

**From:** Brian W. Masinick  
**To:** Microsoft ATR  
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**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.

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