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To: 'Microsoft.atr(a)usdoj.gov'
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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 its 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 its 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 its 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,

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