

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN ANTITRUST INSTITUTE, INC.,)
)
 Plaintiff,)
)
 v.)
)
 MICROSOFT CORPORATION, and)
 the UNITED STATES OF AMERICA, c/o)
 Department of Justice, 950 Pennsylvania)
 Avenue, NW, Washington, DC 20530,)
)
 Defendants.)

Civil Action No. 02-CV-138 (CKK)

DECLARATION OF RENATA B. HESSE

I, Renata B. Hesse, hereby make the following declaration with respect to the above-captioned matter:

1. I am providing this declaration based on my personal knowledge and on information obtained in the course of my employment. If called as a witness, I could competently testify to the facts set forth herein.

2. I am an attorney in the Antitrust Division of the United States Department of Justice (“Department”). I am also the Chief of Staff in charge of the Department’s day-to-day handling of matters relating to United States of America v. Microsoft Corp., Civil Action No. 98-1232 (CKK) (D.D.C.) (the “Antitrust Case”). In this capacity I am responsible for, inter alia, overseeing the handling and review of the public comments regarding the Revised Proposed Final Judgment (“RPFJ”) submitted to the Department in the Antitrust Case.

3. The Department has received over 30,000 public comments on the RPFJ, and is in the process of reviewing and responding to these comments. See Joint Status Report, filed Feb. 7, 2002 in Antitrust Case (“Joint Status Report”).

4. Some of the comments submitted to the Department raise the same Tunney Act compliance issues that are the subject of the above-captioned matter. For example, certain of the comments argue that the Competitive Impact Statement filed by the United States on November 15, 2001, provides neither an adequate explanation of the alternatives to the RPFJ considered by the United States nor an adequate evaluation of the RPFJ itself. Certain of the comments also raise issues relating to the adequacy Microsoft's disclosures pursuant to 15 U.S.C. § 16(g).

5. Plaintiff American Antitrust Institute submitted a 44-page comment to the Government within the statutorily-prescribed comment period. A true and correct copy of this comment, downloaded from Plaintiff’s website, is attached hereto as Exhibit 1.

6. In light of its length and the detail with which it analyzes the issues relating to the RPFJ, the Department has classified Plaintiff’s Comment as a “‘major’ comment,” as that term is used in the Joint Status Report. See Joint Status Report at 3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of February, 2002.

RENATA B. HESSE