From: Mark Hinds
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

The proposed settlement fails to restore or protect competition in the PC OS market place. It seems to legitimize MS's monopoly and places far to much discretion in MS's hands. One need only apply the following simple test. If MS agrees to something then it must be good for MS. MS has agreed to this settlement and therefore the settlement must be good for MS. If the settlement did protect and foster future competition then MS would not agree to it. It is simply a fact that MS will have to be ordered to do anything of substance to remedy its abuses. It is very disturbing that the DOJ has opted for expedience in place of justice and public benefit. With real competition the price of PC operating software would be 1/10th of today's MS prices, and quality (i.e. robustness and security) would be years ahead of MS's current quality.

MS used its PC OS dominance to extinguish Netscape. It has been found that this was done deliberately to protect its PC OS monopoly. MS must not be allowed to benefit from this illegal conduct and must be prevented from repeating such conduct in the future. The proposed settle makes no effort to deprive MS of any benefits it accrued as a result of illegal conduct, does nothing to mitigate the effects of the conduct, and makes only a sheepish effort to prevent it in the future.

I strongly urge the court to reject this settlement and hold proper public hearings to find an effective remedy. Further, I see the only effective and workable remedy to be structural. It will not be possible to enforce conduct remedies with MS. It has not worked in the past and will not work in the future.

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