From: Patrick Melody
To: Microsoft ATR
Date: 1/27/02 11:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regard to the Microsoft Settlement. I am troubled by the settlement as it does not appear to do anything to remedy harm caused by Microsoft's actions nor do anything to promote the public good. As background information on myself, I have a master's degree in computer science and have worked as a professional programmer since 1995. Previous to this I have used and programmed computers as a hobby since high school in the early 1980s.

The operating system is the lowest level of software on a computer, on which all other software running on the computer depends. The value of a ubiquitous operating system to the public is that it provides a unified platform on which to target applications. Program developers need learn only this one system, and large numbers of users may then enjoy the availability of numerous application programs. Furthermore, these users can easily interoperate with each other since they all share the OS as a common infrastructure. The value of a ubiquitous operating system to it's owner is the dependence of millions of users on the owner. This dependence can be used to leverage dependence in other areas besides the OS.

The Internet "works" and has enjoyed great success because it was built on open protocols that are independent of any particular hardware or software program. Even though you and I may use completely different hardware platforms, operating systems, and/or email programs, we can still exchange email with no difficulties. Even though our web pages may be produced with different authoring programs and we may use different web browsers, we can still read each others web pages. This is due to the

open protocols and data formats used on the internet. In the age of the disconnected desktop computer, the operating system was the common substrate. In the age of connected systems a new common substrate as appeared: communications protocols and file/data formats. The benefit of the public to these open protocols and formats is clear: the ability to have software written by anyone interoperate seamlessly and effectively with software written by anyone else.

First, any networking protocols used by Microsoft must be fully published and approved by an independent network protocol body before any Microsoft software using them is deployed. This especially applies to the .NET and associated Hailstorm and Passport technologies, which Microsoft is clearly positioning to be tomorrow's ubiquitous software infrastructure. The purpose of this is to ensure the ability of anyone's software to interoperate with Microsoft software and prevent Microsoft from using their OS monopoly to gain a monopoly over internet usage.

Second, any file formats used by Microsoft must be fully published so that these files may be read and written by independent developers, again to ensure interoperability with Microsoft's software.

Finally, there must be effective provisions for the settlement to be enforced since a settlement that can be ignored without severe repercussions is no settlement at all. Microsoft has repeatedly indicated it feels it has done nothing wrong and that this entire case is an unjustified imposition on it, even going so far as to fake video evidence in front of a federal judge. Such a defendant cannot be trusted on its own recognizance. The current settlement has no teeth.

Microsoft will undoubtedly cry that these measures are unfair. However, the rules of business are different for monopolists than for non-monopolists, and there must be a penalty for monopolists found guilty of illegally maintaining a monopoly

as Microsoft
has done. As such, these measures are not unfair and would greatly serve the public
interest by allowing nonmonopolist software to interact on even ground with the
monopolist's software, allowing more competition and more options to the public in
choosing their products and services.

Sincerely,

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