From: Greg Machala
To: Microsoft ATR
Date: 12/12/01 3:32pm
Subject: Settlement suggestions

To whom it may concern,

I am an IT Officer with NOAA. We use open source software a lot and feel the DOJ/Microsoft settlement has loopholes that Microsoft can use to eradicate its only real competition right now...the Open Source Software Movement.

FIRST:

There are certain file and document saving protocols Microsoft uses to save documents. These documents are deciphered into human readable text by Microsoft products. These document formats should be published and open so anyone can write an application to read them and display and manipulate them. By closing the document format Microsoft has a lock on the sole application that can read them. This is bad and perpetuates Microsoft's natural monopoly. By opening these document formats, competitors whether open source or commercial vendors, can all write software to read these document files. Some examples of Microsoft applications that create closed format document files are:
Microsoft Office, Microsoft Word and Power Point and there are others such as spread sheets etc. The main issue here is the software can remain closed and protected and can compete based on its usability, functionality and security aspects....but NOT on it file format...which should not be a legally patentable entity in a competitive environment.

ACTION: Force Microsoft and any future companies writing proprietary closed software to publish file and document formats, for current and future applications, to the extent that ANY software developer whether for profit or non-profit could write an application to view and modify that document and resave it in the same format.

BENEFITS: This prevents natural monopolies from forming in the first place. Forces microsoft to write better and more secure software because if the do not...since the doc formats are opened up, someone else will. Competition and choice is open up and playing field is level. Other software writers can have access to the file formats and can focus more on writing good software instead of trying to figure out how Microsoft document files are saved. This will naturally eliminate Microsoft's monopoly in the Office applications environment and will stop or significantly reduce what are surely national security risks in Microsoft Outlook email software by bringing real competition to this now proprietary (Microsoft) product.

SECOND:

We often buy computers and put "non-Windows" operating systems on them. This is a very technical office and expertise in UNIX and computing in general. Finding a supplier that sells an OEM computer with a "non-Windows Operating System" or "no operating system" as you could do in the early and mid 90's...is impossible today. Microsoft essentially demands OEM's to include Windows on every machine they ship out the door. This also perpetuates Microsoft's natural monopoly. We as an organization need a choice when we buy an OEM computer. I would like to see a scenario much like the early and middle 90s' where you purchased the computer and Operating System separately. This eliminates all the back rubbing and hidden costs that go into today's OEM computers from Dell, Compaq and others.

ACTION: Make it illegal for an Operating System developer to bundle or require any OEM computer supplier to bundle their operating system with any OEM computer. Leave it only to retailers or consumers to install the operating system of choice. OEM's shall not be involved in operating system installation. This is a conflict of interest and a road block to competition in the market place. Much like you choose which cell phone you choose to use with your provider, or which TV you choose to watch your cable service with.

BENEFITS: Again brings competition back to the computer operating system market. The operating system will have to stand on its own merits based on consumer perceptions of reliability, usability for a specific purpose, security and costs. This also allows upstarts to get a foothold in the marketplace by dis-allowing Microsoft the ability to "force" OEMS to install Windows on all computers.

THIRD:

Networking protocols!!! This is a biggie. This is the future of not just the internet but e-commerce of the future. No company and I mean NO COMPANY should be able to patent or close any networking protocol to block out other competitive Operating Systems. Networking protocol should be approved by and independent body and be published so that any computer operating system can communicate with any other computer operating system at the most fundamental level. Right now microsoft has their own internal networking protocol that is closed. This is to prevent rival operating systems from communicating with the Windows operating system. This locks corporations, organizations and businesses into the Microsoft platform. There is a project called SAMBA which is a not for profit organization that has tirelessly and painfully tried to figure out how Microsoft's networking protocol works to that other computer operating

systems like HP-Unix and Linux can communicate and exchange information with Windows and NT servers and desktops. The DOJ solution does not insure that Microsoft will publish these networking protocols and will essentially give Microsoft LEGAL means to kill the SAMBA project which our organization depends on to function. We also need Apache the free web server used by most of the Internet Service Providers. The lack of strong wording in the DOJ solution give Microsoft new LEGAL grounds to shut down apache servers and put into there place...Microsoft products. This certainly does not half the Microsoft monopoly but instead perpetuates it!

ACTIONS: Force Microsoft and any rival operating system they create to release networking protocol for review by an official body of experts and publish this protocol so any software developer whether commercial or not for profit can use this information to write networking software that is more secure and more functional that Microsoft's that will fully communicate with Microsoft products and services and allow them to work with rival operating systems.

BENEFITS: Opens up competition in the server and networking environment. Allows all software vendors access to the operating systems core communication network protocol so more secure and stable server and networking software can be written.

I hope these addition can be added to the DOJ solution to the Microsoft trial. I feel at the present rate of expansion of Microsoft products and the severe lack of competition is leading to national security nightmare. Microsoft is not being held accountable for huge security loop holes simply because there is no competition. This lack of competition allows Microsoft to slack off on refinement of essential networking and software issues that are so central to security. By incorporating these changes into the settlement. We can have real competition in the Operating System market place and will again see progress made in the computer market. The days of closed formats is over. Protecting the software with patents is fine...writing and re-writing core networking, communication and file format protocol and patenting that to lock out competition is wrong and is against all the principles this country was founded on. Microsoft will continue to change its file formats and networking protocol and will force users to upgrade to lock out competitors unless these issues are addressed. Please consider them.

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