From: bobegole@netscape.net@inetgw
To: Microsoft ATR
Date: 12/12/01 12:33am
Subject: DoJ settlement in the Microsoft antitrust case is insufficient

The proposed settlement between the US Department of Justice and Microsoft is insufficient to remedy the anticompetitive practices of Microsoft.

My main concern is regarding the finding upheld by the appeals court that Microsoft "attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies". Microsoft should now be required to include a certified compatible Java virtual machine. In the time since Microsoft engaged in illegal conduct against Java, it has developed competing middleware which it is bundling in the operating system as part of it's so-called .NET environment. Microsoft, having engaged in illegal conduct to delay the industry acceptance of Java, now feels safe to exclude Java. This damage needs to be remedied but is not addressed in the proposed settlement. Microsoft should be compelled to include Java for a period that will compensate for the damage inflicted by Microsoft's illegal conduct.

The preceding is a minimal addition that I believe should be imposed on Microsoft. The ultimate solution is to separate Microsoft's platform development (the Window's operating system and .NET services) and the application divisions (the browser, Office, etc.). This is the only way to be certain that other software application companies can compete fairly with Microsoft applications. Until this separation is made, Microsoft applications will continue to unfairly influence extensions in the Microsoft platform and to unfairly gain advance knowledge of features available in the Microsoft platform.

Furthermore, the operating system source code should be made open to other computer companies so that they may develop and market operating-system enhancements. This will allow competition in the PC operating system, which has stagnated as Microsoft merely extends their monopoly by tightly coupling applications to the operating system. New versions of the operating system have added integrated web browser functionality, collaboration applications, and other applications but, meanwhile, the operating system core has remained largely unchanged since the release of Windows 95 and Windows NT more than 6 years ago. The operating system should be made open to give others the opportunity to extend platform functionality.

Let me close by saying that it is my belief that the current stagnation in the computing industry is largely due to Microsoft's uncompetitive practices. They have not only actively thwarted competition, as found by the appeals court, but have created disincentives to competition by expanding their definition of "operating system" to include emerging

applications and "middleware". Microsoft should be forced to include Java, separate the company's platform and application divisions and open the operating system to competition as a minimal remedy for their uncompetitive behavior. This will also allow other companies to compete fairly and innovate without fear that years of investment and innovation will show up as a mere feature of the next release of Windows. Effective measures to counter Microsoft's illegal conduct must be taken to ensure the health of the US Technology industry.

-Sincerely,
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