

**From:** Greg Bossert  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

To: Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In general, I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), in summary:

1. The PFJ doesn't take into account Windows-compatible competing operating systems
2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs
6. The PFJ as currently written appears to lack an effective enforcement mechanism.

As a computing professional of 22 years standing, and as an active member of the Internet Engineering Task Force (IETF) and other international standards bodies, I agree in detail with Mr. Kegel's analysis, which I will not reproduce here. To give one personal example, however, let me give a case of point 4 above: the introduction of intentional incompatibilities to delay or derail competitive development efforts. As part of my efforts with the IETF and the Apache Software Foundation, I participated in the standardization of the WebDAV specification -- a mechanism to allow documents to be maintained via the World Wide Web -- and worked on developing a freely available references implementations for Apache and for the freely available Perl programming language. Note that the release of a freely available reference implementation is a requirement for IETF standards. Before the standard was officially finalized, and thus before completion of the freely available reference software, Microsoft released support for WebDAV with proprietary extensions and incompatibilities as a fully integrated part of their Windows 2000 operating system. The lack of interoperability between this Microsoft version of WebDAV and the standards-based development effectively stopped significant development of the freely available implementations, in this case before the standard was even

officially published. At this point I know of no significant implementation of the actual standardized version of WebDAV that might compete against the Microsoft Windows 2000 version.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices of this type to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Many thanks for your attention, and for your efforts on this matter.

Sincerely,  
Greg Bossert <bossert@fuaim.com>