From: Thor Brickman
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Microsoft Settlement

To whom it may concern,

After reading the proposed final judgemens in United States v. Microsoft, it is my opinion that, given the obvious nature of Mircosoft's transgression, the judgement does not do enough to rectify the situation and, if implemented, might even make it worse.

There are ways the judgement could be strengthened:

1) The definition of "Windows Operating System Product" needs to be more inclusive and far reaching. The language of the current definition could be easily circumvented with mere marketing.

2) The release of information to ISV's needs to be broader in it's statement of the purpose for the disclosure, again to insure that Microsoft does not use nomenclature to exclude information from the provision.

3) The Prohibition of More Practices Toward OEMs needs to include some statement about computers with a non-Mircosoft Operating System without any Windows Operating System Product, or the prohibition leaves anyone not doing business with Microsoft open to predatory practices.

The judgement should also take into account Windows compatible operating systems, which it neglects to mention entirely. many of the definitions are too narrow or use language that could be misleading. In addition, the judgement does not address many of the license terms Microsoft is using, even though those are anticompetitive. There is also no comment about intentional incompatibilities, which Microsoft as repeatedly used to hamper the development of competing technologies.

Even with the suggestions above, the judgement does not seem to do enough to guarantee competition in a market like the one Microsoft has created using predatory practices and I think it needs to be reconsidered.

Thank you for reading,
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