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**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

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Subject: Comments on the Proposed Settlement - Microsoft vs USA

For the public record:

As someone intimately familiar with computing in general and the computer industry as a whole, I have witnessed firsthand the adverse effects of Microsoft's monopolistic business practices and their devastating effects on consumers.

In the last year alone, the computing public has lost one of the most promising consumer orientated desktop operating systems to come along in the last ten years, namely BeOS. BeOS had technology that simplified the computing experience for the average consumer, while at the same time had technology that was vastly superior to what is available under the Windows operating systems. The single most reason that BeOS could not succeed in the market, is the absolute death grip Microsoft has on OEM's and total control of the boot loader process.

As a consumer of computer software and a concerned citizen of the United States, I have a real problem with the proposed settlement. I cannot see how the proposed settlement even pretends to remedy the antitrust violations for which Microsoft has been found guilty. The proposed settlement contains no penalties - monetarily or otherwise. None! It does not nothing to provide further competition or halt Microsoft's continuing maintenance of their monopoly of desktop operating systems.

Perhaps the most disturbing part of the proposed settlement is the provision for Microsoft to determine who their competition actually is in regards to revealing API's and source code.

While I believe the initial pursuit to break up the company was the best course of action, I would be willing to accept the alternatives being put forth by the nine states who have refused to endorse the proposed settlement. To add, the barest minimum of remedies possible should include the following features:

\* Any remedy seeking to prevent an extension of Microsoft's monopoly

must place Microsoft products as extra-cost options in the purchase of new computers. [Consumers who do not wish to purchase Microsoft products are not forced to do so].

\* Prices of Microsoft products through OEM's must mirror those same products in the retail channel so that products can compete on merit and not price alone. [Consumers must have a choice in competing office suite products at similar prices].

\* In addition to opening the Windows application program interface [API's], the specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. [No consumer or organization must choose Microsoft products based on proprietary file formats or falsely perceived standards].

\* Any and all Microsoft networking protocols must be published in full and approved by an independent network protocol body. Furthermore, the controlling body should be a government agency such as the National Bureau of Standards and should apply to the industry as a whole. [All protocols must be available through an "open source" method of development with a small number of comitters to fix bugs and plug security leaks].

\* Microsoft must be made to realize that other operating systems have the right to exist and they shall do nothing to erase any or all entries in the master boot record. [Microsoft operating systems shall include utility software to enable dual booting of other operating systems when detected on computer hard drives - not just their own].

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The proposed settlement seems to have been made in haste and in light of the attacks of September 11th with little or no thought for the long range implications - for the economy or national security. Many have accused the DOJ of a "sellout", but my opinion is that they are seeking a quick fix in order to revitalize economic growth.

In a study released a year ago by the highly respected Center for Strategic and International Studies, Microsoft's operating systems actually poses a national security risk. Open source advocates have made a compelling case that prove publicly available and open programs, protocols and file formats are much more secure. We are a nation of computers, networks and a vast dependence on technology and as such, are a prime target for cyber terrorism attacks of untold proportions.

I believe we, as a nation, are at a critical junction at the cross roads of the information technology age. In many respects, we are in the same

position as that of the early days of the industrial revolution - where we had railroads of different scales, track widths, etc. In the case of the railroads, the problem was one of standardization and it caused loss of productivity and timely delivery. The computer industry desperately needs standardization in the same way; in protocols, file formats and programs. This, I believe, is the single most important part of this whole issue and the fact that Microsoft's sole business plan can be summed up as "control the standard".

In closing, all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Respectfully Submitted,

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