

From: Kathy Morgan
To: Microsoft ATR
Date: 1/27/02 4:01pm
Subject: Microsoft Settlement

Re: Revised proposed Final Judgment, United States v. Microsoft

Sirs:

I have reviewed the proposed Final Judgment referenced above and I beg the court not to accept it. This proposed settlement is so severely flawed that it would be contrary to the public interest.

Microsoft has been found by the Court to be a monopoly that has abused its monopoly powers by engaging in anticompetitive practices. This has had several effects on end users such as myself: (1) Many of Microsoft's products are priced out of reach of many users; they have a long history of buying out competitors and discontinuing the competing products, so they can charge any amount they like. (2) When they are unable to buy out a competitor, Microsoft provides a competing product free with the Windows operating system until the competitor is forced out of business or relegated to marginal status. Examples include Outlook Express, which is a seriously inferior product and violates many Internet standards--but it is used by more people than any other mail or news client because it is preinstalled when a computer is purchased, and Internet Explorer--integrated into the Windows operating system. (3) Because of Microsoft's devious and unfair practices making it impossible for competitors to access and use Windows API's, authors of other middleware products are unable to compete with Microsoft and so their products may never become available for for people like me to purchase. (4) OEM licenses have forced providers of hardware to discourage competing operating systems or prevented hardware providers entirely from offering bundles which include competing products or hardware which has no operating system preinstalled. (5) Large users with "site" licences are forced to pay licensing fees for every piece of hardware capable of running Windows, whether or not the hardware actually does have Windows installed. (6) Microsoft software which has been distributed in furtherance of their abusive monopoly is notoriously insecure and susceptible to malicious worms, viruses, and trojans which directly adversely affect those whose systems become infected and indirectly adversely affects all of us who have Internet connections when we receive dozens or hundreds of copies of virii propagated by MS software or our Internet Service Provider's mail servers or routers crash under the impact of the thousands of copies passing through them.

It appears to me that because of the unreasonably restrictive terms of the agreement and definitions in the proposed Final Judgment,

Microsoft's monopoly position and ability to use the monopoly to unfairly discourage competition will actually be strengthened rather than remedied. Additionally, the wording in Section III.B will still allow Microsoft to "punish" some OEM's who fail to "play ball" with Microsoft by offering special prices and discounts to all others.

My interest in the Microsoft Settlement: I am a United States Citizen, 54 years of age, residing in Tok, Alaska. I am an end user who is affected by the outcome of this case purely as a person who buys and uses computers. I am not employed by any computer hardware or software company or individual and as far as I know I am not related to any hardware or software companies or individuals.

Sincerely yours,
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