

From: Mike Bryant
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Dear DOJ,

Of course you are seeing a large number of messages being sent in today due to a number of forums being told the deadline for comments is running out. Please do not let that detract from what I am saying. Unfortunately, the proposed remedy that has been submitted regarding the monopoly practices of the Microsoft Corporation does not truly address the problem, but only some of the symptoms.

Historically, Microsoft Corporation has taken the stance of "bundling" or "folding into the operating system" products that perform the exact same task as competitor products taking advantage of the inertia of the common user - what I like to call "My Mom Factor". My mom is frugal and doesn't understand computers very well. Going out and purchasing software that did not come with her machine is something she will do if advised by the computer professional in the family (me) that it is the only way, but downloading software from the internet is beyond her comfort level.

What this does is limit her to the software that generally comes bundled with a typical home PC (i.e. Microsoft solutions) and she won't venture beyond that range. For products to have any chance of competing within the My Mom Factor, they have to either ship with the PC or be on the shelf at the local software store and have no alternative sitting on the computer.

The proposed settlement should not allow the "bundling" of Microsoft Office or any other Microsoft products that do not specifically apply to the OS - web browsers and mail clients are not OS specific, even though there are hooks at that level to allow the other Microsoft products to interact. I would suggest looking back a few versions of Windows to Windows 3.1 to find what is specific to the Windows operating system.

Opening up all of the OS APIs so that developers can compete on the same level would also be a good move and it needs to take into account that Microsoft already has a head start in this. A real settlement should be "leveling the playing field" so that everyone is more or less equal for a while. The best example showing the current situation that I can think of is Ford builds an engine and makes it available for GM and Chrysler to use in their vehicles as well. All the vehicles perform okay and get 25 mpg. Then Ford starts selling a new vehicle using the same engine that gets 40 mpg and go from 0-60 in 2.3 seconds. An independent investigation finds that all the vehicles weigh the same, are built from the same materials, etc. but the Ford vehicles have a special setting on the engine that lets the Ford transmission transfer power from the engine to the wheels much more efficiently. Would it be a good solution to tell Ford to pay a fine and tell about the wiring of how the engine indicates that it can run better, or should there be something more substantial?

I do ask that the DOJ please take a second look at the proposed settlement and ask the questions "How does this make it level?" and "How does it prevent the My Mom factor?" Thank you in advance for taking that second look.

Cordially,

Michael A. Bryant II

mikeb@casaichiban.com

Contact Information:

Michael A. Bryant II
1874 Elkwood Drive
Concord, California 94519
(925) 521-1967