From: Craig I. Hagan
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

I'd like to comment on the judgement I've read at
http://www.usdoj.gov/atr/cases/f9400/9495.htm:

[1] While this judgement, if it had been issued some years ago, would probably have prevented the current set of problems involving microsoft and the computer industry, I don't see that this judgement will repair the damage which has been done.

[2] While this judgment addresses some issues relevant to OEMS, ISV/IHV's, IAP/ICP's and End Users, it does not address issues of critical significance to software developers.

When developing software, one must make many choices and decisions with long-lasting consequences. In general, this means that once a decision has been made it is not changed without good reason. Microsoft's unlawful actions mean that there have been good economic reasons to make development decisions which would otherwise violate good design practices.

Resolving this issue will require documentation which is not generally available (and which may not exist) about Microsoft's operating system. It will also require dealing with issues raised by existing contracts and business arrangements with respect to software development tools and development environments. It will also require dealing with changes in software oriented training and business practices -- changes which have been necessary for a business to survive in the face of Microsoft's market dominance.

Software developers are the people who are technically literate in computer languages and who are responsible for creating applications which must run on an operating system. The proposed remedy does not address software development needs in supporting competitive operating systems.

Failing to address the needs of software developers means this judgement cannot remove the barriers which microsoft has put in place with its unlawful actions. As software developers provide the software which which End Users, IAP/ICP's, ISV/IHV's, and OEMS, use on an operating system, it's extremely unlikely that any of these groups will experience economic relief from this judgement.

I recommend this judgement be rejected in favor of one which will additionally provide remedies for software developers who develop software for Microsoft and/or non-Microsoft operating systems.