

From: Wilbur Goodwin
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: MICROSOFT SETTLEMENT

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

In accordance with the review and comment provisions of the Tunney Act, as noticed in the Federal Register, I am most appreciative of the opportunity to provide my comments pertaining to the proposed Microsoft Settlement. These comments are provided in addition to those previously provided by me in my email to you dated January 5, 2002. My comments are provided for your serious consideration as follows:

I recently learned that AOL-Time Warner (AOL-TW), through its subsidiary, Netscape Communications Corporation, filed suit against Microsoft this past Tuesday for alleged anticompetitive conduct regarding its browser, charging that Microsoft's Internet Explorer (IE) browser illegally harmed Netscape Navigator's (NN) browser. This is absurd! I find it most ironic that AOL-TW purchased Netscape Navigator for \$10 billion in the midst of the Department of Justice trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share !! I fully concur with that evidence because I have both browsers installed on my personal computer, which I use every day, and I can assure you that I use IE almost exclusively because of its comparative speed, efficiency and overall reliability. I seriously question AOL-TW's motive for their ill-timed, ill advised decision. In my humble opinion, this latest legal move by AOL-TW appears to be an attempt to once again retreat from the rigors of competition to the safer confines of the courtroom, where the company is obviously much more comfortable.

I am most disappointed, though not surprised, that AOL-TW has again chosen litigation over some other much more constructive resolution to this matter. I firmly believe that Microsoft has consistently tried to work more closely with AOL-TW in a variety of areas, including improvement of instant messaging interoperability, getting fair and open access to AOL-TW's dominant cable assets and partnering in technology standards that are key to developing future innovative technologies.

Based on my knowledge and belief, AOL-TW has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers, shareholders and the technology industry, and has turned to politics and litigation instead, a most cost-inefficient process for all concerned! Furthermore, more litigation is the last thing that consumers, shareholders and the industry need. AOL-TW and Microsoft both need to focus on market competition and technical cooperation that will make consumers' computing experiences easier, more efficient and more enjoyable, rather than spending more needless time and resources in the nation's courtrooms. It is my firm conviction that if AOL-TW would focus their efforts, energies and R&D funding on innovation rather than litigation by acquiring, nurturing and maintaining a technical staff of highly skilled manpower resources, as Microsoft has, they would not have to resort to such needless litigation and the federal courtrooms! Moreover, it is my opinion that if they (AOL-TW) can't compete on their own merit in this arena (internet browsers), then they should reassess their business strategy and pursue

another course of potential opportunity!

I am not only disturbed, but I am appalled, by the timing of the AOL-TW lawsuit. I simply can't help but believe that AOL-TW's lawsuit was calculated to undermine the proposed settlement achieved among Microsoft, the US Department of Justice and a bipartisan group of State Attorneys General in the original antitrust case! Let it be known that I fully support the proposed settlement between Microsoft and the US Government. I believe this proposed settlement is more than fair to both Microsoft and its competition, and I sincerely hope that there will be no further action taken against Microsoft at the Federal level. This proposed settlement has been reached after extensive negotiations, and allows Microsoft to continue designing and marketing its innovative software, while benefitting the technology industry as a whole.

Microsoft has pledged to carry out all provisions of this proposed settlement, and the US Government has created a technical oversight committee to ensure Microsoft's compliance therewith. I sincerely believe that this proposed settlement will benefit everyone - the economy, computer industry, consumers and shareholders. Furthermore, I believe it will be most productive to allow Microsoft to devote all of its available resources to innovation, something it truly excels at, rather than further needless litigation. By ending this needless and futile litigation, in my opinion, AOL-TW can also cut its "losses" as well and get back to the basics. Truly a win-win situation.

Accordingly, I strongly urge you to do everything in your power, legally possible, to ensure that the proposed settlement is finalized and executed in the most expeditious manner.

Thank you for the opportunity to provide comments on this matter.

Wilbur L. Goodwin (Retired)
104 Emerald Lake Road
Columbia, SC 29209-4243
Email Address: jgoodwin3@sc.rr.com