From: Jeff Davis
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
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I am writing to comment on the Proposed Final Judgement in the Microsoft anti-trust case.

The current judgement calls for very limited restriction of Microsoft's actions, actions which are the subject of the suit and which have been found to be in violation of US anti-trust law by a federal district court and a federal appeals court.

Those actions have severely hindered competition in the computer software industry. Any settlement must aggressively address the reestablishment of competition in this important and crippled industry.

The keys to software competition are the API's and file formats used by Windows operating systems and productivity software. Without access to those sources of Microsoft's monolopoly, other companies cannot effectively compete.

A settlement which restores competition to computer software will be concerned primarily with:
* enforcing equal and open access to the W32 APIs and Microsoft Office file formats (standardization, publishing, and documentation)
* and the right of competitors to sell compatible operating system and productivity products based on those APIs and file formats.

A secondary concern with the PFJ is language which addresses competing "commercial" vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Finally, it is appropriate that the company be pushed for its illegal activity with fines. Fines should be set as a reasonable percentage of Microsoft profit for the period since the company violated its prior consent decree with the court to the present.

Thank you for considering my concerns,

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