

From: joey@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/28/01 1:05am
Subject: Microsoft Settlement

To Whom It May Concern-

You have probably received similar statements already. As an "average," slightly technically inclined computer user; I would like to see the following happen to prevent one company from "owning" standards and file formats:

- 1.) All networking protocols remain open and compatible no matter what operating system or device. In other words, NO proprietary extensions for anyone- with incompatibility designed into them.
- 2.) All file formats for Office (specifically the Microsoft family of Office suites) must be opened up to ensure compatibility with competitors programs.
- 3.) All graphics files must remain open standards.
- 4.) Media file formats must remain open to allow for true competition. This would include not only Microsoft media formats, but also formats from Real Networks, Apple Computer (specifically in this case the Sorenson Vision QuickTime codec), etc.

Most importantly, as the Internet was built on Open Standards and Protocols to allow machines to "communicate" over networks, regardless of the operating system or architecture; it's important the Internet and it's connectivity remain Open and that CANNOT be proprietarized and monopolized by one company or group.

In order to ensure compliance:

- 1.) Set up a "watchdog" group of various disinterested 3rd parties and groups, as well as competitors of Microsoft. This includes vendors who write software for the Microsoft family of operating systems. Stiff penalties for violations must be incorporated as well as effectively and swiftly enforced, and continued until the violation(s) are corrected.
- 2.) As part of the penalty phase, ALL APIs (Application Programming Interfaces) should be made available to anyone after a reasonable fee is paid. This ensures that companies that write software competing with any past, present or future software offerings from Microsoft can engage in FAIR competition, and that Microsoft software won't automatically run "faster" or "better" than anything the competition may offer; thereby including such software commingled with the Windows operating system kernel- such as Explorer, Outlook, Windows Media Player, and Outlook.

Competitors should be allowed access to the code that will allow their software to run on equal footing with Microsoft software.

3.) No OEM (Original Equipment Manufacturer) deals that includes threats (implied or real), bribes, exclusionary contracts or any other illegal means that violate the Sherman Act shall be allowed. Any OEM who wants to install other (competing) operating system software, dual boot operating systems (ie; Windows and Linux), and/or software that competes with offerings from Microsoft that run on their family of Windows operating systems; shall be allowed to do so without impediment. This would include BIOS boot code.

4.) Lastly, I suggest that the true cost of Windows on a new PC computer system be put into the price listing of a PC. This would apply to all other operating systems as well. If the cost is \$75 to an OEM, that should be listed. Likewise, the cost of an "alternative" operating system (ie; Linux Mandrake, Red Hat Linux or BeOS) should be listed on the invoice or advertisement. This would ensure true, fair price comparisons of the various operating systems out there.

5.) Given Microsoft's' horrible security record in the PC and Server computing industries, "Lemon Laws" need to be enforced on the software industry as well. Any "reasonable" amount of time must be considered to allow for a fixes. However, bugs and security holes that are not patched and/or fixed in a reasonable amount of time must subject Microsoft, as well as other software companies; to lawsuits, claims for damages caused by defective software as well as demands for consumer refunds; provided the media is returned and it can be proven the offending software product(s) from the machine. Given the sheer number of known as well as unknown back doors, security holes and other ills that affect the dominant Windows family of operating systems, it is also advised that:

6.) The government, on all levels; encourage the use of *only* software that's based on Open Standards and Protocols. This includes software released under various Open Source Licenses, especially Free Software written under the GNU General Public License (GPL). This would encourage the distribution and reusing of software code not only in government and business, but also educational institutions as well.

It is time to put a stop to all the hand wringing, delaying, stall tactics and legal maneuvering being practiced by Microsoft at this time. The penalties must be sure, swift, and final to allow true COMPETITION to return to the PC market, prevent monopolizing of future industries and allow CHOICE for the consumer mass market. Only then can the consumer have a TRUE choice.

Regards,

Joseph Nicholson