

**From:** Michael Percy  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/23/02 3:57pm  
**Subject:** Microsoft Settlement

To Whom It May Concern,

I believe the proposed Microsoft settlement does not adequately address the concerns laid out by Judge Jackson or the Appeals court for eliminating Microsoft's anti-competitive behavior in the marketplace.

The largest issue that stands out in my mind is that the settlement failed to address the growing issue of Open Source Software (OSS) competition for Microsoft. Microsoft's licensing terms include clauses for prohibiting the installation of OSS by ISVs and OEMs, as well as the use of Microsoft's Software Development Kits (SDKs) to develop software with an Open Source License. Moreover, Microsoft punishes those who install a competing Operating System (OS), such as Linux, in addition to or instead of a Microsoft OS.

Microsoft considers its OEM licenses (which enforce the above) a "trade secret" and is not required to disclose the details of those licenses.

The proposed settlement does nothing to address any the above issues, especially as they apply to small or local OEMs. If this behavior continues, the court has not done its job in assuring an end to Microsoft's anti-competitive behavior.

Regards,  
Michael Percy  
San Ramon, CA

Software Engineer, Portera Systems  
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(I do not speak on behalf of my employer)