoj.gov/atr/cases/f9400/9495.htm>

(2) The commentary on the Proposed Final Judgement at antitrustinstitute.org <http://www.antitrustinstitute.org/recent/149.cfm>

(3) Plaintiff Litigating States' Remedial Proposals (12/7/2001) <http://www.naag.org/features/microsoft/ms-remedy—filing.pdf>

V. Closing

Thank you for your time and consideration. I hope an appropriate set of remedial measures can be decided upon soon.

Mike Lococo
Coordinator Computer Facilities
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MTC-00004718

From: Frank Carreiro
To: Microsoft ATR
Date: 12/17/01 5:47pm
Subject: Microsoft Settlement

Just a quick note regarding the settlement with Microsoft Corp.

I am rather disappointed with the DOJ. Despite the facts behind the case and a higher court supporting the facts, I was hoping Microsoft would be penalized for exercising regularly their monopoly powers. How many people do you know running Microsoft products? How many run alternative operating systems. Now we have Windows XP. At \$300 a copy I'm outraged. Over time products usually get better and cheaper for the home user. Not in this case. I believe this is the most Microsoft has charged for an operating system to date.

Fortunately there are a large number of people walking away from Microsoft. I am now running RedHat Linux 7.x for over 90% of my computer usage these days. At every opportunity I push Linux as a solution simply because it's high quality software without the Microsoft bugs. Someday we all should have the joy of working on a computer that is reasonably priced and very productive.

Speaking of which. I do run a couple of SAMBA servers (www.samba.org) which permit me to connect my friends computers and communicate with them. If I am reading this deal correctly SAMBA and every other product in Linux which can communicate with Windows will be killed. Some deal. Giving Microsoft MORE power to monopolize the world? I don't believe this has been well thought through. I would strongly suggest everyone pay closer attention to what is going on here. Also the not for profit organizations such as Apache would be in great jeopardy.

Section III(j)(2) concerns me a great deal. You may wish to re-read it as it seems to allow Microsoft to define what is a business (well.. just about). Right now the biggest threat to Microsoft is open source software. I think we all understand just how well Microsoft's security by obscurity has worked in the last few years. Pathetic would be kind in my estimation. Certainly the other OS's have their share of problems however it IS easier to troubleshoot and fix problems with 10,000 people looking at the code over 100 people doing the same work. Over time it becomes harder and harder for bugs to creep in as more people get involved. In closing I don't believe splitting the company into two entities will solve the problem at hand however the other end of the spectrum also does not resolve our concerns with Microsoft. Some middle ground must be reached. Microsoft must not be allowed to continue operating as they have in the past. Ma Bell and the oil companies from the early 1900's were not allowed to continue their