

PineCrest Capital Partners MEMBER OF**LMS Capital
(Bermuda) Limited**

January 23, 2002

Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing this letter to voice my dissatisfaction with the on-going Microsoft lawsuit. As a former resident of the Seattle area, I have personally seen the benefits Microsoft has brought to the community through investment, jobs, philanthropy, and the entrepreneurial spirit of former Microsoft employees. Seattle is thriving as a result of the hundreds of companies formed by former Microsoft employees who have the drive and capital to realize their dreams. Additionally, great strides are being made through the philanthropic efforts of current and former Microsoft employees who are actively looking for ways to donate their time and money.

From a professional perspective, I also feel it appropriate to convey my dissatisfaction with the on-going Microsoft litigation. As an investment advisor, my clients invest in private companies with great prospects for growth and market innovation. One of the more serious impediments to growth and innovation is the spectre of on-going litigation and government intervention. Entrepreneurs need to know that their successes will not be hindered by overly aggressive government policies.

I honestly feel Microsoft has been one of the great success stories in modern US economic history and I urge you to settle the Microsoft suit so that thousands of workers at small companies across the country can get back to doing what they do best...innovating & growing. This settlement allows for an oversight group to ensure that companies can compete in a fair and open marketplace. Let's allow them to do so.

Sincerely,

Brian D. Bank