From: Paul Shryer
To: Microsoft ATR
Date: 1/28/02 12:42am
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement between US DOJ and Microsoft.

I am a Information Technology Professional who works on a daily basis with Microsoft software and license agreements. There are many problems I have noticed with the Final Judgement proposed by the DOJ, I shall mention the two greatest issues I have with this settlement.

1. A provision is included to "prevent Microsoft from using Anti-competitive practices against OEM who load competing practices." There is a big loophole in this provision unfortunately. It does not prevent Microsoft from charging a set price to all OEMs and then providing discounts and rebates to OEMs that sell only Microsoft products or that help Microsoft extend its monopoly into additional markets. Several companies currently use similar agreements and programs. It would take little effort for Microsoft to adopt similar practices.

2. This proposed final judgement does not seem to have any sort of enforcement. While it is true that the proposal calls for a three person panel to review the activities of Microsoft I seen nothing that empowers the panel to do anything more than recommend to Microsoft management. They do not seem to have any real power to overrule management and prevent Microsoft from undertaking anti-competitive practices.

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