From: csm
To: Microsoft ATR
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Subject: Microsoft Settlement

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As someone who uses Microsoft products as part of his job, and who also uses products at home that compete with Microsoft products, I would like to offer the following comments and suggestions regarding the "proposed final judgment in United States v. Microsoft".

In general the settlement described in the "proposed final judgment" tries to prevent the anti-competitive behaviors that Microsoft has used in the area of (what the settlement calls) "Middleware Products" intended for user interaction with the Internet. I feel it focuses a little too narrowly on "Internet-centric" programs such as browsers and E-mail agents. In fact, there are probably lost opportunities here for correcting anti-competitive behaviors in the areas of operating systems, software development tools and what is euphemistically called "office productivity" software (such as Microsoft's Office suite of programs). While these types of programs may seem more distant from the Internet than web browsers, etc., in point of fact almost all of them are also being upgraded to interoperate with Internet APIs and remote services. I wish this had been examined in more detail.

However, taking the proposed settlement as written, there are several changes in wording that I believe would expand the scope of what is being required where it is overly narrow.

In particular, under Section III.A.2 (hardware licensing):

> 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;

should be amended to:

> 2. shipping a Personal Computer with one or more bootable non-Microsoft Operating System(s) either instead of or in addition to any Windows Operating System Product;

to ensure that not only can Microsoft not retaliate against a computer hardware vendor who ships a Personal Computer that dual boots Windows and some non-Microsoft Operating System, but also that it cannot retaliate against a vendor who ships a separate line of Personal Computers without Windows at all, in addition to also

shipping Personal Computers that do have Windows installed. This is particularly important to growth of the (Open Source) Linux Operating System as an option for businesses.

In section III.D, in addition to "the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product", the internal formats of disk files created by Microsoft products need to be cited as a necessary part of the "related Documentation", particularly for the Microsoft Office products. Microsoft Office is a pillar of the current desktop monopoly. It is reasonable to ask that "flat" files produced by Word, Excel and other components of the Microsoft Office suite have their internal layout and format fully documented so that non-Microsoft products can interoperate with them with full knowledge of any planned changes from one version of Microsoft Office to the next. This is important because these files are routinely exchanged via E-mail and other methods of information exchange over the Internet (for instance, many company Personnel departments now require resumes and job applications to be E-mailed in Microsoft Word format). The exceptions to this would be the database file formats of Microsoft Access (one part of the Microsoft Office suite) and Microsoft SQL Server (a separate product), which should rightfully remain proprietary knowledge.

Section III.J.1 needs to be tightened to provide outside verification that any denial of disclosure because it "would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria" is justified by the facts of the matter. Also III.J.2 appears to provide a loophole for allowing Microsoft to refuse information to Open Source developers, since it has already disparaged the "authenticity and viability of" the Open Source model of doing business. This loophole must be closed, since Open Source software is one of the few surviving competitors that Microsoft products face currently.

Definition VI.K.1 should include Microsoft Office among the list of "Microsoft Middleware Products", again because it is so routinely used in document exchange across the Internet.

Thank you,
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