From: Jon V. Reuter
To: Microsoft ATR
Date: 1/24/02 10:28pm
Subject: Microsoft Settlement

To the United State Department of Justice:

I would like to comment (via the Tunney Act) on the proposed settlement in the Microsoft antitrust case.

I am strongly opposed to the proposed settlement as it does absolutely nothing to address Microsoft's violations of antitrust laws -- it only prohibits them from abusing these laws in the future, and even that is questionable. If an organization engages in illegal activity, benefits from this activity and then receives as a "punishment" instructions that they can no longer engage in illegal activity, they have still benefited without any consequences. This is not justice -- not for the victims of their abuses and not for the public which the U.S. Department of Justice should be representing.

Microsoft has been clearly found guilty of abusing their monopoly. Monopolies, and the lack of competition that they produce, stifle innovation and result in lower quality products. The public now suffers the consequences of this as they have no choice in desktop software, are forced to upgrade and are stuck with whatever products Microsoft produces (along with their inherent quality and security issues). At the same time, Microsoft has had no incentive to address quality and security issues because they have a lock on the market.

For the benefit of the public, I encourage you to rework the proposed settlement for a more fitting punishment for Microsoft's violation of U.S. antitrust laws and for a more fair desktop software market.

Technology works well when independent standards are created, clearly defined and strictly followed. Every vendor has an equal opportunity to follow and implement the standards with their best effort. When this happens, the public can decide for themselves which product they like best and this results in a healthy assortment of products and companies to choose from. This philosophy has worked well in many areas of technology, particularly in hardware, where we have seen an abundance of healthy competition and increasingly better and less expensive products. Unfortunately this has not worked well in the software industry, but there is no reason

that it couldn't. While establishing software standards is arguably more complicated and more involved, many successful independent standards have been developed. The database Structured Query Language (SQL) is a good example. If I want to build a database, I have many database vendors to choose from that all follow the SQL standard. I can even change vendors at a later time and still have the interoperability I require.

To this end I would like to recommend the following (at a minimum):

1. Microsoft should be required to publicly disclose all APIs, protocols and file formats. These should be available to ANYONE -- NOT just parties with a justified business case. The documentation of all Microsoft APIs, protocols and file formats should be carried out by an independent, overseeing party (not Microsoft), as to ensure quality and accurate documentation. This measure would create a more fair market place by opening up competition to implement interoperable products in desktop software.

2. Microsoft should be penalized for any independent standards that they alter. Microsoft has often altered standards for their own benefit and for extending their monopoly. For any standard Microsoft alters or does not adhere to, they should be required to correct for full compliance.

3. Microsoft should also be required to release their source code for any products that they no longer support. Consumers should not be forced to upgrade their software any time Microsoft releases new products, but that is typically what happens. Having source code available for any products that Microsoft no longer supports will give the consumer a more fair choice about the decision to upgrade.

4. Finally, Microsoft should not be allowed to dictate what gets bundled with their operating systems. This is exactly what they use to extend their monopoly, making the market place unfair and putting other companies out of business. As part of their punishment for violating U.S. anti-trust laws, everything they decide to bundle with their operating system should be scrutinized and approved by an independent governing body.

I would appreciate your consideration of my comments.

Thank you,

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