

From: Matt Matthews
To: Microsoft ATR
Date: 1/26/02 5:07pm
Subject: Microsoft Settlement

I am writing to you as a concerned United States citizen to express my opposition to the Proposed Final Judgment put forth by the Department of Justice to settle the current antitrust case against Microsoft. This PFJ does not address adequately the issues raised during that case, especially considering that Microsoft was found guilty of monopoly maintenance.

As a user of an alternative, non-Microsoft operating system, I am constantly aware of the difficulties that the Microsoft monopoly imposes on the computing world. I work as a mathematician in the Duke University Mathematics Department, and I routinely run into problems associated with proprietary Microsoft document formats and other proprietary Microsoft technologies. Since much our department relies on non-Microsoft operating systems on faculty desktops, communication with my colleagues or department staff is hindered each time someone with Microsoft Word sends a document by email. Furthermore, my research often requires me to find documents on the web, and occasionally web sites that have information I need use Microsoft technologies that restrict or completely block my access to that information. These technologies are kept secret by Microsoft as part of their monopoly maintenance; the formats change often and are not officially documented, making the creation of interoperable or competing products needlessly difficult. Any proposed final judgment should address this artificial barrier to communication and interoperability that Microsoft has used, and continues to use, to maintain their positions in various markets. Furthermore, any interoperability information should not be restricted to creating products that run on Microsoft operating systems, as the current PFJ does not encourage this cooperation.

Furthermore, Microsoft has a history of intentionally introducing incompatibilities to discourage the use of non-Microsoft operating systems. See the following link for more information:

<http://www.kegel.com/remedy/remedy2.html#caldera>

Any acceptable remedy should prevent Microsoft from creating such artificial incompatibilities with future products. The current PFJ does not do this, and for that reason it is unacceptable.

While the current PFJ does create an oversight committee with the technical background to judge Microsoft's conduct, it does not spell out effective methods of enforcement when Microsoft breaks the terms of the settlement, and the prevailing opinion is that the legal system would be the only recourse for dealing with violations. However, in a market as fluid and swift as that of computers and software, any acceptable remedy should include a streamlined procedure for judging alleged violations and imposing penalties.

While these are not the only weaknesses of the current PFJ, they are some of

the most important. I am hopeful that the Department of Justice will work to formulate a new settlement that has stronger penalties for the actions for which Microsoft has already been found guilty as well as stronger measures to prevent Microsoft from taking future anticompetitive actions.

If you have questions or require clarification of any statements I've made in this letter, please contact me via phone or email. My contact information can be found at the bottom of this letter.

Regards,
John V. Matthews, III

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Matt Matthews \ ph: 919.660.2811 \ Use GNU/Linux _o) w00t
Duke Univ., Postdoc\ jvmatthe@math.duke.edu \ _____ ^\
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