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To: Microsoft ATR
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Subject: Microsoft Settlement: Too Many Loopholes

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Ms. Hesse:

I am a computer programmer with 22 years of experience in the field, using both Microsoft and non-Microsoft products. In the past few months I have read numerous documents and discussions of the proposed settlement of the Microsoft antitrust case. My reaction is simple:

This settlement is too lenient, and is too easy for Microsoft to escape.

My personal focus is standards. Microsoft has a history of "embrace and extend" which renders industry standards useless, and renders any product which actually conforms to the standard similarly useless. In the physical world, people would never buy a product that was nonstandard; would anyone buy a battery that was too short, or a light bulb with a different base? And how often would people change their light sockets? However, with software that is (a) not clearly understood by most people, (b) easily updated yet difficult to revert, and (c) updated "automatically" rather than through user understanding and selection, Microsoft has been able to make it appear that their unilateral changes to the standards constitute a new "de facto" standard *without* sharing that information either before *or* after the fact.

A simple and well-known example: Microsoft made their web browser accept forward slashes mixed with backward slashes in a particular command, where the standard calls for only one or the other. They said this was an enhancement permitting handling of "incorrect" pages; they even made the browser display the original text "corrected" if one asked to view the source. Then the next release of their web development tools used mixed slashes in that command. Of course, the pages produced worked fine with the Microsoft browser, but would fail on any other browser. And when users and developers tried to view the source, IT LOOKED CORRECT due to the browser change, even though it failed to comply with the standard. So not only did they break the rules, they DELIBERATELY CONCEALED that breaking of rules, in a way calculated to make other products seem to be at fault.

As I understand the settlement, all Microsoft has to do to escape its terms

is change their nomenclature and/or numbering scheme and announce something as a "new and improved product", and it will be exempt from the restrictions on "existing and previous" products. This is much too weak. They also get to continue weaving applications and operating system together into one big morass, which lowers the quality and generality of both.

The industry needs something more like the consent decree placed on IBM years ago, forcing complete separation of the operating system and applications development.

Truly yours,
Harlan Rosenthal