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To: Microsoft ATR
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Subject: Microsoft Settlement

I feel that the Proposed Final Judgement in United States vs Microsoft is weak and seriously flawed.

The Proposed Final Judgement has (at least) these flaws:

1. It makes no attempt to prohibit Microsoft from raising artificial barriers against non-Microsoft operating systems which implement the API's needed to run applications originally written for Windows.
2. The definition of "API" is excessively narrow, permitting Microsoft to withhold details of API's that do not fit the Proposed Final Judgement definition but yet are crucial. (For example, installer API's.)
3. The Proposed Final Judgement has no effective enforcement mechanism. While there is considerable language setting up investigative committees and officers, none of them have any coercive power over Microsoft. Presumably a violation would have to be enforced by legal action. Isn't that what we have just done? Where then is the enforcement?
4. Under the Proposed Final Judgement, Microsoft still has considerable latitude for coercing OEM's. For instance, Microsoft would be allowed to retaliate against OEM's who wish to ship some computers with no Microsoft operating system at all. It also allows Microsoft to reward OEM's based on criteria such as sales of Microsoft products, thus extending the Microsoft monopoly. Again, isn't this what the lawsuit was all about in the first place?

I am not a lawyer, and even I can see that the Proposed Final Judgement is nothing more than a slap on the wrist for Microsoft. It does not satisfy the Court of Appeals' mandate and should not be adopted in its present form.

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