

**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:

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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 governments 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 spirit 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!

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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 anti-trust court case. Please do not allow their behaviour to go unpunished, or the market to continue languishing under their monopoly control.

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