From: Steve Mueller
To: Microsoft ATR
Date: 1/28/02 9:28pm
Subject: Microsoft Settlement

Hi:

I'm writing about the proposed settlement between Microsoft and the U.S. government (and some of the states). I am a professional software developer with BS and MS degrees in Computer Science from the University of Michigan, Ann Arbor. My last four jobs over six years have been writing programs for Microsoft's Windows operating system. I am not affiliated with Microsoft or any companies lobbying for responses. I hope it isn't too late to consider my comments; it is still Monday here on the West Coast.

I feel the settlement is inadequate. Microsoft's anti-competitive behavior has been proven in court and upheld on appeal. Microsoft had previously entered into a consent decree with the government in the mid-90s (I believe), and still was found to be anti-competitive. Clearly, this is a company that doesn't learn and doesn't care.

As a professional software developer, I know what an operating system is supposed to do. It is supposed to manage low-level computer resources (memory, files, peripherals, networking, etc.), and it is to provide a platform on which applications can be written. It does *not* contain applications itself, although I have no problems with the inclusion of simple applications to allow the operating system to be useful (such as Notepad, Write, Calculator and Solitaire in Windows).

Microsoft contends, for example, that the Internet Explorer Web browser is a basic part of the operating system. If it is, that is *only* because Microsoft forced it to be. There is no intrinsic reason for the browser to be included as part of the operating system. As a software developer, though, I could easily combine any two functions that are normally not related into one file and then claim that I could not remove one piece without damaging the other, and so Microsoft's protestations to that effect seem disingenuous at best.

In fact, when Windows 95 was first released, Internet Explorer was not part of the operating system, but was included in the Windows 95 Plus Pack, so at one time the separation was possible. If it is not now possible, it is only because the program was intentionally written to make it difficult to remove.

Microsoft could include the low-level functions (the API) to support Web browsing in the operating system without including the Internet Explorer browser itself as an application. Microsoft is shading the truth if they claim the API and low-level support and the browser

application and user interface are one and the same.

Furthermore, not only does Microsoft have a proven monopoly in the operating system area, but they also have a de facto monopoly in office software. Note that even though office software is just as important as Web browsing, Microsoft does not include its Office suite of products in Windows 9x/ME/XP. Why not? Because Office already has a clear market lead and is extremely profitable, so there's no need to bundle it with Windows.

Internet Explorer was a distant second to Netscape at one time, so Microsoft started including it in the operating system, not even in a Plus Pack. This resulted in Netscape losing market share as Internet Explorer was a browser that was good enough for most people.

Also note that Microsoft's Office suite had an example of bundling. At one point, Microsoft PowerPoint was not the leading presentation package (Lotus and Harvard Graphics had superior solutions), so Microsoft bundled it into Office. While you can buy the Office applications separately, it is not economical to do so.

Finally, let me focus on one more anti-competitive move Microsoft -- the removal of Java from Windows XP. Java had been included in previous versions of Windows, but has been removed from Windows XP. Doesn't it seem odd that Microsoft can so easily remove Java from Windows XP, but claims that Internet Explorer can't be removed?

This removal has little to do with Java not being useful -- many Web sites use Java. It is more likely a combination of Microsoft trying to get back at Sun for losing when Sun sued Microsoft for incorporating non-standard Java features in Microsoft's implementation of Java (contrary to their agreement), and a way to promote using Microsoft technologies for improved browser experiences (ActiveX controls or C#, for example).

Microsoft's Passport and .NET services will rely on C# (and, in fact, I've read that Passport is now bundled in Windows XP, providing yet another source of monopolistic concerns for identity validation on the Internet).

Therefore, given that Microsoft has engaged in anti-competitive practices in the past, continued to do so after a consent decree, and (in my opinion) is still doing so, I believe that Microsoft needs to be punished severely and quickly. I suggest breaking Microsoft into two or three companies -- one dealing with the Windows operating system; one dealing with applications, including Office; and possibly one dealing with Internet software and technologies, like Internet Explorer, Passport, WebTV and MSN.

If such a break up is not considered appropriate, the dissenting states' plan sounds like a reasonable second alternative, although I would add the requirement that the Internet Explorer browser (the application and user interface parts, not the low-level networking and browsing APIs) be removed from all base versions of Windows (Microsoft would be free to sell a "premium" version that included Internet Explorer, much like they have Windows XP Home and Professional editions).

Thank you for taking the time to read these comments,

Steve Mueller
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