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:

[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

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