

From: stuart@gathman.bmsi.com@inetgw
To: Microsoft ATR
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Subject: Microsoft Settlement

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Dear Sirs,

Based on my best effort to understand the lawyer talk, the proposed Microsoft Settlement does not seem to address some important injustices.

1) SOFTWARE DONATIONS

Since when should Microsoft "pay" their fine with free software? Their competitors would jump at the chance to contribute free software to schools. Let Microsoft contribute just the hardware. Let the schools pick Intel vs. PPC and Windows vs Linux vs Mac.

2) OPEN SPECIFICATIONS

It is good that the settlement attempts to enforce open APIs for Windows. This is good for Windows customers as it allows fair access for non-MS software. However, it is even more important to enforce open public specifications for Microsoft file formats. It should be possible for competing products to import/export Microsoft documents without reverse engineering them. It is critically important for Windows users that external security software be able to reliably strip executable code (e.g. macros, embedded objects) from Microsoft documents.

Furthermore, a complex public specification requires a reference implementation. The Windows API will never be properly documented without an open source reference implementation. The reference implementation would not be as efficient as Microsoft Windows, but it would make up for inadequate documentation. If an application runs on Microsoft, but not the reference platform, either the reference platform needs fixing, or Microsoft is pulling another fast one.

Microsoft should not be able to prevent alternative implementation by claiming patents for API interface features. (Like Apple did with using compressed images in the QuickDraw API.) If they claim any such patents, they should be waived for non-commercial open-source implementations, and reasonable licensing or cross licensing should be available to a commercial implementor.

3) THE MICROSOFT TAX

I hate paying for Windows when I buy a computer and don't use it. It is not clear to me that the settlement prohibits this. A computer without Windows should be cheaper than a computer with Windows by at least 1/2 the retail cost of Windows. There should be no disincentives for the manufacturer to offer alternative OSes preinstalled. (E.g. increased Microsoft OEM pricing for allowing competitors. I think the settlement prohibits this, but I'm just making sure.)

In summary, I think we all agree that Microsoft should be allowed to make money, but not to rule the world.

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"Confutatis maledictis, flamis acribus addictis" - background song for a Microsoft sponsored "Where do you want to go from here?" commercial.