

From: Deke Clinger
To: Microsoft ATR
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Subject: Microsoft Settlement

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Greetings,

I am writing regarding the proposed settlement of the antitrust action against Microsoft Corporation. I am very concerned that the settlement appears to do nothing to restore a competitive marketplace for operating system software or to punish Microsoft for their past misbehavior.

There is nothing in the settlement regarding publishing Microsoft's Application Programming Interfaces ("APIs") or document formats. These steps, combined with substantial penalties for failing to provide accurate and complete information, could result in real competition in the software industry.

Microsoft's lack of contrition and commitment to "business as usual" is demonstrated in their every action: the proposed addition to Internet Explorer of "smart tags" that change the content of displayed web pages, the onerous new licensing and "activation" requirements of Windows XP, the brazen attempt to settle some of the many civil lawsuits against them while at the same stroke expanding their monopoly into the education market. Considering Microsoft's past practices and the outsized profits derived thereby, some sort of punitive damages would seem to be in order.

The proposed settlement is a bad deal for the American software consumer and for the software industry in general. I'd like to see a settlement that includes a requirement for documentation of all Microsoft APIs and document formats, with suitable enforcement and penalties for lack of full disclosure.

Sincerely,

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